Cal State East Bay Risk Management Annual Report for 2017

INTRODUCTION TO RISK MANAGEMENT

Risk Management identifies, assesses, and mitigates the risks that threaten Cal State East Bay students, employees, guests, and assets.

The department works to preserve the environment, health, safety, and financial well-being of the campus community, reducing or eliminating exposure to accidental loss, and creating opportunities that support the goals and mission of the University, including its auxiliaries.

INSIDE RISK MANAGEMENT

- Risk Identification and Mitigation
- Insurance Services
- Community Welfare and Coverage
  Workers' Compensation; Ergonomics; Student Placement and Internships; International Student Insurance
- Environmental Health & Safety
- Investigations
  Discrimination, Harassment and Retaliation; Title IX; Whistleblower Complaints
- Compliance & Internal Control
  Audits; Assistive Technology; Fiscal Improprieties

VISION

Risk Management is committed to a culture of accountability and inclusion in a supportive and proactive environment.

Our approach is to work collaboratively with the campus community to ensure compliance with laws, regulations, policies and procedures through efforts that safeguard the University's human, physical assets and sensitive data to best ensure the preservation of Cal State East Bay's mission.

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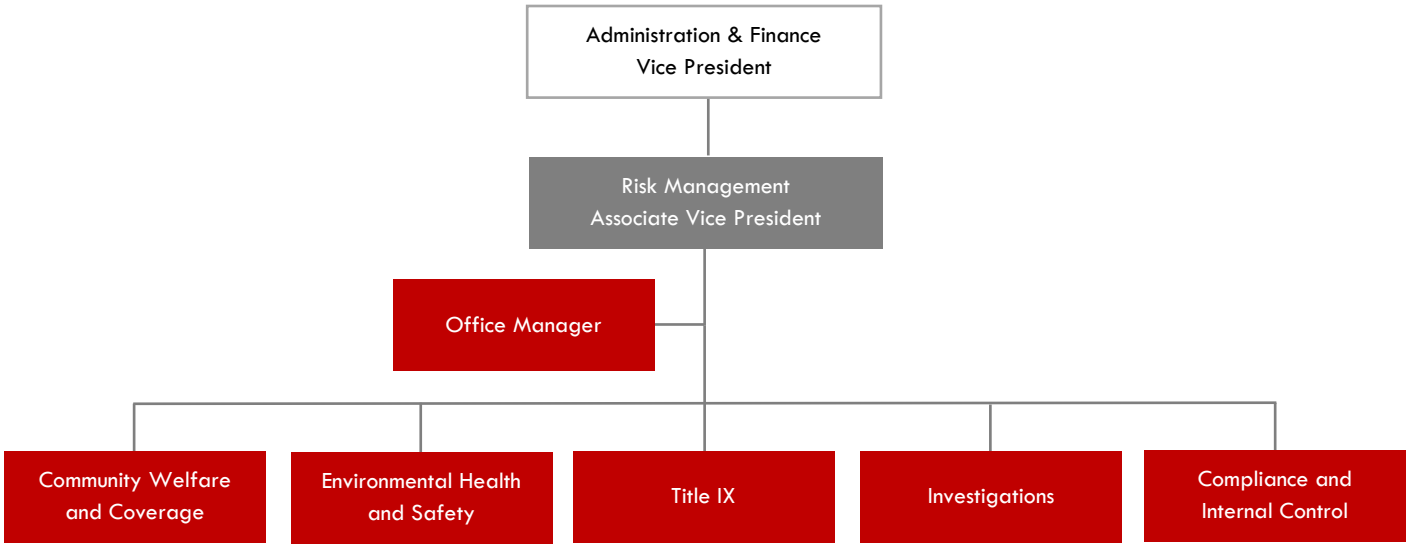
Risk Management Department Organization Chart



Risk Management Department: 2017 In Review

As in previous years, the department provided strategic support to the campus community in support of ongoing and one-time activities of high-profile projects.

