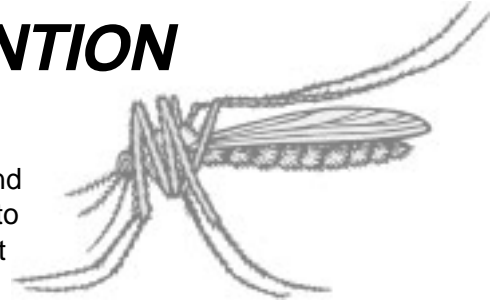


## WEST NILE VIRUS: A BITE OF PREVENTION



With summer quickly approaching, the potential for mosquito bites is possible, which means that the **West Nile Virus (WNV)** is again a concern. It is believed that WNV is a seasonal epidemic in North America which flares up in the summer and continues into the fall. WNV circulates between birds and mosquitoes, with humans as the dead-end hosts.

During the summer and fall of 2004, southern and eastern Oregon experienced a small number of cases where humans became ill due to WNV. If Oregon follows the lead of other states, the 2005 cases of WNV will peak, with the 2006 year decreasing drastically.

Prevention is your best option. Remember the following points:

- Eliminate standing water sources which promote mosquito reproduction.
- If possible, stay inside during the hours from dusk to dawn, the peak mosquito biting times.
- Wear long sleeves, long pants, and socks when outdoors.
- Apply insect repellent containing DEET. Read directions on the package before applying.

- Make sure that you have screens on your windows and doors. Inspect the screens to insure that they will keep out mosquitoes.

Of all those bitten, 80% of people infected with WNV will not show any symptoms. Of the 20% who do show symptoms, they may have a fever, headache, body ache, nausea, vomiting, sometimes swollen lymph glands, or a skin rash. These symptoms generally last a few days. Of the 20% who do exhibit symptoms, the chance of severe symptoms only occurs about 1 in 150. The symptoms, which can result in neurological disease, require medical attention and can last for several weeks.

Refer to the following web sites for additional information:

- Oregon Department of Human Services: [www.ohd.hr.state.or.us/acd/w Nile/index.cfm](http://www.ohd.hr.state.or.us/acd/w Nile/index.cfm)
- Centers for Disease Control & Prevention: [www.cdc.gov/ncidod/dvbid/westnile/index.htm](http://www.cdc.gov/ncidod/dvbid/westnile/index.htm)

- American Academy of Pediatrics, using DEET on children: [www.aap.org/family/wnv-jun03.htm](http://www.aap.org/family/wnv-jun03.htm)
- DAS – Risk Management RisKey, West Nile Virus “A Little Bite of Prevention”: [www.oregon.gov/DAS/Risk/RisKeyWestNileVirus.shtml](http://www.oregon.gov/DAS/Risk/RisKeyWestNileVirus.shtml)

Summer is a time to enjoy the outdoors. With a little prevention everyone can stay safe! ■

### What's Inside . . .

	Page
Reporting Major Loss Events.....	2
Smart Contracting With a Different Flavor.....	4
New on the Web.....	5
Hardship Driving.....	7
Mall-Wide Crossing Guard Training.....	7

# REPORTING MAJOR LOSS EVENTS

Major loss events are relatively rare. Agencies work hard to prevent damage or harm to the public. When an event does occur, it is important to quickly notify key resources who will be involved in its resolution.

## **What is a Major Loss Event?**

The type of event an agency may expect will vary with its mission and work. The event may be tied to an agency Business Continuation Plan. Or, it may be an event that, while not threatening agency operations, represents a potential large loss or risk to agency reputation. In general, DAS Risk Management suggests agencies should have a process in place to carefully review:

- Any time there is an unexpected loss of life or a significant injury to someone held in state custody.
- Any time a state driver is involved in a vehicle crash, regardless of apparent fault, when someone is transported by ambulance from the scene, or an involved vehicle is towed.
- Any time there is significant damage to the property of others that may involve the acts or errors of the agency. Significant damage is often a judgment call. It may be high cost or value damage to property of a single owner; or low cost damage to the property of many due to a single event.

