

## Minutes State Agency Safety Group Meeting



Meeting Date : 01/23/2025 Room : TEAMS  
Time 1:00 pm

### Meeting Attendees

Rob Virts - DOA	Joe Fischer-Rev	Paul Furthmyre-MSDB
Andrew Pitsch-DOA	Andrea Davidson-DOA	Mark Carpenter-Sec of State
Rob Bird-Judicial Branch	Amy Jenks-DOA	Joel Auers-MSDB
Buddy Rivera-MT Historical Society	Matt Chambers-DNRC	Keri Maes-MSF
Mark Wlazlak-DOC	Stormy Tuffield-MSF	Bri Smith-DOJ
Charlotte Hafer-DOC	Mike Jezowski-DPHHS	Rylee Much-DOJ
Paul Degolier-MT Historical Society	Dan Johnson-MSF	Jessica Arnold-Commerce
Eric Schorer-MSF	Herb Byers-MSF	Amanda Murphy-Revenue
Joe McAnally-DPHHS	Katie Erickson-Judicial Branch	Sharon Hardwick-State Library
Duncan Adams-Revenue	Val Dunlap-Livestock	Traci Merzlak-AGR
Kaylin Luchner-DOJ	Nathan Showalter-Revenue	Errolyn Lantz-Governor's office
Dan Messerli-Legislative Branch	Shannin Danko-Commerce	April Trumbo-Governor's office
Aaron Douglas-OPD	Sarah Green-Commerce	Kirby Fugle-FWP

### Meeting Notes

#### Introductions

#### Andrew Pitsch- WCMB Safety/Work Comp Specialist- Incident Investigation Program Review


##### *Goals of Incident Investigations*

- Understand that incidents have a sequence of events and be able to determine this sequence.
- Understand that most incidents have multiple causes.
- Be able to break down incidents and use analytical approaches to investigate them.
- Understand the benefit of Incident Investigation and to prevent incidents from happening again, BUT to also find systemic issues that can lead to more severe incidents in the future (why the safety program allowed the individual to disregard the rule and why the rules were not enforced).

An Incident happens:

What do you do?

- a. Protect the employees from further harm-employee safety is foremost priority
- b. Do not assign fault or blame, however, you must be fair and consistent with your policies in place as well. If there is no accountability for violating a safety policy or disregarding your agency's safety program, then your safety program will fail. With that said, employees cannot have a fear of punishment or repercussions for reporting incidents and/or near misses.

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- c. Thorough reporting is necessary: Incidents cannot be investigated if they are not properly reported. It is crucial for an agency's safety program and for prevention of future occurrence that **all** incidents and near misses be reported so change can be made.

How long should an incident investigation take?

- a. In general, the more serious an incident is, the more detailed the investigation needs to be and the longer it will take.

Decide who will investigate


- a. Your agency must decide whether to use an individual or a team to do the investigation. Supervisors are good options because they usually understand the workers' jobs more than a safety professional would. The Team approach is good for large or complex incidents. To be effective, a team leader must be appointed and then must assign other members to a specific subject matter (i.e. technical or engineering issue, training, management systems, supervision, emergency response, etc.).

Incident Reporting: All employees should be trained on how to report incidents and near misses. This should be accomplished by coming out with a written statement letting all employees know that all incidents must be reported through the proper channels and that the purpose of an incident investigation is not to place blame.

If we reduce the number of unsafe acts and conditions in our workplaces, it will lead to fewer incidents. However, if Incident Investigators only analyze "unsafe acts and conditions", they might miss higher level issues. It is important to exhaustively uncover all potential causes, from simple to complex.

Develop the corrective actions to prevent incidents: develop at least one corrective action for each causal factor. Communicate corrective actions clearly.

- a. Track the corrective actions: It does no good to conduct an excellent Incident Investigation, find causal factors, and develop useful corrective actions if your agency fails to implement the corrective actions, or implements them very slowly.
- Establish a timetable for each action. If all actions are assigned to a specific department or individual, they tend to be implemented timelier.
  - Consider a database to track corrective actions taken
- b. Follow-up: make sure corrective actions have been followed as initiated.
- If a new procedure has been implemented it must be tested to ensure a problem has been corrected

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- If a new procedure was written, you need to make sure it is being used and implemented.
- A follow-up is an excellent opportunity to check if any other hazards have arisen.

Domino Theory: Illustrates how an incident occurs by comparing the events leading up to it as a set of dominos. The first domino sets the stage and starts the sequence, when it falls it pushes the next, until it reaches the last domino, which represents the incident/injury. By removing one of the intervening dominos(preventative action), the remaining dominos would not fall, and thus no injury would occur . The incident sequence often starts with a lack of control and eventually leads to a loss.

While the goal of Incident Investigations is to find causes, many investigators spend too much time finding causes and not enough time fixing the problem.

### **Rob Virts – WCMB Program Manager – OSHA 300 Log Review/Process**


The Log of Work-Related Injuries and Illnesses (Form 300) is used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, use the Log to record specific details about what happened and how it happened. The Summary — a separate form (Form 300A) — shows the totals for the year in each category. At the end of the year, post the 300A Summary in a visible location from February 1 to April 30.

Employers with 10 or more employees must keep a Log for each establishment or site. If you have more than one establishment, you must keep a separate Log and Summary for each physical location that is expected to be in operation for one year or longer.

Which work-related injuries and illnesses should you record? Record those work-related injuries and illnesses that result in: death, loss of consciousness, days away from work, restricted work activity or job transfer, or medical treatment beyond first aid.