Campuswide Highlights

- **CORE building**. Set to open in 2021, the CORE building, although replacing part of the University Library, will be more than a library. Once its doors open, CORE will transform the way students explore knowledge beyond the classroom, and bring a new heart to campus. Risk Management has been instrumental in the building design as Environment Health & Safety has been part of the planning committee. Risk Management has also assisted the campus in preparing for construction, including ensuring the safe dismantling of existing structures on the site, and the disposal of waste.
- **Protection of minors**. Risk Management drafted a protection of minors (POM) program and guidelines designed to promote a culture of awareness among employees, students, and volunteers who work with minors on campus. A Minors on Campus committee was initiated to assist with development and implementation.
- **Facility project support.** Risk Management assisted with a number of campus projects including the library annex renovation, the repair of the library loading dock, Library 24/7 Project, the VBT Cellular Phone Antenna Project, the Science STEM Lab Project, theater safety upgrades, multiple asbestos abatement projects, and the fire wall construction and floor tile project at the Student Health Center.
- **Settlements.** Claims against the university arose from incidents involving administrative appeals, bodily injury, and employment practices. The campus settled five claims on matters ranging from administrative appeals, to employment discrimination, to bodily injury. Payments associated with these claims were around $70,000.
- **Accidents.** Risk Management inspected an incident involving a Waste Management vehicle that impacted a fire suppression system. Risk Management is working to be reimbursed the $188,000 that was incurred to repair the damage.

- **Ethics and conflict of interest.** Risk Management facilitates the campus' compliance with state ethics laws. This includes identifying which employees are subject to State ethic rules, and ensuring that they complete the required trainings and submit the required forms.
- **Sexual discrimination, harassment, and misconduct.** Risk Management provides training, and facilitates the prevention and elimination of sex discrimination, sexual harassment, and sexual misconduct.
- **Emergency management.** The department continues to provide the campus with strategic support in establishing and maintaining emergency management protocols in accordance with systemwide and State requirements. Risk Management was also instrumental in establishing the roster for the campus' Emergency Operations Center. The roster has been provided to the Chancellor's Office with this report.

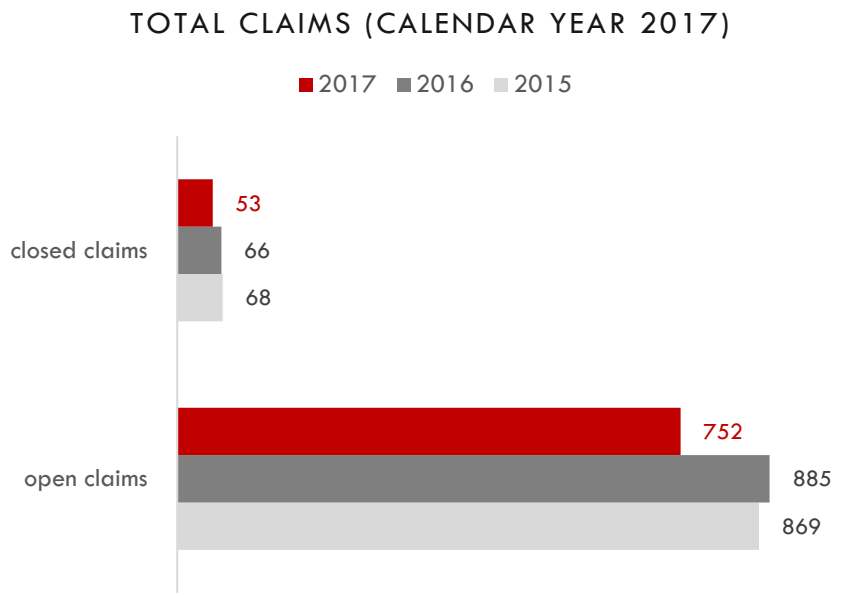
Community Welfare and Coverage

The Community Welfare and Coverage team works to provide a safe environment for employees and the campus community. Here are select accomplishments by the Community Welfare and Coverage team in 2017:

- Facilitated the completion of 94 new ADA requests which allowed employees to continue working and safely performing the essential functions of their jobs.
- Worked with Accessibility Services and Parking Services to provide temporary parking passes to employees who have temporary mobility issues, allowing them to park in designated disabled parking spots while recovering from medical conditions.
- Provided 362 ergonomic evaluations throughout the campus to reduce injuries. The adjusted work stations also provide a more comfortable work environment which increases staff morale and productivity.
- Provided "back safe lifting" training to staff whose jobs require heavy labor. This training advised employees on proper techniques for working safer and minimizing injuries.
- Implemented a committee to work with Speech Pathology, Student Health, Athletics, Accessibility Services, and Club and Intramural Sports to develop a university-wide concussion program.

