

Case Law Update

[EMPLOYMENT LAW] *Zamora v. Fla Atlantic Univ. Bd. Of Trustees*, 32 Fla. L. Weekly D2628 (Fla. 4th DCA Nov. 7, 2007): The trial court entered a judgment in favor of appellant employee for age discrimination and retaliation by appellee, his employer, but determined that the statutory cap on damages of \$100,000, provided the state agencies in §768.28(5), Fla. Stat. applied to the total recovery for both claims as well as attorneys' fees. The employee challenged the judgment entered as to the cap imposed on the damages award, contending that the court erred in determining that said cap covered attorneys' fees as well as compensatory damages. The appellate court disagreed, noting that the statute expressly limits recovery to \$100,000 per person for each claim and that a claims bill could be filed with the legislature to secure amounts in excess of that statutory limitation. Second, the employee alleged error in the trial court's consideration of his recovery as one claim instead of two, which would have increased the statutory cap to \$200,000. **The appellate court agreed with the employee, finding that he had two separate claims for retaliation and discrimination and could recover a maximum of \$100,000 for each of these separate claims. The court explained that to hold otherwise would promote judicial inefficiency by compelling a plaintiff to bring only one claim per suit.** Further, each of the employee's claims required the proof of different facts and constituted a separate cause of action, and the jury made a separate damage award for each claim.

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Division of Risk Management
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Tallahassee, FL 32399-0336

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Alex Sink

Chief Financial Officer, State of Florida

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SAFETY PROGRAM OF THE YEAR WINNER

Department of Environmental Protection (DEP)

DEP's employees are involved in activities that include everything from flying airplanes to diving and from enforcing the law to other high risk exposures. To help reduce losses associated with these exposures, DEP has created one of the most inventive and all-inclusive safety cultures in state government. One of the key components of DEP's safety culture is senior management's active participation in their risk management program. Their safety culture starts with a written safety policy and philosophy. This includes a positive safety attitude, consistency in applying safe practices and follow-through by supervisors and management while emphasizing a caring, productive environment. One of their mottos is: "Accidents don't just happen, they are caused." DEP has won this award for the second year in a row and they have previously won the top award in every category we recognize. This year's award is the culmination of all the hard work DEP and their safety coordinators have accomplished over the last several years.



(L-R) Lou Neuman, Rufus Noble-Director of Administrative Services, Tom Biernacki, Valerie Huegel, Gary Wiser, June Manning, Jennifer Fitzwater-Deputy Secretary, Pam Martin-Assistant Division Director of Risk Management, Donald Trussell, Kelly Layman-Chief of Staff, Kim Bundage, Sherry Ervin, Lanette Radel, Russell Simpson

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Division of Risk Management
R. J. Castellanos, Interim Division Director
Pamela Martin, Assistant Director

State Liability Claims Bureau
Ray Williams, Chief

**State Employees' Workers'
Compensation Claims Bureau**
Denzil Weimorts, Chief

**Property, Financial
& Risk Services Bureau**
Shannon Segers, Chief

Managing Editor
Wanda Brazell

Layout and Design
DFS Publications Unit



BEST SAFETY AWARENESS CAMPAIGN WINNER

Department of Agriculture and Consumer Services (DACS)

“Safety Sentinel Newsletter”

The “Safety Sentinel Newsletter” is a quarterly publication of the Florida Department of Agriculture and Consumer Services. Since the inaugural issue in October 2003, its primary purpose has been to inform Department employees about workplace safety, hazard awareness, personal health issues, injury trends and related training opportunities. The “Safety Sentinel” continues to play an active part in promoting the safety culture of an agency whose employees carry out a wide variety of duties and responsibilities.



(L-R) Rick Harvey-Training Director, Division of Administration, Pam Martin-Assistant Division Director of Risk Management, Brenda Posthumus-Assistant Director, Division of Administration

BEST SAFETY AWARENESS EVENT WINNER AND MOST CREATIVE WINNER

Department of Agriculture and Consumer Services (DACS)

“Safety Rules”

“Safety Rules” was the winning slogan selected from 123 entries to name the Safety Fair. The fair was held at four locations at the department in October 2006. Employees from 13 Divisions participated along with safety leaders from the local community to showcase safety and health expertise. Nearly 1,250 employees attended the fairs with more than 50 employees directly involved in making presentations or staffing informational booths. In addition, 40 more employees assisted with site preparation and set up.

This event promoted a better understanding of the hazards employees face in protecting Florida’s agricultural and consumer interests.



(L-R) Rick Harvey-Training Director, Division of Administration, Matt Croghan-Safety & Health Manager, Pam Martin-Assistant Division Director of Risk Management, Brenda Posthumus-Assistant Director, Division of Administration

BEST SAFETY TRAINING PROGRAM WINNER

University of Central Florida (UCF)


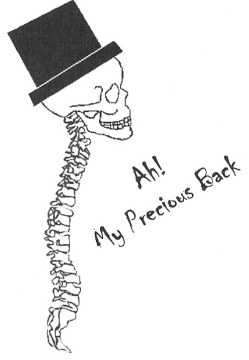
“Ah! My Precious Back”

Although they were unable to attend the awards presentation, we congratulate the University of Central Florida staff on a job well done!

Back injuries may often require expensive medical treatments and long recovery times. It is important to have an effective back injury preventive training program in place that will regularly remind employees of proper safety lifting techniques and back care. UCF has implemented such a program at their Physical Plant Building Services Unit. The resulting decline in injuries is encouraging, and this program may ultimately be implemented campus wide.

A FEW MORE HINTS FOR LIFTING SAFETY


- Warm up before lifting—it’s an athletic task! Bend or stretch gently to get ready.
- Try to break down a large load into several smaller ones. But remember, a small size does not always mean a light load.
- Pace yourself. Take small breaks if you are lifting a number of things.
- Avoid wearing loose clothing that could get in your way.
- Wear safety shoes with reinforced toes and nonskid soles.
- Wear best-fitting gloves to protect your hands and to get a better grip.
- Avoid routes with slippery and uneven surfaces.
- Try to load and unload at waist height.
- Try to carry the load in the space between your shoulders and your waist. This puts less strain on your back muscles.


Environmental Health & Safety Department

Physical Plant Building, Room 109
Orlando, FL 32816-3500
Phone: 407-823-3500
Fax: 407-823-0146
Email: kdiep@mail.ucf.edu
Web: http://www.ehs.ucf.edu

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Environmental Health and Safety

Comments and Questions...

Claims Communicator
Florida Department of Financial Services
Division of Risk Management
200 E. Gaines Street
Tallahassee, FL 32399-0336

Phone: (850) 413-4700 Fax: (850) 921-9097

Alex Sink
Chief Financial Officer
State of Florida

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