VSSR CLAIMS

- What is a VSSR?
- What is the Claim Process?
- Firefighter Rules (OSHA)
Under R.C. Chapter 4101, employers have a legal obligation to protect the safety of workers under their employ.

R.C. § 4101.11

- R.C. § 4101.11 provides for the duty of an employer to protect employees and frequenters...
  - Every employer shall furnish employment, which is safe for the employees engaged therein...

R.C. § 4101.12

- R.C. § 4101.12 provides the duty of the employer to furnish a safe place of employment.
  - "No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe..."
R.C. § 4101.12

- Under R.C. § 4101.12, an injured worker or claimant must file a claim within two years of the date of injury, death or disability caused by an occupational disease.
- A claim form may be filed with the BWC, but the Industrial Commission has jurisdiction over the application and determination process.

AMENDMENTS

- An injured worker or claimant may amend the application to include an additional or alternative violation.
- Amendments to the application must be filed within two years of the date of injury, death or disability.

OHIO ADMINISTRATIVE CODE

- Ohio employers are required to provide a safe workplace and comply with the specific safety requirements set forth in the Ohio Administrative Code.
- The Ohio Administrative Code contains provisions which are similar to the OSHA safety requirements.
RESOURCES

- The Ohio Bureau of Workers’ Compensation and the Ohio Industrial Commission Promote Safe Working Conditions and Provide Hundreds of Resources to Ohio Employers on How to Operate Their Businesses in a Safe Manner

BWC –
https://www.bwc.ohio.gov/employer/default.asp

OHIO BUREAU OF WORKERS’ COMPENSATION

- Awards employers with lower insurance premiums for having a good safety record

VIOLATIONS

- If, however, the employer violates a specific safety rule, the employee may apply for an additional award of compensation over and above what the Ohio Bureau of Workers’ Compensation will pay in benefits.
If the employee contributes to his or her own injury by not following the safety guidelines for the job, or if the employee failed to use the safety equipment provided by the employer, the employee is not eligible for additional compensation.

- VSSR Award

**VSSR AWARDS**

- A VSSR award is a fault-based penalty assessed against the employer. Whenever a workplace injury occurs, Ohio employers must be aware of the potential for VSSR exposure.
- VSSR awards can be very costly for Ohio employers.

**ADDITIONAL COMPENSATION**

- The VSSR award will be no less than 15% and no more than 50% of the maximum weekly compensation rate.
- It is paid weekly over the life of the claim.
**VSSR AWARDS**

- VSSR awards are paid based on the compensation previously and/or currently awarded to the injured worker.

**VSSR AWARDS**

- VSSR awards are paid based on the compensation previously and/or currently awarded to the injured worker.

**VSSR AWARDS**

- VSSR awards are paid concurrently with the compensation the injured worker or dependent is receiving from a claim at the time the award is granted.
VSSR AWARDS

- If a VSSR Award is made in a claim where the employee is or was paying salary continuation, the BWC will calculate the VSSR award based on the statewide average weekly wage for the period of time the BWC would have paid the TT to the worker.

VSSR AWARDS

- The BWC will release VSSR payments when the compensation is paid to the injured worker.
- The BWC will not issue the initial VSSR payment until at least 30 days after the Industrial Commission order is issued to insure a request for a re-hearing is not filed.
- The BWC will hold or stop payment of a VSSR award when a request for rehearing is pending, when the parties have settled the claim, or when the parties have settled liability for the VSSR award.

VSSR AWARDS

- The employer must pay the award to the employee.
- It is NOT paid by the Ohio Bureau of Workers’ Compensation.
The Industrial Commission can also impose an additional penalty against an employer of up to $50,000 if the employer has had two or more safety violations in the preceding 24 months.

The employee must file a claim for a VSSR award within two years of the date of injury.