In addition to working to prevent accidents, Community Welfare and Coverage seeks to minimize the impacts on members of the campus community when bad things happen. For calendar year 2017, Community Welfare and Coverage staff reported the following insurance-related highlights:

- Implemented a single-purchase insurance plan for international students which sufficiently covers them should they become ill while attending school in this country.
- Implemented a more streamlined process for employees and students to purchase the required foreign travel insurance before traveling abroad.

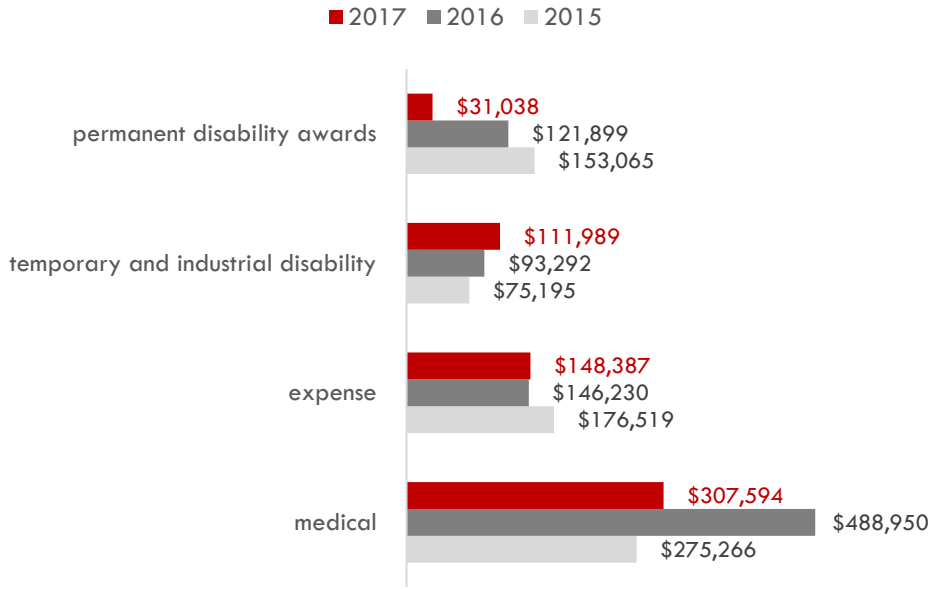


The total number of open claims in calendar year 2017 decreased by 133 (15 percent) from 2016. This was a result of working with the campus' insurance vendor to identify claims which might be settled by way of Compromise and Release (C&R). Community Welfare and Coverage was able to settle 10 claims by way of C&R including 4 claims with dates of injury (DOI) in the 1990s; 3 claims with DOIs in the 2000s; and 3 claims with DOIs prior to 2014. The remainder of the claims were closed for no medical treatment in the last 12 months, first aid claims, or medical-only claims that had been discharged from care.

Risk Management anticipates the following issues of concern that may affect claim management:

- Implementation of the Utilization Review Board (UR). Although this has helped reduce medical costs, their delay and/or denial of requested treatment is causing a delay in medical treatment which could delay recovery and frustration among injured workers.
- The campus has experienced a 50 percent increase in litigated claims, due in part to the medical treatment delays or denials by UR.
- 2017 saw changes in the Occupational Clinic, including new ownership, new medical directors, new doctors, and new staff.
- With a 50 percent increase in litigated claims, we anticipate an increase in expenses including surveillance and attorney fees in 2018.