## **Agency Risk Management Role**

The events are unexpected. But the risks are frequently due to an identifiable exposure. An element of your agency risk management program should be identifying and assessing these risks. Risk Coordinators can:

- Identify likely major loss events your employees may encounter. Risk Assessment is a method to identify potential exposures. Follow the roadmap at <http://www.oregon.gov/DAS/Risk/RiskAssessmentRoadmapToolkit.shtml>. Use ALIAS to analyze past losses and look for trends or outliers.
- Train employees how to avoid likely causes of loss. Plan prevention strategies as you prepare projects or activities that involve identified exposures. Implement mitigation procedures should an event occur.
- Establish a rapid notification process. Identify key agency managers (and multiple back-ups) available to quickly assess an event and to advise the line employee involved.

## **Public Information**

Some events will attract the attention of the media. Others may be of interest to a local community or special interest group. Most will involve only the person who feels they have been harmed by the actions of an agency or employee. Agencies need to be prepared to quickly assess the event and respond.

DAS-RM recommends that you:

- Provide field employees with information they are allowed to release. Or, have them direct people to an agency spokesperson.

***We will work with your agency to establish a specific reporting process . . . That way, we can be sure that our message to the citizens is clear.***

- Until an investigation is final, avoid the appearance of admitting fault, liability, or responsibility for losses.
- Explain the investigation process and actions being taken to abate any hazard still present or protect the public

*(continued on page 3)*

## REPORTING MAJOR LOSS EVENTS

*(continued from page 2)*

from further harm. These are actions the agency would undertake, regardless of fault, to fulfill its responsibilities for public protection.

As these events unfold, claims against your agency may develop. Claims are not always evident at the time the event occurs. That is why you need to pre-plan. The agency managers assigned in the rapid notification process should be skilled in assessing the agencies risk in this event, investigation and analysis, and, public relations and communication.

### ***When to Notify DAS-RM***

Not all major loss events are liabilities for the state. An agency may be present, first on the scene, or involved in an indirect fashion. But the agency did not cause the harm. While anyone can allege your agency is “liable”, there are specific elements needed to support that claim. (See insert “What Is a Tort Claim?”)

It is not necessary to notify DAS-RM about every event. But we do want to hear from you early when a major loss event occurs.

Each year, DAS-RM handles about 2500 new tort claims against state agencies. By law, claims for tort damages must be sent to DAS-RM. The claim must

be made by the person who was harmed or by their representative. Agencies may not file tort claims on behalf of others. We will process, investigate, and adjust damage claims on behalf of your agency.

When a loss occurs, people are often upset. Frequently they blame the state. You can instruct your employees to explain they do not have the authority to make a decision. Have a communication plan (as described under “Public Information”) ready to go. If the person is insistent, you can give them our phone number and have them call us. We can handle events when only a handful of people are involved. If the event has the potential of more than five or six claimants, you should not give out Risk Management’s phone number. We will work with your agency to establish a specific reporting process for this event. That way, we can be sure that our message to the citizens is clear. We do not want to create false expectations. And we need to be sure that we can organize our resources to effectively handle the calls.

Find out more about how your agency wants to handle Major Loss Events. Contact your agency Risk Coordinator. ■

## ***What is a Tort Claim?***

*A person must be able to identify a duty owed to them by the state agency. Then they have to prove that duty was breached due to the negligence of the state agency. Finally, they must demonstrate the damage or harm that resulted from the state agency’s negligence. ■*

# SMART CONTRACTING WITH A DIFFERENT FLAVOR

There was a new flavor to the March 10<sup>th</sup> **Smart Contracting Seminar**. In the past, Risk Management Consultants have helped state agencies assess the risks of state contracts. We have also suggested loss control plans, and types and amounts of insurance.

The Safety and Risk Unit is focusing on Risk Management's core mission — management of the State's Property and Liability Self-Insurance Funds.

In general, Risk Management does not purchase commercial insurance for its property and liability exposures. We are self-insured. Therefore, we are not in touch with current insurance market products, changes in coverage, the price of insurance coverage, etc. There are hundreds of contracting personnel around the state that manage the risks of state contracts. These personnel are constantly involved in insurance issues relating to their agency's contracts. They are truly the experts in this area. So, we have shifted our focus to education and tools to assist these people. They'll feel more at ease with independently making risk adjusted business decisions on their agency's contracts.

Don't be hurt! We aren't leaving state agencies in a lurch. We have many tools currently

available. Also, we will continue to update these tools and develop other tools to help. We will still present the Smart Contracting Seminars as needed.