The Bureau of Workers’ Compensation has a Safety Violations Investigation Unit (SVIU) which will assign the investigation to an impartial investigator.
SVIU PROCEDURE

- The SVIU sends a request to the employer listing common information requested.
- The employee is required to provide the SVIU with the names of people to provide additional information about the alleged safety violation.
- The SVIU investigator will do an inspection of the accident site, conduct interviews with fellow employees and supervisors, obtain affidavits and any additional information relevant to the investigation.
- The investigator files a report with the industrial commission.
- The industrial commission forwards the copy of the report to all parties of interest.

SVIU PROCEDURE

- Everyone has 30 days to provide additional information or documentation.
- After the 30 days a hearing is held where the employer and employee meet to discuss a possible settlement.
- If the employer and employee agree on what the VSSR award will be, the VSSR award is paid by the employer.
- If the employer and employee cannot agree, the Industrial Commission schedules a hearing.
- Following the hearing, the Industrial Commission will render a decision based on the merits of the cause and what the VSSR award will be, if any.

FIREFIGHTER SAFETY RULES

- Do not enter a burning building.
- Do not use water to fight a fire in a burning building.
- Do not attempt to extinguish a fire without proper training.
- Always wear appropriate protective gear when entering a burning building.
- Maintain a safe distance from the fire source.
- Regularly inspect and maintain firefighting equipment.
- Always follow the fire safety guidelines provided by your employer and local authorities.
Chapter 4123:1–21–01 Scope and Definitions

Scope
- The purpose of Chapter 4123:1–21–01 of the Administrative Code is to provide reasonable safety for life, limb, and health of employees.
- The requirements of this chapter are minimum requirements of an employer for the protection of the employers and employees.
- Requirements constitute protective standards for all regular members of lawfully constituted fire departments. Whether paid or volunteer
- Also covers employees employed in private or contractual type fire departments that serve the public.

The requirements do not apply to:
- Industrial Fire Brigades
- Industrial Fire Departments
- Private and Contractual Fire Departments that do not serve the public.

If any requirements conflict with the Bureau of Workers' Compensation requirements, this chapter prevails.

The administrator of the BWC may grant exemptions from the provisions of the requirements.

Materials and equipment bought or contracted for prior to the effective date of the requirement are grandfathered.
CHAPTER 4123:1–21–01
SCOPE AND DEFINITIONS

- **Hazardous Atmosphere:**
  - Any atmosphere containing a toxic or disease-producing gas, vapor, dust, fumes, or mist dangerous to the life or health or where the concentration is unknown.
  - Any atmosphere containing an oxygen partial pressure of less than 19.5% by volume at sea level.

- **Hazardous Environment:**
  - Any area where members might be exposed to a particular substance, device, event, circumstance, or condition that presents a danger to members of the fire department.

- **Working Structure Fire:**
  - Any fire that requires the use of a one and one half inch or larger fire attack hose line and that also requires the use of self-contained breathing apparatus for members entering the hazardous area.
The employer shall provide and require the use of personal protective clothing and equipment, as specified in this rule, when employees are required to work in a hazardous environment that may be encountered during structural firefighting activities and under similar conditions during training activities.

Required Protective Equipment
- The employer shall assure the protective clothing protects the head, body, and extremities and consists of at least the following components:
  - Foot Protection
  - Hand Protection
  - Body Protection
  - Eye Protection
  - Face Protection
  - Head Protection
  - Respiratory Protection

Personal protective clothing and equipment shall be properly sized for the wearer.

Personal protective clothing and equipment that is damaged or otherwise defective to the point of voiding its intended protection shall be removed from service.
CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Employers shall develop and require use of written plan covering the safe use, limitations, care, inspection, maintenance and replacement of the clothing and equipment required by this rule, and all affected employee shall be trained in accordance with such plan.

- Employers shall develop and retain records for the life of the protective clothing and equipment.

- Employers shall provide for the cleaning of personal protective clothing.

CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Where employees choose to provide their own protective clothing and equipment, such clothing and equipment shall give equal or greater protection than that provided by the employer.

- It shall be the responsibility of the employee to properly use the equipment provided by the employer, as required in this rule.

CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Body Protection
  - Body protection shall consist of a protective coat and trousers, or equivalent protection.

