

# School Employee Injuries During School-Spirit Activities:

## Determining Compensability and Managing Risk

# School Employee Injuries During School-Spirit Activities

Common sense plays an important part in school spirit-building events, for few things are more likely to lower morale than an event interrupted by a painful, preventable injury.

School Field Days, Student vs. Teacher sports events, and other recreational activities can help boost school spirit and build rapport among student, staff, and the community. Unhappily, however, these activities have occasionally resulted in serious, but avoidable injuries to participating teachers and school staff. The fact that some of these injuries may be compensable while others aren't, depending on the nature of the event, adds confusion that can lower employee morale even further.

## **Consider the following claim:**

On the last school day before winter break, a high school with the support of the Board of Education held its traditional student vs. faculty basketball game to build positive school morale. A 53-year old science teacher participated in the event which was held during school hours. As he chased a loose ball, the teacher fell and twisted his knee severely while unsuccessfully trying to avoid colliding with a student. The teacher suffered a meniscal tear that still required surgery even after extensive rehabilitation and noninvasive medical treatments were used. The injured teacher missed several months of work and never recovered full use of the knee. Aside from the impact the injury had on the teacher's quality of life, the cost of the claim, not including minor medical costs for the student, was over \$210,000.

**Coverage.** This injury was covered under Workers' Compensation because the event took place during school hours while the teacher was being paid; however, injury was easily avoidable if the school had not allowed teachers to play in athletic activities such as this.

## **Recommendation**

CIRMA recommends, at a minimum, that teachers and staff members who may not be in suitable physical shape, have a pre-existing injury or condition, who can't withstand the physical stress, or who do not possess the endurance should not participate in these types of physically active events. Or, schools should not allow any teacher or staff member to participate in these types of activities at all.

If morale and goodwill among staff and students are the goals, then other types of activities that require little to no physical stress should be considered as well. This not only reduces risk, it may also encourage other staff and students who have physical limitations or aren't athletic to participate in school-spirit and rapport-building activities.

As a Risk Management Best Practice, alternative events and activities should be considered. For example, student vs. teacher trivia games such as Jeopardy or Hollywood Game Night, or even talent shows may be held. If basketball or another sport is the tradition, then instead of having full fledged games, the school may hold an alternative event such as foul shooting, three point, or trick shot contests.

No matter what physical activity is being conducted, alternative low-to-no-impact substitutes should be considered if teachers and staff are going to participate. The new ideas may prove to be safer and just as much fun—and having everyone involved in the planning process may be a big morale booster by itself.

# Safety is a Win-Win Approach

Every “school-related” activity is not necessarily covered under the Connecticut Workers’ Compensation statutes; several factors determine compensability. All school leaders should be aware of these statutory limits and the risks their staff assume by participating.

## **Connecticut State Workers’ Compensation Statute:**

Section 31-275(16)(B)(i) states a “Personal Injury” or “injury” shall not be construed to include: “An injury to an employee that results from the employee’s voluntary participation in any activity the major purpose of which is social or recreational, including, but not limited to, athletic events, parties and picnics, whether or not the employer pays some or all of the cost of such activity.”

Section 31-275(16)(B)(iv) states: Notwithstanding the provisions of subparagraph (B)(i) of this subdivision, “personal injury” or “injury” includes injuries to employees of local or regional Boards of Education resulting from participation in a school-sponsored activity but does not include any injury incurred while going to or from such activity. As used in this clause, “school sponsored activity” means any activity sponsored, recognized or authorized by a Board of Education and includes activities conducted on or off school property and “participation” means acting as a chaperone, advisor, supervisor or instructor at the request of an administrator with supervisory authority over the employee.

As outlined in these statutes, Workers Compensation coverage is limited for employees of local or regional Boards of Education who participate in social or recreational events. The employee may be provided coverage if the activity meets the definition below.

1. The activity is “**school sponsored**”; that is, it must be sponsored, recognized or authorized by the Board of Education. It includes activities on or off school property.
2. The employee’s “**participation**” means **acting as**:
  - Chaperone
  - Advisor
  - Supervisor
  - Instructor
3. Participation **must be at the request of an administrator with supervisory authority over the employee.**

## **Recommendation**

To help ensure Workers’ Compensation Coverage is available for an employee, CIRMA recommends that a formal activity participation form be signed by the administrator with supervisory authority over the employee before an activity is held. The form should include:

1. A summary of the activity.
2. Date, time, place and duration.
3. Person(s) participating.
4. Duties of participants involved in activity.
5. Reason for activity.
6. Sign-off by employee.
7. Sign off by administrator with supervisory authority.

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

Above all, administrative and executive level involvement in the planning process is important. Their involvement allows school leaders to decide the level of active or passive participation by teachers and staff, and also whether or not an alternative activity is appropriate. For assistance in assessing the potential exposures of an activity, CIRMA members should contact their CIRMA Risk Management consultant.

Please Note: CIRMA reserves the right to evaluate, accept, or deny all reported claims based on the specific details surrounding the incident or accident. Any questions or concerns regarding coverage for a specific activity should be directed to your CIRMA Claims Representative for clarification. Municipalities should not make compensability determinations on their own when an employee is injured. All employee injuries should be promptly reported to CIRMA.

*The Connecticut Interlocal Risk Management Agency, CIRMA, is Connecticut's leading provider of municipal risk financing and risk management services. A member-owned and governed agency, CIRMA provides high quality insurance for municipalities, school districts, and local public agencies. CIRMA operates two risk pools, the Workers' Compensation and the Liability-Auto-Property pool. It also provides Heart & Hypertension claims services and claims administration and risk management services to self-insured municipalities. CIRMA's financial strength enables it to provide assured rate stability, open availability, and expert risk management and claims services.*

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