The following topics and tools are available:

**The Risk Assessment Road Map** (now on our Web site) This tool:

- Helps agencies with step-by-step analysis of loss exposures;
- Teaches how to build loss controls into your agency's contracting process and making risk adjusted business decisions.
- This is a great tool to help state agencies look at the exposures of their activities. In addition, this is a way to document the process of making business decisions.

**The Automated Risk Assessment Road Map** (on our Web site soon) We have created an electronic version of the Risk Assessment Road Map in Access. This tool:

- Allows the user to electronically complete the risk assessment process.
- Records all entries in the database.

(continued on page 6)

## RISK MANAGEMENT DIRECTORY OF SERVICES

The area code for all numbers listed is "503" unless otherwise indicated.

Information 373-RISK  
 FAX 373-7337  
 Internet risk.management@state.or.us  
 SAIF Emergency Report 1-800-285-8525  
 SAIF 801 FAX 1-800-475-7785

### Administration:

Administrator -  
 David Hartwig 378-5526  
 Executive Assistant -  
 Barbara Hamilton 378-4706  
 Finance Analyst -  
 Bob Nies 378-5521

### Safety & Risk:

Manager -  
 Kate Wood 373-7233  
 Safety & Risk Specialist -  
 Luella Ackerson 373-0706  
 Risk Consultants -  
 Loree Fogleman 373-7003  
 Ronda Hollis 373-1037  
 Safety Management  
 Consultant -  
 Bonnie Robbins 378-5525

### Insurance & Operations:

Manager -  
 Andrea Peters 378-5515  
 Operations Assistant -  
 Jody Haury 378-5514  
 Receptionist -  
 Adina Canales 373-7475

### Claims:

Acting Manager -  
 Kent Rice 373-7814  
 Chief Claims Consultant -  
 Vacant 378-5468  
 Employment Claims -  
 Dawn Nicholas 378-6840  
 Claims Adjusting -  
 Mike Baker 373-1520  
 Corina Bergland 378-5469  
 Betsy Enos 378-5517  
 Dwayne Green 378-5940  
 Carol Hilzer 378-4878  
 Rocky Jeffries 378-4595  
 Lynn McMillen 378-5513  
 Linda Roberson 378-5508  
 Brenda Schnee 378-5467

### SERVICES TO STATE AGENCIES

**Insurance for:** Property, liability, workers' compensation, employee dishonesty, vehicle, aircraft, and others.

**Claims Adjusting for:** Property, liability, and employee dishonesty.

**Risk Control Consulting for:** All of the above. ■

## NEW ON THE WEB

Take a look at the main changes to our Web site since the last issue of *RisKeyNotes*.

### Search

We have added a custom search page. It provides visitors a way to narrow their search to only DAS-Risk Management's Web site. Take a look at <http://www.oregon.gov/DAS/Risk/search.shtml>.

### Measure 37

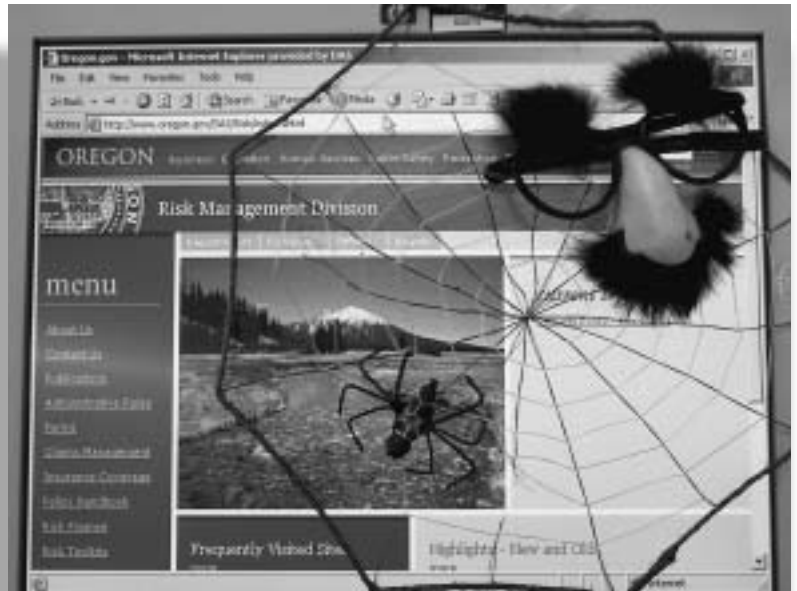
A new section has been added to our Web site for the use of citizens who want to file a Measure 37 claim. It includes information on the administrative rule, claim form, and claims registry. See <http://www.oregon.gov/DAS/Risk/M37.shtml>.