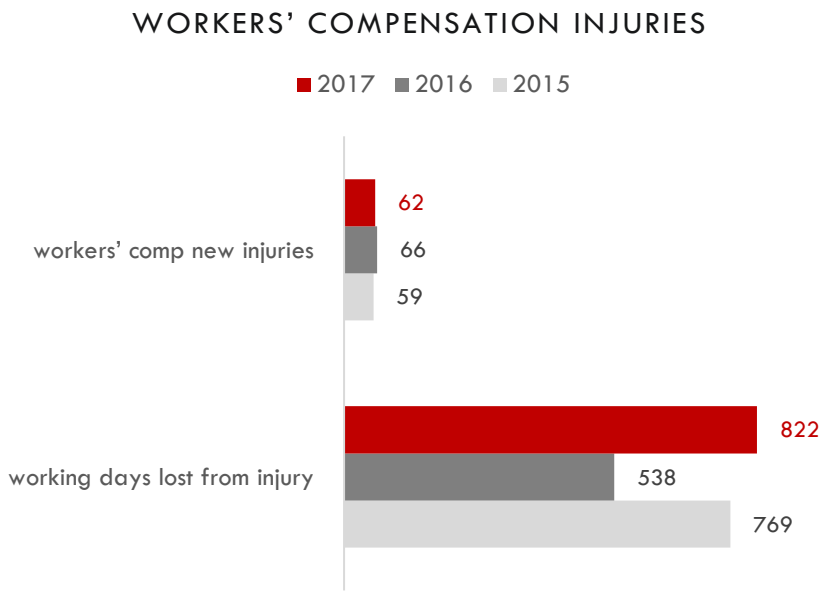
COSTS OF OPEN WORKERS' COMPENSATION CLAIMS (CALENDAR YEAR 2017)



Workers' Compensation

Although there was a 6 percent decrease in new injury claims in 2017, there was a 33 percent increase in days away from work associated with these claims. This increase was due in part to the seriousness of the injuries. There was a 60 percent increase in injuries requiring surgery between 2016 and 2017. The increased severity of work-related injuries may be due to many factors, including:

- An aging workforce
- Increased duties without assistance
- Equipment



Preventing employee injuries continues to be a top priority. Safety awareness initiatives implemented in 2017 included:

- Partnering with departments as they moved locations to assist in setting up new workstations.
- Attending department meetings to train staff on ergonomic principles.
- Educating employees on ways to work smarter and safer upon returning to work from non-industrial and industrial conditions.
- Partnering with Human Resources to meet with Facilities Management on a monthly basis to review the status of employee workers' compensation claims and discuss concerns related to workers' compensation and family medical leave claims.
- Attended various workers' compensation webinars, seminars, and conferences to keep updated on new rulings and changing laws.

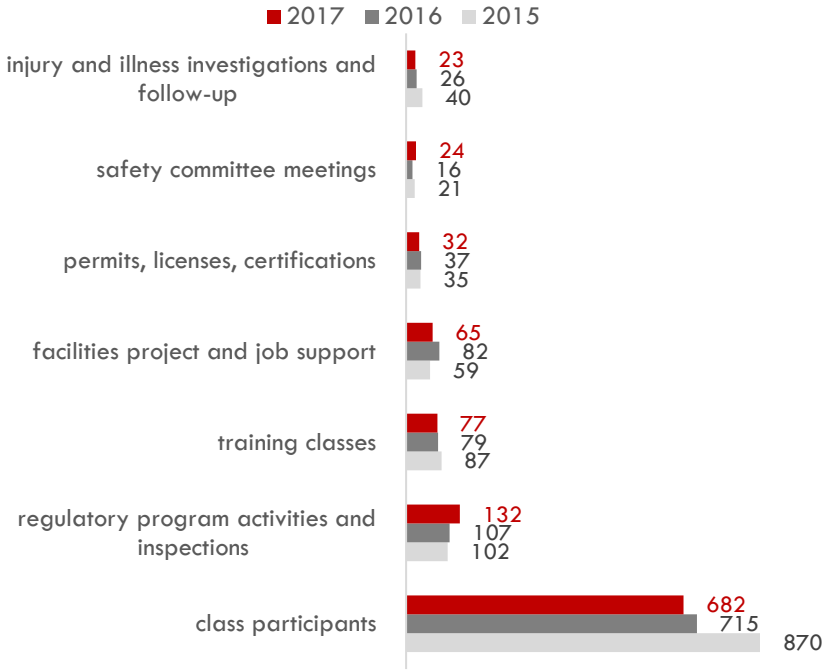
Environmental Health and Safety

The Environmental Health and Safety Office (EH&S) works to provide staff, faculty, students, and visitors with a safe and healthy workplace by mitigating risk, identifying and controlling hazards, decreasing workplace injury and illnesses, and protecting the environment. EH&S partners with the campus community to provide technical support and regulatory information regarding environmental health and safety.