The following are not considered medical treatments and are NOT recordable: visits to a doctor or health care professional solely for observation or counselling; diagnostic procedures, including administering prescription medications that are used solely for diagnostic purposes; and any procedure that can be labeled first aid.

How do you count the number of days of restricted work activity or the number of days away from work? Count the number of calendar days the employee was on restricted work activity or was away from work as a result of the recordable injury or illness. Do not count the day on which the injury or illness occurred in this number. Begin counting days from the day after the incident occurs. If a single injury or illness involved both days away from work and days of restricted work

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activity, enter the total number of days for each. You may stop counting days of restricted work activity or days away from work once the total of either or the combination of both reaches 180 days.

Hypothetical examples were used to complete the online fillable OSHA 300 PDF contained within the OSHA recordkeeping instructional handout. The corresponding OSHA 300A was also shown as it automatically populates statistics based upon information completed within the 300 form.

Rob and Andrew are available to assist agencies with the completion of the OSHA 300 and 300A form.

**Andrew Pitsch-WCMB Safety/Work Comp Specialist- Safety & Performance Dashboard Plan**


The purpose of the Safety & Performance Dashboard is to provide important feedback to state agencies on whether they are exceeding, meeting, or requiring development of their safety programs, performance standards, and return-to-work efforts. State agencies require this feedback so they can identify opportunities for improvement and implement change.

The WCMB is responsible for tracking overall compliance and effectiveness of state agencies in their management of work-related injuries and occupational diseases. To meet its oversight and reporting obligations, the WCMB must receive information from an agency detailing its safety efforts and outcomes. The Dashboard is formatted to meet a state agency’s unique operational characteristics and is organized into 5 sub-sections that address:

- 1. Safety Commitment**
- 2. Management Commitment**
- 3. Incident Management**
- 4. Return-to-Work Management**
- 5. Training & Awareness**

The analysis will identify strengths, weaknesses, and opportunities for growth, and is necessary to assess a state agency’s performance position. This analysis will also allow insight into both employee and management perceptions of safety culture and provide feedback and recommendations to improve a state agency’s safety management policies and programs.

Based upon collaborative discussion and metric results, the state agency and the WCMB will develop a safety action plan which identifies targeted goals, timelines for accomplishment, and stakeholders who will participate in the change management process. Baseline results will be used to compare an agency’s results in forthcoming policy years.

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At the heart of this collaborative dashboard is a commitment to fostering transparency and accountability among state agency stakeholders. The WCMB's focus is on delivering valuable, easily understandable data that sparks engagement and facilitates informed decision-making and safety strategies in real time. Throughout the piloting and refinement process, the WCMB will actively seek and incorporate feedback from the state agency, recognizing them as the key representatives. As we move forward, the continuous evaluation and updates to this dashboard will serve as a catalyst for meaningful conversations and positive change. The WCMB thanks you for your collaboration and taking the time to participate in this dashboard.

**Rob Virts- WCMB Program Manager**  
**Legislative Review**

There are 18 placeholder bills with bill language not yet drafted regarding generally revising workers' compensation laws. Those are: LC2984, LC2985, LC3080, LC4247, LC4248, LC4249, LC4250, LC0679, LC1565, LC1566, LC1567, LC1805, LC2156, LC3070, LC3078, LC3092, LC3093, and LC3121.

In addition, the following bills are being watched by the WCMB for their potential impact to state agency policyholders.

- LC1564 – Revise workers' compensation law to cover PTSD for first responders and others.
- LC 1836 – Revising workers' compensation law to remove the limitation on benefits to the state's weekly average wage.
- SB 86 – Generally revise AED program laws.
- SB 109 – Revise workers' compensation definition of treating physician to include physical therapists.
- LC0458 – Revising workers' compensation definition and reporting requirements.
- Open WCMB position
- LC0395, LC0780, LC1653, LC1802, LC3411, LC3643, and LC3921– Generally revise health and safety laws
- LC0660- Restoring the right for an injured worked to choose their own doctor
- LC0664 – Revising laws related to workers' compensation definition of wages
- LC0876 – Move workers' compensation court to the judicial branch
- LC1353 – Revise workers' compensation laws relating to travel reimbursement
- LC1906 – Revise workers' compensation laws relating to the old fund and administrative costs by the State Fund.
- HB140 – Provide property tax assistance for law enforcement and firefighters injured in the line of duty.
- HB143 – Revise definition of treating physician to include physician assistants without regard to proximity of other providers.
- HB197 – Revising workers' compensation laws relating to when the employee is released to return to work.
- SB202 – Revise workers' compensation laws relating to receipt of benefits on behalf of others.

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**Medical Surveillance RFP Update**

The Medical Surveillance RFP is now out for responses and is currently in the procurement process awaiting responses from offerors. A review team consisting of Amy Jenks, Rob Virts, Justin Ulmen, Joe Radonich, and Larry Alheim will be reviewing and scoring proposals. This process will take a few months to complete and Rob will report back to this committee in April with a status update.

**Stormy Tuffield- Montana State Fund Safety Consultant- Upcoming MSF Training Opportunities**

Montana State Fund will once again be offering a dedicated WorkSafe Champions for State agencies. Interested parties should contact their Safety Management Consultant or the Work Comp Management Bureau for details and to be included.

**Agency Safety Efforts/ Meeting Wrap-Up Discussion**

No agencies volunteered information and the meeting adjourned.

**Upcoming Meetings**

**Date/Time**

- April 24, 2025 – SSG meeting – 1:00pm – 2:30pm – In Person – Location TBD**
- June 2025 – Annual Policy Renewal Meetings with Individual Agencies**