### Publications

**An 801 Form Section *RisKey* – A Guide to Completing the Employer Section of the Workers' Compensation Form** is new. Its goal is to help agencies correctly fill in each box in the Employer Section. Go to <http://www.oregon.gov/DAS/Risk/RisKeyWC801Employer.shtml>.

**Volunteer Programs – A Guide to Risk Control Planning for the Managed Volunteer Program** *RisKey* has been updated. Major changes include:

- Improved readability due to reorganization of information;
- Clarification of confusing or vague sections;



- Updated information on self-insurance property coverage; and,
- Added focus on volunteer issues concerning driving and minors.

Check out <http://www.oregon.gov/DAS/Risk/RisKeyVolunteers.shtml>.

### Risk Toolkits

Take a look at our new **Citizen Complaint Toolkit**. This toolkit is designed to be used by agency line managers. It will help them investigate and respond to reports from the public about state driver behavior and vehicle use. Toolkit contains: process overview, supervisor's guide to investigating and responding to a citizen complaint and frequently asked questions. See <http://www.oregon.gov/DAS/Risk/CitizenComplaintToolkit.shtml>.

### Risk Assessment Roadmap Toolkit

Updates include:

- Added factors to evaluate when assessing risk. Agencies are asked to **weigh the value of opportunities** and take into account their **appetite for risk**.
- **New PowerPoint shows** on risk assessment in agency activities and contracts.

See <http://www.oregon.gov/DAS/Risk/RiskAssessmentRoadmapToolkit.shtml>.

### Smart Contracting Toolkit

Changes include:

- **Contract Risk Transfer and Insurance Business Decisions**. This new Web page discusses the process and resources available to handle questions about risk transfer and insurance requirements. Take a look at <http://www.oregon.gov/DAS/Risk/SRUContracts.shtml>.

(continued on page 7)

---

## SMART CONTRACTING WITH A DIFFERENT FLAVOR

(continued from page 4)

- Contains “canned” reports agencies can use to document their risk adjusted business decisions, monitor loss control plans, and report exposures to agency management.
- With just a little bit of Access skill, the reporting abilities of this program are endless.
- We will help your agency load the program with your agency’s exposures, loss control plans, etc. If interested, contact our Risk Consultant, **Ronda Hollis** at **373-1037**.

### ***The Nuts and Bolts of Insurance***

(now available on our Web site)

This session:

- Covers non-insurance risk transfer, details on insurance and bonding coverage specifics;
- Gives instruction on how to read Certificates of Insurance;
- Focuses on what common types of insurance covers and how to find the best product for your agency’s exposures.

Any state employee making decisions about the type and amount of insurance to be required in a contract can benefit from this session.

### ***Web Tour of the Smart***

***Contracting Toolkit*** This session:

- Gave the class a tour of the Smart Contracting Toolkit that is on RM’s Web site.
- This Toolkit is a great resource for contracting staff to review types of insurance coverage, when the coverage is needed,

what is covered, and notes about each type.

- We consider the Smart Contracting Toolkit to be a needed tool for any state employee working with contracts.

### ***State Certificates of Coverage***

(now on our Web site) This session:

- Talks about when the state enters into contracts to use other entities’ property, hold events off state property, lease equipment, etc. Most of the time, in these cases, the vendor wants the agency to sign their contract. These contracts have many pitfalls, and may even contain language that state employees do not have the authority to agree with.
- Details the Oregon Tort Claims Act and why agencies cannot agree to certain contract language.
- Gives the right clauses and language for your agency’s tool box that help with acceptable language for the contract. Most entities are willing to amend their contracts when given this language and details of the state’s restrictions. Most of the time, these contracts require your agency to submit a Certificate of Insurance. This session focuses on outlining the problems with vendor contracts, and what you can agree to. In addition, the session outlines what

insurance your agency has, and how you can prove this coverage. Any state employee that is involved in coordinating off-site agency events, leasing equipment, or using the property of other entities should look at this session.

