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ONLINE UNIVERSITY COURSE HIGHLIGHT

WM09: Waste Management
& LL01: Landscape Safety

Learn more online
www.imwca.org

IOWA MUNICIPALITIES WORKERS' COMPENSATION ASSOCIATION

IMWCA

Comments or suggestions, call
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the Informer

A monthly newsletter addressing workplace safety by Iowa Municipalities Workers' Compensation Association.

Safety orientation training: Start well

Safety in the workplace begins the first day an employee joins the team. Before the employee starts work, they should receive an orientation that not only covers the basics, such as payday processes, benefits and obtaining keys; but they also need to be educated on the employer's safety policies and procedures.

Unfortunately, many public employers have a very limited safety orientation program that takes place after the employee has already started work. This practice can lead to a new employee feeling that safety is a second level priority, and contributes to new employees developing bad safety habits.

To start an employee off right, begin the safety orientation on the first day before an employee starts their job. Have an established process that includes safety policies along with other employment information. Generally, most of this information is included in the employee manual. The employee's supervisor or a designated person should thoroughly cover the manual with the employee. Once the review is complete, have the employee sign an acknowledgement form stating they received the manual and understand its contents. Employers should always update their safety manual annually to ensure it is up-to-date with current operations and specific safety standards.

The next step is to provide personal protective equipment to the employee for the hazards they will be exposed to.

This will require training on the use, care and replacement policies for the gear. Depending on the employee's job, the employer may also need to provide awareness-level training on specific hazards that the employee will encounter in their new job. DVDs and online training could be used in this portion of the orientation.

The next phase of safety orientation begins with the employee undergoing either hands-on training or demonstrating competence in performing specific tasks. For example, if an employee is hired to operate a chainsaw and they indicate they have done so before, it is important for the supervisor to ensure that the employee can actually operate the equipment in a safe manner. In this scenario, the supervisor would have the new employee demonstrate their skills before the employee is allowed to use the chainsaw alone. If an employee has never used a chainsaw, they would be provided training and supervised by an experienced operator before being allowed to work alone.

Once the manual review and hands-on training is complete, a three to six month review is recommended to monitor the employee's progress and retrain or review when needed.

The initial orientation may take a few days to a few weeks, depending on the job and the risks to which the employee may be exposed. Though some may feel the process is time consuming, it is important to note that a week's worth

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of safety training can prevent several months' worth of lost time and a large increase in premium.

Spend the time to start employees well, and it will pay dividends down the road in fewer employment problems and fewer injuries.

Contact information changed

IMWCA's mailing address and fax number changed. Please updated your contacts and database to reflect our new fax number: (978) 367-2862. Our new mailing address: 500 SW 7th Street, Suite 101 in Des Moines, IA 50309.

Safely Speaking

2013 Snow Plow Operator Training, Rodeo

The 2013 Snow Plow Operator Training (SPOT) will be held September 10-11 at the Iowa State Fairgrounds in Des Moines. This two-day event is targeted towards new plow operators and operators with limited experience. Expert presentations and discussions with other operators combined with hands-on practice and coaching by seasoned equipment operators provide the perfect opportunity to develop the skills required to operate this complex and expensive equipment.

Experienced operators are invited to participate in the annual Snow Rodeo on September 12 at the State Fairgrounds. Operators will be given the opportunity to challenge each other's skill in operating trucks, motor

SNOW ROADEO 2013



September 12, 2013

SNOW ROADEO 2013

Loader, Motor Grader, and Truck Rodeos

www.intrans.iastate.edu/events/roadeo/

graders and loaders. Contestants will be tested through a written exam, a timed vehicle-defect identification exercise, and a driving test on a course that simulates various job requirements and driving situations. This year's Rodeo will also feature a celebrity drive-off. To learn more about both events, visit: www.intrans.iastate.edu/events/SPOT/ or email Jennifer Serra at jserra@iastate.edu.

Like this newsletter?

Check out other member resources online at www.imwca.org.



Safely Speaking

New Online University offerings

July 1 begins a new fiscal year for most IMWCA members, and with a new year comes new opportunities for online training. For each of the next 12 months we will add a new course to the list of courses available free to members through our FirstNet Learning Online University. July is a double -bonus month with two new courses. IMWCA staff has selected courses through December 2013 and we'll announce the January-June courses in the January issue of the Informer.

