

Case Law Update

State of Florida and Department of Corrections, Appellants, v. Charles N. Reese, Appellee. 1st District Case No. 1D04-5141. Opinion filed October 11, 2005.

The employer challenged a workers' compensation order by which the judge of compensation claims (1) applied the statutory presumption specified in the "Heart-Lung" statute, section 112.18, Florida Statutes, in determining that the claimant/correctional officer's hypertension and heart disease were compensable, (2) awarded medical benefits for treatment of these conditions, and (3) assigned a date of accident. Because a correctional officer's entitlement to the statutory presumption is not conditioned upon proof that he or she successfully passed a pre-employment physical, which failed to reveal evidence of the ultimately disabling or fatal heart or lung condition, the First District rejected the employer's argument that the judge erred by applying the presumption in absence of such proof.

Although the statute directs that a condition precedent to a firefighter's or law enforcement officer's entitlement to the statutory presumption is proof that the firefighter or law enforcement officer successfully passed a pre-employment physical examination revealing no evidence of the later disabling or fatal condition, the plain language of the statute does not require a correctional officer to satisfy this condition precedent.

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Tom Gallagher - Chief Financial Officer, State of Florida
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 as an informational newsletter for state agencies participating in the state risk management program.

Interagency Advisory Council on Loss Prevention 2004-2005 Safety Awareness Campaign Presented on November 2, 2005

Safety Program of the Year

WINNER

Department of Juvenile Justice "Reduction for Workers' Compensation Claims and Cost"

DJJ's workers' compensation claims frequency has been reduced 30 percent over a five-year period.

The agency has reduced WC claims by increasing safety awareness to Senior Management. They meet with the Secretary monthly and inform all of DJJ's facility staffing through charting the first injury reports and tracking all WC claims to the respective facilities. They conduct site visits that identify safety problems and recommend corrective actions. They track and investigate every WC claim. Finally, they have created a safety awards program to recognize the best safety program in their detention, residential and probation facilities.

Besides this year's win, DJJ was the winner of the first Safety Program of the Year, first runner-up the second year, and co-winner last year.



(L-R) Steve Casey, Deputy Secretary; Pam Martin, Assistant Director of Risk Management; Doug Dilday, Senior Safety Specialist; and Harrison Guess, Special Projects Director

1st Runner-Up: Department of Children and Families; "Decreasing Workers' Compensation Claims and Costs".

2nd Runner-Up: Florida Lottery; "Reduction in Workers' Compensation Claims Frequency"

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**Most Creative
WINNER
Department of Agriculture and Consumer
Services
“Safety is No Accident!”**

“Safety Is No Accident!” was the winning employee-submitted safety slogan that helped establish the Agency’s Safety Fair held October 29, 2004. The primary focus was to foster employee participation and interest in activities related to the Agency Safety and Health Manual, voluntary submittal of a slogan for naming the event, keeping employees aware of prevalent occupational injuries and simple prevention measures, and helping advance a safety culture. Events were held in multiple locations, utilizing expertise from community organizations and in-house personnel. More than 1,200 employee participants attended.



(L-R) Rene’ Y. Ash, Pam Martin, Matthew Croghan, and Mike Gresham

1st Runner-Up: Department of Environmental Protection; “Shine a Light on Safety!”
2nd Runner-Up: Department of Financial Services; “Poster Campaign”

**Safety Awareness Event
WINNER
University of Central Florida
& Florida Division of State Fire Marshal
“Resident Assistant Fire Safety Training
2004”**

UCF Environmental Health & Safety has conducted Resident Assistant Fire Safety Training for several years. In 2004, they partnered with the State Fire Marshal to spice up their fire prevention class for Resident Assistants. RAs are the student workers who live in campus dorms or apartments and help supervise student issues in the dorm. A part-lecture, part-action fire prevention class was designed to target college students specifically. The lecture portion of the class shows the “do’s” and don’ts” of fire safety as applied to college dorm life. In the action portion, RAs learn how to use an extinguisher to put out a real propane fire. Over 125 RAs attended in 2004.