The 2005 Smart Contracting Seminar was a great success.

Keep posted for our next session, and other tools that we will be working on. Meantime, contact the experts in the contracting unit of your agency for assistance with contract related risk management and insurance issues. If your contracts unit would like to have additional training relating to contract risk management and insurance issues, contact us. We can work with your agency’s contract manager to arrange trainings for groups. However, we cannot be available for one-on-one consulting in the contracting area unless the issue is very complex and new, very unusual, or very large. Also, the Analysts in the **DAS State Procurement Office** may be able to assist your agency with making risk adjusted business decisions relating to contracts. ■

## NEW ON THE WEB

(continued from page 5)

- A revision of the standard **Automobile Liability** clause. The clause now specifies that Commercial “*Business*” Automobile Liability Insurance is required for contractual activities. This terminology change is to assure that the contractor’s business driving exposure is correctly insured. Go to <http://www.oregon.gov/DAS/Risk/SmartContractingToolkitIns1.shtml#auto>.

### **Safety & Risk Unit**

Need help with a safety or risk management system in your agency? This newly revised Web page outlines the major program areas, roles and activities of the **Safety and Risk Unit**. Check it out at <http://www.oregon.gov/DAS/Risk/SRU.shtml>.

**Ergonomics – Administrative Restrictions** is a new Web page to help agencies determine when an ergonomic assessment is required for office furniture purchase. Go to <http://www.oregon.gov/DAS/Risk/ergorestrictions.shtml>.

### **Vehicle Safety**

**FY 04 Annual State Vehicle Report** is now available at <http://www.oregon.gov/DAS/Risk/VehicleRpt04.shtml>.

See...View...Click...Go To...Check out our Web site at <http://www.oregon.gov/DAS/Risk/index.shtml>. ■

## HARDSHIP DRIVING

Driving on state business requires a current valid driver’s license. Hardship permits are not a substitute. Employees seeking a Hardship Permit must obtain special insurance. Private insurance will not cover them while driving state vehicles. You may not agree to allow them to drive a state vehicle or private vehicle on state business without obtaining special coverage from DAS Risk Management.

Your agency must decide whether to allow hardship driving. What is your agency policy? Check with your HR Office, Safety Advisor, or Risk

Coordinator. As a supervisor you are likely the first person to find out that an employee has lost their regular license. Or, you may find out they can only drive vehicles with an ignition interlock. Do not allow the employee to drive on state business until you have clearance from your Human Resources or Safety Office.

Learn more about Hardship driving. We have just updated our **Hardship Permit RiskKey**. It is now a toolkit. View the new toolkit at <http://www.oregon.gov/DAS/Risk/HardshipPermitsToolkit.shtml>. ■

## MALL-WIDE CROSSING GUARD TRAINING

It’s an emergency! You and the other staff need to evacuate the building. Everyone needs to cross the road to an assembly area. Do you have trained Crossing Guard volunteers? Did you have someone trained, but has that person moved on? The mall-wide **Evacuation Coordinator, Bob Nies** and **Assistant, Luella Ackerson**, held a Crossing Guard Training on February 17th. The purpose

of the training was to train the volunteers who would be helping staff cross the street. The instructor was **David White**, former Safety Manager for ODOT. A second training took place on April 7<sup>th</sup>. For more information on Crossing Guard Training and other trainings, contact your Site Emergency Coordinator or Risk Coordinator within your agency. ■

---

**RisKeyNotes** - A publication of the  
State of Oregon, **Department of  
Administrative Services**,  
Risk Management,  
1225 Ferry St. SE U150  
Salem Oregon 97301-4287  
Phone: (503) 373-RISK

Reprinting, excerpting or plagiarizing  
any part of this publication is fine with  
us. Please send us a copy of your  
publication.

**Published 3 times yearly**

**Department**

**Director - Laurie Warner**

**Editorial Board - David Hartwig**

**Barbara Hamilton**

**Kate Wood**

**Distribution to:** State Executive  
Service, Management Service, and  
other interested employees or  
persons. Call (503) 378-4706 with  
distribution questions.

Vol. 17, No. 3, May 2005



Department of Administrative Services  
Risk Management  
1225 Ferry St. SE, U150  
Salem OR 97301-4287