2017 Accomplishments for EH&S

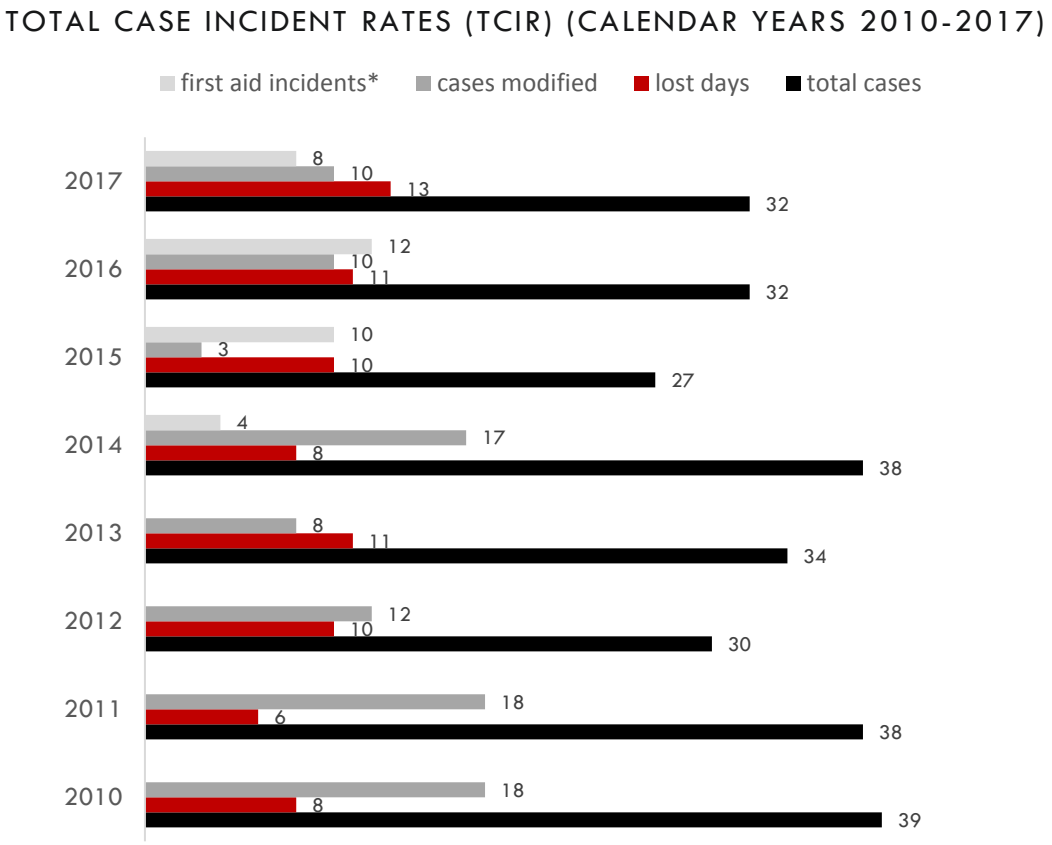
- EH&S submitted and received several permits, licenses, and certifications, including monthly sanitary sewer no-spill certifications and spill reports, asbestos notifications, hazardous waste verifications, hazardous materials business plan permits, medical waste permits, and registrations for radiation materials, x-rays, and Vivarium.
- Assisted in developing, submitting, and getting approval for a license in support of a $7.5M grant within the Physics Department.
- Re-established the Biosafety Committee. This was in part to support new faculty research in the laboratories, Vivarium, and new biohazards.
- Continued to support the Emergency Management Coordinator to implement system-wide requirements including: updating the Emergency Operations Plan, assisting trainings, assembling volunteer team leaders, testing emergency systems and equipment, and conducting drills.
- Submitted the Municipal Separate Storm Sewer System (MS4) Permit annual report. The 2017 Annual Effective Assessment identified landscaping debris and trash in several locations as issues needing additional attention.
- Accompanied the State Fire Marshal in building inspections and followed with developing work orders and tracking completion.