(L-R) Alan Matthews and Pam Martin

1st Runner-Up: Department of Agriculture & Consumer Services; “Safety is No Accident!”
2nd Runner-Up: Department of Environmental Protection; “Shine a Light on Safety!”

**Safety Awareness Campaign
WINNER
Department of Education
“S.A.F.E. (Safety Awareness For Education)”**

The Department of Education has approximately 1,450 employees located at four different locations in Tallahassee. When Homer Williams assumed the position as Safety Coordinator, there was a Safety Plan in place, but it wasn’t very active. So, he started a poster and newsletter campaign addressing the cause of loss for the majority of DOE’s occurrences. They also wanted to stress the importance of reporting incidents as soon as they occur. As a result of this increased awareness and employee attention, claims and claim payments decreased by 38 percent in the past year.



(L-R) Debbie Cuddy, Pam Martin, and Homer Williams

1st Runner-Up: DEP; “Workers’ Compensation Information Card”
2nd Runner-Up: DEP; “AmeriCorps Workers’ Compensation Insurance Premium Reduction”

**Safety Training Program
Winner
University of Florida Department of Housing &
Residence Training
“Keeping Safety First: Restroom Cleaning”**

The purpose of this training is to reduce the number of ergonomic injuries suffered by their custodial staff by increasing awareness of safety in the cleaning of restrooms. The DVD demonstrates proper ergonomic techniques for many specialized tasks encountered in the custodial environment. It also explains proper labeling of chemicals and personal protective equipment. UF’s Housing and Residence Department has a strong commitment to safety and proper ergonomics for its custodial staff.



(L-R) Lea-An Steiner, Jennifer Jonsson, Pam Martin, and Tanya Hughes-Joiner

1st Runner-Up: UF Environmental Health & Safety; “Tractor Safety”
2nd Runner-Up: DEP; “Driving/Trailer Safety Awareness/Educational Event”

**The Impact of Daylight Saving Time
on Accidents**

This is the time of year that discussions turn to either the beneficial or negative effects of daylight saving time. Daylight saving time is observed in the spring when clocks are set ahead, to provide more usable hours of daylight for activities that occur in the afternoon and evening. It can also be a means of conserving electricity and other forms of energy. In the fall, as the period of daylight grows shorter, clocks are set back to standard time.

The prevalent criticism claims that the disruption in sleep patterns associated with setting clocks either forward or backward correlates with a spike in the number of severe auto accidents and lost productivity, as sleep-disrupted workers adjust to the schedule change. It may not be the actual loss of an hour’s sleep, but rather the adjustment of the body’s internal clock, or circadian rhythms, that has the greatest impact on accidents following a time change.

An average adult today sleeps about seven hours each night -- one to two hours less than in the early 1900s. Sleep is usually the first activity to be sacrificed in order to accomplish the required activities of any given day. Fewer hours of sleep supports the idea that our society is chronically sleep deprived, and even small reductions in sleep time may have consequences for safety.

Sleepiness increases attention lapses, slows reaction time and cognitive processing, and makes the drowsy driver as dangerous as one who is impaired by alcohol. The National Highway Traffic Safety Administration estimates that at least 100,000 crashes and 1,500 deaths annually are attributable to sleepiness and fatigue. These crashes also represent \$12.5 billion in lost productivity and property damage.

Several research studies have correlated the increase in automobile accidents following the onset of daylight saving time in the spring and the loss of an hour’s sleep. The change in the fall back to standard time, however, does not result in a corresponding decrease in the number of accidents, even though an extra hour has been gained for sleep. Theories suggest that the body’s usual circadian rhythms may continue to cause individuals to awaken after seven to eight hours of sleep, and in response to early morning illumination.

Combine this effect with the added stresses of holiday shopping, social responsibilities, traveling, and year-end workloads, and there can be an even greater potential for more accidents. Even though the time is only adjusted one hour, allow four to five days for your body to adjust to a change in time. Try to minimize the negative effects. Finally, don’t dwell on what time it would have been the day before -- that makes it worse in the long run.

**Comments,
Questions...**

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