



**Risk and
Insurance
Management
Society, Inc.®**

RTMS NEWS
AUGUST
2003

THE AWARD WINNING HOUSTON CHAPTER
Advancing the Risk Management Profession

“How to Prepare the Perfect Submission”

**Jimmy W. Winters, Senior Vice-President,
Aon Risk Services of Texas**

**Jody Specht, Vice-President/Regional Manager,
Chubb and Sons**

Preparing an insurance submission for your insurance program can mean the difference between a good quote and a great quote. The more an underwriter knows about your organization and the type of business being underwritten, the more comfortable the underwriter will feel quoting your insurance at a reasonable price. **How to Prepare the Perfect Submission** will explore the underwriter's perspective of what they'd like to see in a submission and what type of information they need to get you the best quote possible.

Jimmy W. Winters, CIC, has been with Aon Risk Services of Texas for two years on the brokerage side, and spent eight years on the agency side with a large regional agency.

(Continues on next column)

Jody Specht has been with Chubb and Sons for fourteen years. For seven years she underwrote insurance, and then became the head of Dallas Marketing Team from 1996 through 2001. In 2001, Jody accepted her current position managing the Houston Marketing Team.

This topic will be of interest to Risk Managers, Underwriters, Adjusters, Safety Personnel and Brokers.



And the winner is.....

The winner for the door prize was DeKeitra Fitzgerald (\$50.00 gift certificate to the restaurant Crowne Plaza Medical Center).

The speaker evaluation drawing did not have a winner. That means the money will rollover and this month the value will be \$60.00. Remember you have to be present to win.

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From the President's Desk

We are now in the middle of another hot Houston summer. Many people are enjoying their summer vacation this time of year, however, for many of us, it is time for our annual insurance renewal. Here at Jacobs, we have just completed a major renewal on our casualty insurance program and as a result, we are busily implementing the changes that have taken place.

Every year, it seems that underwriter's requirements and demands for information are more and more arduous. Wouldn't it be nice to have the tools to put together the perfect submission to avoid repeated requests from your underwriters? Join us for our August meeting to build your "toolbox" for your next insurance renewal. Representatives from Chubb and Aon will be sharing their experience with us this month on what it takes to prepare a perfect submission.

As a reminder, this month's speaker evaluation drawing will be for \$60. You must be present to win.

See you at the meeting,

PAM

Upcoming Events



The Fall Conference is scheduled for Friday, October 17, 2003, at The Woodlands Conference Center. It will be a split morning session and we have applied for CEUs for both sessions. Possible morning sessions:

- Work Comp-New Rules and Legislation
- How FMLA and RTW Programs Interact with the Company's Work Comp Program.
- (alt) Legislative Tort Reform and Litigation Management.

More details coming soon!!!



Regulatory & Legislative Issues

SUPREME COURT LIMITS WORKERS' COMP TDI BENEFITS

In a recent decision that sets limits on workers' comp temporary disability indemnity benefits (TDI), the California Supreme Court appears to be refining what it considers to be discriminatory employment actions taken against workers injured on the job.

Ronald Lauher returned to work with a permanent injury for which he received ongoing medical care. Lauher argued that the Labor Code required his employer, the California Department of Rehabilitation, pay for transportation, TDI, and meal or lodging expenses incurred to obtain medical treatment. The Court, however, concluded that once an employee's injury is permanent and stationary and the employee returns to work, he or she is no longer entitled to TDI payments for continuing medical treatment.

Lauher also claimed that the company's requirement to use sick leave or vacation time when absent from work for continuing medical treatment constituted discrimination against him for the injury, a violation of Labor Code section 132a. The Court responded, however, that to make a case under 132a, an employee must show, (1) that he or she suffered some adverse result as a consequence of some action or inaction by the employer that was triggered by the industrial injury, and (2) that he or she had legal right to receive or retain the deprived benefit or status. Since Lauher had no legal right to TDI benefits, and his absences were treated the same as absences for medical appointments for non-industrial injuries, there was no violation of section 132a.

(Continues next column)

The Supreme Court's decision in this case appears to modify its prior decision in *Smith v. WCAB* 152 Cal. App. 3rd 1104 (1984). There the court said that any action detrimental to the injured worker is a violation of section 132a, short of re-hiring employees who are no longer qualified and for whom no position is available. *State Dept. of Rehab. v. Workers' Comp. Appeals Board*, No. S100557 (Cal. June 26, 2003)

What Should You Do?

- Treat employees with workplace injuries or illnesses just as you would any employee with a non-occupational health issue or disability.