Learn more about IMWCA's Online University at www.imwca.org/LossControl/pages/OnlineUniversity.aspx

- July** | Waste Management (WM09) and Landscape Safety (LL01)
- August** | Operating Safety Committees (FC09)
- September** | Job Safety Analysis (JS09)
- October** | Job Safety Analysis for Supervisors (JA09)
- November** | Forming Effective Safety Committees (FC09)
- December** | Back Safety for the Office Environment (BI11)

Employee verses independent contractor



As your summer projects start to move forward, you may be trying to decide the most cost effective way to get the job done. This could include deciding whether to use employees or an independent contractor to complete the work. Employees and independent contractors are not the same, and it is important to understand the difference. In the past, some employers would misclassify employees as independent contractors to try to avoid paying for certain benefits, such as retirement and health insurance, or workers' compensation and unemployment benefits. If an employee is misclassified as an independent contractor, he or she could also lose labor law protections, such as minimum wage, overtime, health/safety and FMLA.

An "employer" under the Iowa Workers' Compensation Act includes private business, and also the state, counties and cities. The Act looks at five factors when determining whether an employer-employee relationship exists:

1. Who is responsible for payment of wages?
2. Who is benefitting from the work being performed?
3. Who controls the work?

4. Who has the right to end the relationship?
5. Who has the right of selecting the person to be hired?

An independent contractor is typically not considered an employee and not covered under workers' compensation. There is no single test for determining if an individual is an independent contractor or an employee; however, the Iowa Supreme Court has adopted eight factors to be considered. They are:

1. The existence of a contract (not always controlling).
2. Whether the worker has an independent business establishment or advertises independently.
3. If the worker supervises and pays wages to his own employees.
4. If the worker supplies his own tools and materials.
5. If the worker controls the progress of the work, except the end result.
6. The permanency of the relationship. (A longer period of time is evidence that the worker is an employee, not an independent contractor)
7. How is the worker paid? Whether by time (hour or week) or by the job.
8. If the work that is being performed is part of the employer's regular business.

Whether a person is an independent contractor or an employee generally depends on the amount of control exercised by the employer over the work being done. Employers are entitled to control employees to a large degree, but not independent contractors. Remember the Iowa Workers' Compensation Act is liberal and "will attempt to find coverage for every employee who can be fairly brought within it." The bottom line is, "independent" is the operative word in determining if you are dealing with an independent contractor or an employee.

IMWCA Informer is a bimonthly newsletter published by the Iowa Municipalities Workers' Compensation Association (IMWCA) in cooperation with the Iowa League of Cities.

This newsletter is designed to educate local officials on workers' compensation issues. Suggestions for articles or topics to appear in IMWCA Informer are always welcome. Contact IMWCA at (515) 244-7282. You may also view this publication online at www.imwca.org.

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Svalstad retires

The Iowa League of Cities, along with IMWCA, announces the retirement of long-time director of risk services, Curt Svalstad. Svalstad was hired 19 years ago by the League as the director of IMWCA and oversaw many risk management functions for both organizations including employee insurance and benefits. During his tenure, Svalstad was instrumental in developing and engaging the current staff, bringing all services in-house to lead the mono-line workers' compensation carrier to new heights in service to our members, growth and fund-balance. When Svalstad joined the organization, there were approximately 270 members, with a fund-balance of less than \$5 million. Today, he leaves the program with more than 505 members and \$43 million in fund balance.

As a sound manager and leader of the organization, Svalstad took great care in planning for his retirement, creating a succession plan and naming former claims manager, Jeff Hovey, as his deputy-director. Hovey will begin his tenure as director of risk services on July 1.

All of us at IMWCA wish Curt, his wife Linda and his entire family the best of luck as they enjoy the next phase of life. Staff will miss Curt's leadership almost as much as Linda's carmel brownies.



Above: Svalstad with Russ Sporer, CRMS Representative for many IMWCA member-counties. Below: Jeff Hovey, new director of risk services, shares his best wishes and appreciation as Alan Kemp, League executive director, and Svalstad look on.



Above: Svalstad with the "Founding Fathers" of IMWCA: William F. Sueppel, original legal counsel, and EJ Giovannetti, first president of the board. Middle: Tom Bredeweg, former League executive director; John Mardis, former board president, Alan Kemp, League executive director; Svalstad, and Jim Dowling, current board president. Bottom Left: Svalstad leans on his retirement gift from board president Jim Dowling. Bottom Right: Svalstad with his wife, Linda.