EH&S ACTIVITY SUMMARY (CALENDAR YEARS 2015, 2016, 2017)



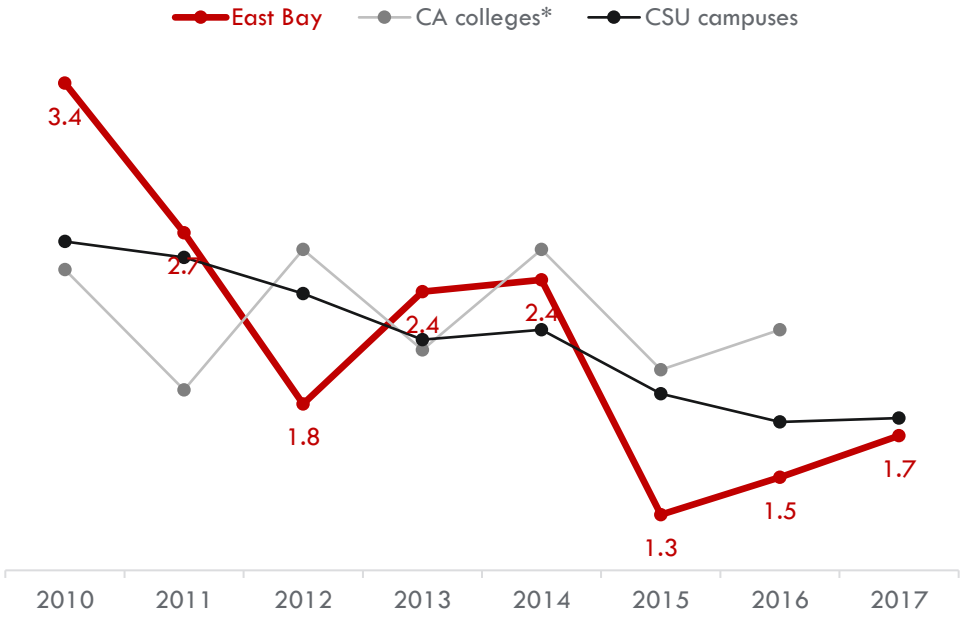
Injury and Illnesses

EH&S is responsible for developing, managing, and maintaining the Injury and Illness Prevention Program (IIPP). The IIPP requires EH&S to investigate reported work-related injury and Illnesses and makes recommendations to universally mitigate the hazard(s).[1]



[1] Ergonomic related injuries are investigated by the Ergonomist who works within the Community Welfare and Coverage Office.

TOTAL CASE INCIDENT RATES (TCIR) AT EAST BAY VS. ELSEWHERE (CALENDAR YEARS 2010-2017)



"Slips, Trips, and Falls"

As in many other workplaces, slips, trips, and falls (STFs) are a leading cause of injuries at Cal State East Bay. The number of OSHA reportable incidents has held steady over the last few years.

OSHA INJURIES (CALENDAR YEARS 2015, 2016, 2017)

	2015	2016	2017
OSHA recordable Slip/Trip/Fall injuries	1	8	8
OSHA non-recordable Slip/Trip/Fall injuries	8	10	13
Total OSHA recordable injuries on OSHA 300 log	27	32	31

In 2017, the severity of these incidents were tracked. As shown below, slips, trips and falls accounted for 77 percent of OSHA lost workdays, illustrating the severe impact on employees when they occur. They are tracked and reported at the Safety Committee meetings so members can share with their departments. EH&S works closely with Facilities-Grounds to identify, report, and eliminate these hazards. Addressing slips, trips, and falls will continue to be high priority.

SEVERITY OF OSHA CASES AND "SLIP, TRIP, AND FALL" INCIDENTS (CALENDAR YEAR 2017)

	OSHA recordable cases	lost work days	modified work days
total OSHA cases	31	347	1,208
slips, trips, and falls	8	268	315
slips, trips, and falls as a % of total	26%	77%	26%

Industrial Hygiene, Safety, and Environmental Activities and Investigations

Throughout 2017, EH&S worked with various departments and divisions on a diverse range of campus projects related to pest infestations, wildfire smoke, indoor environmental quality, water intrusion, sewer spills, and mold remediation.