- When an injured worker's condition is determined to be permanent and stationary, promptly return the employee to his or her former position or a modified or alternative position, if he or she can perform the essential job functions with or without reasonable accommodation. If you cannot identify such alternative work, begin the vocational rehab process.

- Arrange time off during the workday for ongoing medical treatment where such is a reasonable accommodation of the employee's permanent disability.

RETAIL WORKERS RECEIVE \$2.2 MILLION OVER UNIFORMS

In the [May 29th, 2003](#) issue of *Labor Law Extra*, we reported that employees of certain clothing retailers had sued to recover the cost of clothing they were required to purchase from their employer to wear while on duty. Section 9(A) of Wage Order 7, which covers retailers, says uniforms that are required as a condition of employment must be provided and maintained by the employer. The term "uniform" includes wearing apparel and accessories of distinctive design or color. The same provision is included in all other industry wage orders. Now, in a first of its kind settlement, retailer Abercrombie & Fitch has agreed to pay employees \$2.2 million in an agreement with the California Division of Labor Standards Enforcement (DLSE) over similar complaints.

(Continues on page 4)

Member's Corner

The Houston Chapter has the privilege of welcoming the following new Corporate Deputy members:

- The Houston Texans
 - Janice Kelly, Risk Manager
- Weingarten Realty Investors
 - Kathleen Bigham, Director of Risk Management

Meeting Notices, Newsletters and other chapter correspondence are now sent out by **e-mail**. If you are a deputy member and are not receiving yours please let us know by contacting Jim Lyon, Membership Director. All others, Associates and Non-Members, please contact Monica Olis. Deputies can update/correct information by logging on to the Society web site: www.rims.org.

At issue is whether retailers are requiring employees to purchase its own clothing to be worn while on duty. The lawsuits allege that if the employer requires employees to purchase and wear its name brand apparel and accessories, it must provide the "uniforms" at no cost to the employee.

Labor Code section 450 also prohibits employers from requiring employees to purchase their products, such as clothing, as a condition of employment. The DLSE claims the mandatory clothing purchases actually brought some employee's hourly wages to below minimum wage.

The settlement also contains an agreement that Abercrombie & Fitch will not force workers to buy its clothes to wear to work in the future.

What Should You Do?

- Review your dress code policies to make sure they comply with Section 9(A) of your applicable wage order.
- Eliminate any requirement that an employee purchase your products as a condition of employment.

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Houston Area Job(s) Listing for August 2003

Risk Manager - for a National Restaurant Chain – Houston, Texas (8/2003)

SYSCO Corporation – Sr. Risk Analyst – (7/2003)

Sr. Risk Analyst to join the Treasury Department

Harris County – Claims Officer (06/2003)

- ❖ Any job listing descriptions, contacts, etc. can be found at The Houston RIMS website: <http://houston.rims.org/ChapterWebsite/RIMSChapter.cfm?CID=328>
- ❖ For further information regarding positions or to place a job opening for your company in our newsletter, contact Toni Green, Director - Job Placement, via email at toni.green@nli-usa.com or by telephone at (281) 423-3357.
- ❖ For information regarding National RIMS listings, contact Jennifer Berman at RIMS New York at (212) 286-9292 or email: jberman@rims.org.
- ❖ Also, look online at the Houston Chronicle's classified web site under employment. Do a key word search for Safety or Risk Management: www.houstonchronicle.com/classifieds or look online at the Houston Press's classified web site: www.houstonpress.com/classifieds

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Houston Chapter of RIMS

UPCOMING EVENTS

Luncheon meetings are at 11:30 am

2003



August 20, 2003

“How to Prepare the Perfect Submission”

September 17, 2003

Recognition of those
receiving the ARM
designation.

October 17, 2003

Fall Conference
The Woodlands Convention Center



November 19, 2003

Roster of New Board Members Presented

December 17, 2003

50th Anniversary Celebration
Installation Ceremony: New Officers



January 21, 2004

Check the web Site: www.rims.org >chapters
>chapter web sites > Houston.
Watch for event information.

Reservation Deadline

is **Monday, August 11, 2003 at 4pm.**
Please send your response by e-mail to
ginny.penzell@elpaso.com or fax the
notice to her, at 713.420.6350.

The Luncheon Registration form is avail-
able on the chapter web site at
www.rims.org

choose “chapters” then “chapter web
sites” then “Houston” look for the
“Monthly Meeting Notice” on the list to
the left.

MEETING PLACE

Crowne Plaza Medical Center Hotel.

6701 Main @ Holcomb, Houston, TX 77030.

Phone # 713.797.1110

**Parking is available in the hotel garage for \$3.00.
Bring your parking ticket to the registration table
for a validation sticker.**

**Parking is also available on the surface
lot to the south of the hotel**

