



Pro-File

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## DID YOU KNOW

Nearly 5,474 people were killed and half a million injured in crashes involving a distracted driver in 2009 according to the National Highway and Traffic Safety Administration. Those distraction-related fatalities represented 16 percent of all traffic fatalities.

The Department of Transportation (DOT) has issued a new ruling to help prevent distraction-related fatalities, injuries and accidents. Read below for more information on the ruling and what you need to know.

# LEMERITY

## Injured Workers and Employers Benefit from Using Best Practices

[A study of occupational health care](#) conducted in Washington state and recently published in the American Public Health Association journal proved that using occupational health best practices when treating an injured worker can save the employer costs, especially in lost work time.

The goal of these best practices is the safe and healthy return of injured workers to full employment. Some of the best practices include promptly filing the workers' compensation claim, calling the employer to talk about the worker's ability to return to work or

transfer to a light-duty job, and regularly assessing a worker's ability to perform work activities.

Washington state's Centers of Occupational Health and Education (COHE) work with medical providers, employers and injured workers in a community-based program to support these best practices. The study found that workers treated by providers using COHE best practices had 19.7 percent fewer disability days than other injured workers, and a reduction in total disability and medical costs of \$510 per claim.

## New DOT Ruling Bans Hand-Held Phones

The DOT announced in early December a final rule banning interstate truck and bus drivers from using hand-held cell phones while operating their vehicles, which goes into effect Jan. 3, 2012. [The ruling](#) is part of the effort to prevent distracted driving and follows a 2010 prohibition of text messaging while operating a commercial motor vehicle (CMV).

If you haven't yet taken a look at your fleet safety policy to update it, now is an important time to do so.

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## Protect Your Employer Risks in 2012

Employers need to manage a world of ever-changing risks, including compliance with federal, state and local human resource laws and regulations, and protecting themselves from mistakes made by directors, officers, other managerial staff or by the company itself.

To protect your company's best interests, make sure you have the appropriate amount and mix of risk transfer through Directors and Officers (D&O), Errors and Omissions (E&O), and Employment Practices Liability Insurance (EPLI) coverage. All of these policies protect the business owner from risks that come with having employees, but each has its own unique purpose that you should be aware of.

D&O provides coverage for negligent acts, omissions or misleading statements committed by directors and officers of a company that result in lawsuits being filed against the company.

E&O coverage protects people that give advice, prepare design solutions, make educated recommendations or represent the needs of others. It protects these people when they've done something they shouldn't have (error) or when they neglected to do something they should have (omission).

EPLI policies protect an employer's risks from some of the most common employment-related lawsuits, including sexual harassment, breach of employment contract, wrongful termination, discrimination and failure to hire or promote. A survey of HR executives and in-house lawyers revealed that likely three out of five employers will be sued by a prospective, current or former employee while they are in business. Defending against a lawsuit like this is costly and time-consuming, even if the claims are groundless.

To best assess which coverages and how much of each you need as part of your business owner's policy, it's important to evaluate your risk as it relates uniquely to your company. Consider what type of industry you operate in, the size of your business and the makeup of your organization (risk can increase if you have shareholders). Levery Insurance Group, Inc. can help you evaluate these factors and decide on the best plan of action for your organization.

## New DOT Ruling

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Important details to include in updates to fleet safety rules and policies include:

- "Driving" is defined as operating a CMV on a highway, including while temporarily stationary because of traffic, while at a stoplight or other momentary delays. "Driving" does not include when the driver has moved the vehicle to the side of or off of a highway and has stopped in a location that is safe to remain stationary.
- An exception to the general prohibition included in the ruling is that CMV drivers are allowed to use a hand-held mobile phone when necessary to communicate with law enforcement officials or other emergency services, such as to report an accident or drunk driver.
- The use of two-way or Citizens Band (CB) radios is still allowed.

Penalties for breaking this rule include a federal civil penalty of up to \$2,750 per offense for the driver, driver disqualification from operating a CMV for multiple offenses, and a penalty of up to \$11,000 for commercial truck and bus companies that allow their drivers to use hand-held cell phone while driving.



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