Regulatory Program Activities

Many of EH&S' activities are mandated by regulations and can generally be planned and scheduled. These activities involved employee training, safety inspections, equipment maintenance, medical surveillance of employees, and follow-ups on previous regulatory findings.

Title IX and Investigations

Risk Management enforces federal and state laws and regulations, as well as systemwide and university policies and procedures related to equal opportunity, civil rights, and non-discrimination. The Office works to provide students, faculty, and staff with information about their rights and responsibilities related to these laws and policies.

Discrimination, Harassment, and Retaliation Cases

The Office promptly handles cases of discrimination, harassment, and retaliation. General caseload from recent academic years are as follows:

- 2016-17 academic year: 156 reports 20 investigations (56 reports of sexual misconduct; 12 fully investigated T9)
- 2015-16 academic year: 63 reports 26 investigations (48 reports of sexual misconduct; 15 fully investigated T9)

The dramatic increase in the number of reports may be due to more preventive education and training campuswide.

Training for Discrimination, Harassment, and Retaliation

For the 2016-17 academic year, employees were mandated to complete prevention training. From this period through January 2018, the systemwide learning management program recorded 1,760 employees completed sexual misconduct training.

Among students, for whom training had long been mandatory, the total numbers of students completing mandatory training were as follows:

- 2017-18 academic year: 17,346
- 2016-17 academic year: 19,590
- 2015-16 academic year: 13,690

In winter 2017, 1,300 registration holds were placed on student accounts for not completing the training. The holds were removed upon completion of the training.[2] The Office continually pursues new ways to encourage students to complete their training requirements before they suffer registration holds.

[2] The campus' confidential advocate exempt students and employees who experienced past abuse. This ensures that the impacted student/employee is provided resources within the confidential space.

Title IX and Investigations Accomplishments

- From enhanced reporting and analysis, the Office identified trends that provide insight for managing existing and developing new programs. For example, higher number of reports occurred in October and March. In addition, sexual assault reporting was expanded to specify involve substance use in social settings, and stalking reports involving social media platforms like Facebook and Twitter.
- Anticipating an increase in reports of incidents, for the 2016-17 academic year, Risk Management partnered with Housing to distribute mailers to campus-housed students. Mailers were sent out mid-summer and highlighted national statistics for campus sexual assaults and identified campus staff responsible for receiving complaints and reporting options. The postcard also provided a link to the mandated online training.
- In the 2017-18 academic year, Student Success expanded the optional training menu to include supplemental training for at-risk populations on campus. Reports alleging misconduct were informally resolved by assigning students to supplemental trainings designed to reinforce and remind students of healthy and good behaviors, along with bystander intervention.

Whistleblower Program

Risk Management received numerous allegations of wrongdoing from state employees and members of the public, most of which concerned misuse of state property, improper travel expenditures, and time and attendance abuse.

Effective January 2018, Whistleblower activities will be reassigned to the Office of Compliance & Internal Control.

Compliance & Internal Control

Compliance & Internal Control pursues more effective, more efficient, and more accountable University programs. Like in previous years, 2017 saw the majority of Compliance & Internal Control's efforts dedicated to facilitating audits by the Chancellor's Office of Audit and Advisory Services (OAAS). Compliance & Internal Control responded to requests for information and documents arising from OAAS audits, and fostered collaboration between the respective staff members of the Chancellor's Office and the University. After the audits, Compliance & Internal Control worked with University staff and management to formally respond to audits, and implement recommendations timely.

COMPLIANCE & INTERNAL CONTROL'S WORK WITH THE CHANCELLOR'S OFFICE

Measures	2015	2016	2017
# of OAAS initial requests for documents submitted by the Office	Clery Act Information technology procurement	Information security Construction	Emergency management Cashiering Sponsored programs
# of responses to audit recommendations issued to OAAS	Clery Act (6)	Information security (9) Information technology procurement (3) Construction (9)	Emergency management (8) Cashiering (5)
# of recommendations implemented	Clery Act (3) Information security (9)	Clery Act (3) Information security (9) Information technology procurement (3) Construction (9)	Emergency management (7) Cashiering (4)
# of recommendations not implemented by the deadline	0	0	1 / 22

Internal Audits

The Office conducts audits and other independent reviews of programs of the University and its auxiliary organizations. Through a systematic approach to the Office identifies ways to improve processes, and accordingly recommends improvements to University management. In 2017, the Office issued an internal audit of campus procurement cards within the Associated Students, Incorporated.

