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# Start With SAFETY

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## Active Shooter Events: Simple Actions Can Save Lives

With a large majority of active shooter events occurring in the workplace, occupational safety and health professionals are looking for guidance in helping their organizations plan, act, and recover. Unlike most safety hazards, active shooters cannot always be identified through a simple assessment, even though warning signs may be recognizable in some cases. They come from all occupations, industries, economic situations, education levels, backgrounds, and race.

**What can be done to help an organization assess and control the active shooter risk?** Conduct a Threat Assessment to identify areas of opportunity and implement the steps needed to fill any gaps in preparation or response. **Need help getting started or to evaluate in-place programs or procedures?** Contact [Jim Greaves](#), Catto & Catto's Risk Management Experience Director. As a Certified Active Shooter Instructor, Jim is able to perform a thorough Threat Assessment of your organization to evaluate areas such as:

- **Risk & Vulnerabilities**
  - Prior assessments
  - Involvement with law enforcement
  - Number of exits
  - Criminal activity in the area and more
- **Emergency Action Plan**
  - Is there a plan in place?
  - Do you conduct drills?
  - Does your plan address active shooter?
- **Prevention**
  - Law enforcement response times
  - Contractor controls
  - Perimeter and access controls
- **Response & Training Programs**
  - Do employees know what to do in the event of an active shooter?
  - Do they know how to barricade a room?
  - Do you have a Threat Assessment Team in place?
- **Technology & Infrastructure**
  - Evaluating the building for shelter in place locations
  - Evacuation points
  - Key control
- **Recovery Capability**
  - Do you have mass communication capabilities?
  - Where is your reunification location?
  - Mass counseling

Simple actions can have a significant impact on all involved in the event of an active shooter situation. Here are some additional tips worth your consideration:

- **Give law enforcement as much heads up as possible.** In addition to pre-event planning, on-scene information about the facility is critical. Employers can place lock boxes in the front entrance containing blueprints and key cards, along with dry erase markers to show the floor plan of a building for additional responders.
- **Plan for reunification** of workers, keeping in mind that law enforcement may have occupied usual emergency gathering spots. In addition, prepare for family members and media personnel to be present on scene. While law enforcement may handle access control, employers can plan in advance and make the process more effective.
- **Let law enforcement speak to media early on in the event.** The company's communications team should work with law enforcement. Later, once the investigative portion is complete, this will transition to the company. Internal communications to workers, however, should come from the company. (In any emergency situation, it helps to have a policy indicating that any media communication should come from assigned company representatives; employees should be instructed to defer to those representatives.)
- **Have a plan for getting work done.** Because law enforcement will essentially close the building for days after an event, it's important for employers to have a contingency plan, keeping in mind that many employees will have quickly left the scene without computers and other items needed for work.
- **Plan for post-incident counseling.** The goal is to normalize emotions, helping workers get back to a routine. Provide HR staff with appropriate training so they are able to assist, and bring in trained professionals to provide counseling.
- **"Run, hide, fight. Or run, hide, die."** Law enforcement recognizes that many employers are not comfortable telling workers to fight. However, if employees can fight back, even with something as simple as throwing a book or yelling, the action can disrupt the shooter enough that stronger measures can be taken.

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## TX WC Study: 40% of Claimants Have Previous Injury

Findings of the report, Injured Employees with Multiple Injuries and Claims in the Texas Workers' Compensation System (TDI utilized medical billing and claims data from Injury Year 1998 to 2017), include:

- About 40% of new claims between 2006-2012 were made by individuals who had at least one previous injury and claim.
- Among the new claims without a past injury, about 30% would have a second injury in 10 years.
- 53% of all claims and 51% of medical costs were associated with multiple injuries.
- Re-injury rates were slightly higher among males and younger employees.
- The re-injury rate was significantly higher among those in public administration and health care industries.
- After the pharmacy closed formulary, the usage of status "N" ("not recommended") drugs decreased significantly among both single injury and multiple injury claims.
- Comparing first injuries, utilization of central nervous systems (CNS) drugs and opioids was slightly higher among single injury claims than multiple injury claims.
- Utilization of NSAIDs and musculoskeletal drugs was higher among multiple injury claims.

## How Much Does A 100% Healed Policy Cost? \$3.5 Million for One Employer

Do you have a (TRTW) transitional return to work policy or do you require employees to be fully healed before allowing them to return? Many employers have policies that appear to be logical, including expecting employees to be able to perform the essential functions of their jobs without issue. Enter a law of which some employers are not aware, or are not aware of its reach: The Americans with Disabilities Act (ADA). Employers need not have employees with disabilities to have the ADA apply. The law includes a variety of provisions that apply to policies and practices. One Las Vegas employer learned this lesson, and it's a worthy one to relate.

The ADA generally requires employers with 15 or more employees to provide reasonable accommodations to the known disabilities of employees or applicants. As part of providing these accommodations, when employees request a workplace change due to a medical condition, the employer is to engage in an interactive process with the employee, focusing on identifying an effective accommodation.

Since at least 2012, the employer in question had a well-established 100% healed practice, requiring employees to have no medical issues before returning to work. Such policies or practices, however, do not allow for reasonable accommodation of qualified individuals with disabilities, one of the cornerstones of the ADA. This employer also failed to engage in an interactive process with employees, and did not provide accommodations to those who had disabilities or a record of disability; but instead, terminated them. A couple employees filed suit, and the Equal Employment Opportunity Commission stepped in. It saw the employer's practices and policy as systemic, affecting multiple employees, and giving rise to the hefty price tag. The end result of the claim included not only \$3.5M in monetary relief, but the employer must also do the following: eliminate the 100% healed policy, reemploy those interested, retain an ADA-knowledgeable consultant to monitor the company's compliance with the ADA, review other related policies and practices, create and maintain an accommodation log for any such requests, provide live and interactive 90-minute training to all non-supervisory employees, provide live interactive two-hour training for managers, supervisors, and HR employees, and develop a centralized tracking system for employee requests for disability accommodations.

Anna Park, regional attorney for the EEOC's Los Angeles District Office, which includes Las Vegas in its jurisdiction, indicated that "Besides regularly examining established practices and ensuring that staff is adequately trained, employers must also ensure their decision makers follow through on that training by holding them accountable to complying with the ADA." While neither the law nor the implementing regulations mandate training, but cases frequently result in such requirements.

Takeaways from this case include the importance of ensuring that your policies and practices do not violate the ADA, and ensuring that employees are trained to be familiar with actions that can risk violations.

*EEOC v. Nevada Restaurant Services, Case No. 2:18-cv-00954.*

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Fire & Explosion Hazards

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Burn Hazard

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### A&I Tractor Canopies

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