

## Frequency Breeds Severity

### BACKGROUND

A municipal police department experienced reported ten Workers' Compensation claims that were reported by their officers within several weeks of each other. Each claim was a result of an officer striking the back of their heads at the start of their assigned shifts. Each officer immediately reported the injury/incident to the Sergeant. Subsequent First Reports of Injuries were submitted through CIRMA's NetClaim.net Online Portal.

The severity of the injuries sustained by the officers ranged from bruises to concussions; several of the officers required sutures. In addition, three officers were placed on total disability for a combined period of forty-one days by their attending physicians. Consequently, there were associated indirect costs due to the police department needing to backfill the injured officers' positions and paying overtime.

### INVESTIGATION AND DAMAGES/INJURY

Through the claims investigation, CIRMA determined:

- That the Supervisor's Accident Review Form:
  - Listed "Nature of doing the job" as the contributing factor to the incident/injury.
  - Did not have an entry in the Identify Recommendations for Corrective Action section.
- The officers were striking their heads on the trunk latch of the police cruiser when placing their gear bags in the trunk of the vehicle.
- The trunk in each vehicle was filled with the following:
  - Required vehicle electronic equipment
  - Road flares
  - Spare tire
  - First-aid equipment
  - Department-issued rifle and rifle accessories

Due to the magnitude of equipment located in the trunk, there was minimal space for the officers to place their gear bags.

As a result:

- The officers needed to partially lean into the trunk to place the gear bag in the open spot and position the bag to not disturb or damage any of the equipment installed in the trunk.
- Following placement of the gear bag in the trunk, the officers would proceed to lift their head in an upward position and step backwards. This specific movement was found to be a major contributing factor for causing the injuries.
- The officers were unaware of any other gear bag placement options.
- The reported claims were incident-only, medical-only and lost-time claims. The lost-time claims had a restricted duty component.
- Since the Chief of Police would not accommodate restricted duty, the officers remained on temporary total disability status until returning to full-time police duties.
  - Per the police department's collective bargaining agreement – an injured officer would receive 100% of their salary for one year. This contributed to the increased total cost of risk for these claims.

### OUTCOME

The claims were deemed compensable since the officers were acting within the scope of their assigned duties at the time of their injuries. The severity breakdown for each claim is listed below:

- Incident only claims      Frequency = 5      Severity = \$0
  - Medical only claims      Frequency = 2      Severity = \$1,000
  - Lost work time claims      Frequency = 3      Severity = \$50,463
- Total Direct Incurred Exposure = \$51,463*

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## RECOMMENDATIONS:

- **Conduct regular Root Cause Analysis (RCA) Training for Supervisory Officers** - The purpose of reviewing both incidents and accidents that cause injury or damage is to identify the root cause of the incident in order to prevent the recurrence of future accidents. The focus should be on the activity at the time of the incident, not the injury. Unfortunately, too often the review process is limited to completing the necessary insurance paperwork. RCA is a systematic process for identifying the “root cause” of problems or events and an approach for responding to them. RCA is based on the basic idea that effective risk management requires more than merely “putting out fires” for the problems that develop, but finding a way to prevent them. Root Cause reviews are critical in identifying, controlling, and eliminating workplace health and safety risks.
- **Implement a formalized Return-to-Work (RTW) Policy** - An effective workplace RTW Program is the best way to manage costs and improve the chance of recovery. Studies have shown that injured employees recover faster when they return to work, and that the longer an employee is out of work, the less likely they are ever to return. Additionally, the length of time an injured employee is absent from the workplace directly impacts the overall Total Cost of Risk.
- **Reduce the salary continuation benefit** - These supplemental wages are provided in addition to the non-taxable statutory Workers’ Compensation benefits that injured employees receive. It is an unintended consequence of the federal and state tax codes that exacerbates the cost burden of these benefits on municipalities. Because Workers’ Compensation benefits are non-taxable, salary continuation payments are taxed at a lower rate than full, regular wages, often making it more lucrative for an injured employee to stay at home, collecting benefits, than it is to return to work. It is not uncommon for employees to receive five to ten percent more money, after taxes, in workers’ compensation and salary continuation benefits than they would receive working. In short, salary continuation benefits may “incentivize” employees to prolong recuperation, extend treatment, and delay return-to-work.

Questions? Ask your Supervisor or contact your CIRMA Risk Management Consultant at (203) 946-3700.

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