Just as it does for outside audits, the Office follows-up with relevant University staff to ensure that internal audit findings are addressed and recommendations are implemented.

Fiscal Improprieties

The Office is the designated repository for suspected "fiscal improprieties." Pursuant to Executive Order 1104, the Office provides timely notifications to the Chancellor's Office about potential improprieties involving dollar amounts exceeding $5,000, and notifies the State Auditor and the Department of Finance about incidents involving amounts exceeding $50,000. In 2017, Compliance & Internal Control provided several notifications of suspected fiscal improprieties to the Chancellor's Office.

Looking Forward to 2018 and Beyond

Campuswide Business Continuity Planning

Given the risks of disasters facing the Cal State East Bay campus, including those arising from its location above the Hayward Fault, Risk Management is taking the lead in developing a strategy to resurrect "mission critical" services and functions as soon as possible following a range of natural, manmade disasters.

- The Department has hired a Special Consultant and assigned the Director of Compliance & Internal Control to facilitate "Business Impact Analysis" (BIA) discussions with campus stakeholders.
- The Department will lead the testing of the BIA, including Information Technology Disaster Recovery, Cash Net and Payroll; and other critical functions that have yet to be tested.

Community Welfare and Coverage

- Continue to provide training to educate employees in ways to prevent workplace injuries.
- Establish monthly safety meetings with departments with positions that require physical labor.
- Facilitate a CSU-wide custodial management training course for managers that provides training on how to work safely and more efficiently.
- Continue to work with the workers' compensation insurance carrier to contain costs arising from workplace injuries.
- Re-establish the annual claims review.
- Improve emergency procedures for students, faculty, and staff embarking on international travel.

Environmental Health & Safety

- Assess and develop a treatment and implementation plan to meet the requirements of the new California Water Code § 13383 Trash Provisions due December 31 2018.
- Complete and submit MS4 2018 Year 5 Review by due date of October 15, 2018.
- Continue supporting the safe science efforts by actively participating on the Chancellor's Office Lab Safety Committee
- Continue to support of the College of Science: review the State Auditor's Report to determine gaps and implement improvements.
- Hazardous Waste: Transition to a new Hazardous Waste vendor and complete the construction of the hazardous waste sheds
- Complete Drinking Water study and develop remediation plan for lead.
- Finalize and implement the concussion protocol program.

Title IX and Investigations

- Assign and train Deputy Title IX Ambassadors.
- Assist with the implementation of a campuswide prevention and education team.
- The campus is transitioning from 10-week quarters to 15-week semesters, which will provide an opportunity to continue with preventive education and outreach events for the campus community.
- Provide more education on affirmative consent and bystander intervention.
- The Office will adjust programming to address peak months of October and March when cases are highest. These seem appropriate times to shift training of new and returning students to spaces where campus partners already have the attention of the student population with orientation activities like Fall Orientation, Spring Orientation, Welcome Week, and Transfer Orientation.
- As part of the upcoming shift from quarters to semesters academic calendar, Title IX Ambassadors (previously Deputy Title IX Coordinators), will provide training presentations to students. Previously, in-person presentations were provided quarterly by Risk Management.

Recruit and onboard a Discrimination, Harassment, Retaliation Administrator.

Compliance & Internal Control

- Continue to audit and review programs that present high risk of non-compliance and inefficiency. Tentative subjects for upcoming audits include financial services agreements and campus security.
- Measure effectiveness by monitoring recommendation status, the timeliness of implementing those recommendations, and estimating the monetary value of recommendations.
- Continue to provide ongoing consulting to University management and staff as a member of campus committees, like the Assistive Technology Initiative Steering Committee.
- In January 2018, Compliance & Internal Control assumed responsibility over whistleblower complaints from students, staff, and members of the public. The Director is tasked with receiving, following up on, and forwarding to investigative agencies, incidents of potential waste, fraud, and violations of law. Through bulletin postings and email communique, the Office will encourage people to come forward with complaints, and advertise the protections provided by the California Whistleblower Protection Act.