- Foot Protection
  - Protective footwear shall consist of a sole with heel, upper with lining, and insole, a puncture resistant device, a ladder shank or whole sole equivalent and an impact and compression resistant toe cap permanently attached.
CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND
EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Head Protection
  - Head protection shall consist of a firefighters helmet and a protective hood.

- Primary Eye Protection
  - Primary eye protection appropriate for a given specific hazard shall be provided for and used by employees exposed to that specific hazard.

CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND
EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Protective Hood

CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND
EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Personal Alert Safety System “PASS”
  - Each member shall be provided with, use, and activate his/her PASS device in all emergency situations that could jeopardize that person’s safety due to atmospheres that could be IDLH, incidents that could result in entrapment, structural collapse of any type, or as directed by the incident commander or incident safety officer.
Respiratory Protection

All firefighters exposed to hazardous atmospheres is from fires and other emergencies, or where the potential for such exposure exists, shall be provided with self-contained breathing apparatus (SCBA) approved by the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

Respiratory Protection, Cont.

The Fire Department shall adopt and maintain a respiratory protection program that addresses the selection, inspection, safe use, and maintenance of respiratory protection equipment, training in its use, and the assurance of air-quality testing.

All members who might be required to use respiratory protection equipment shall be medically certified by a physician, or by a State of Ohio licensed healthcare professional who can perform medical evaluations under the supervision of a physician, on an annual basis. Medical certifications can be obtained by a medical examination, or by using the medical questionnaire as referenced in CFR1910.134 Appendix C.

Respiratory Protection, Cont.

The face piece seal capability of each member qualified to use “SCBA” shall be verified by qualitative fit testing on an annual basis and whenever new types of “SCBA” or face pieces are issued.

Each new member shall be tested before being permitted to use a “SCBA” in a hazardous atmosphere. Only members with a properly fitting face piece shall be permitted by the fire department to function in a hazardous atmosphere with “SCBA.”
Respiratory Protection, Cont.
- The employer shall not permit any known interference with the face piece-to-face seal or with the operation of the exhalation valve on the full face piece of a “SCBA” on employees who are exposed to hazardous atmospheres from fires and other emergencies or where the potential for such exposure exists.

Respiratory Protection, Cont.
- Respiratory equipment shall be inspected, maintained and repaired in accordance with the manufacturer's recommendations.
- SCBA cylinders should be hydrostatically tested within the periods specified by the manufacture and by DOT and NIOSH/MSHA.
- The practice of buddy breathing by any means is strictly prohibited.

Respiratory Protection, Cont.
- The use of a universal air connection will be permitted to replenish the breathing air cylinder of a SCBA user from an independent rescue breathing air supply source.
- An independent rescue breathing source does not include the breathing air from an SCBA being worn by another firefighter.
CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Hand Protection
  - Hand protection shall consist of protective gloves or a glove system.

CHAPTER 4123:1–21–02
PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT FOR STRUCTURAL FIREFIGHTING

- Fall Protection:
  1. Life Safety Rope
  2. Life Safety Harness
  3. Belt System
  4. Escape Rope
  5. Throw Line

CHAPTER 4123:1–21–04
AUTOMOTIVE FIRE APPARATUS
CHAPTER 4123:1–21–04
AUTOMOTIVE FIRE APPARATUS

- Have two copies of a complete operation and maintenance manual
- GAWR, GCWR and GVWR
- Automatic engine shutdown systems.
- An engine speed control device
- Fuel system, gasoline or diesel
- Exhaust system, gasoline or diesel.
- Low-voltage (12/24 volt) electrical system and warning devices
- Vehicle Components

CHAPTER 4123:1–21–04
AUTOMOTIVE FIRE APPARATUS

Driving and Crew Compartment

- A fully enclosed driving or crew compartment with seating for no fewer than two persons shall be provided.
  - Seatbelts shall be provided and shall be utilized by each occupant of the cab.
- Employees shall be required to be seated and belted while the apparatus is in motion, except while loading hose.

CHAPTER 4123:1–21–04
AUTOMOTIVE FIRE APPARATUS

Driving and Crew Compartment, Cont.

- All equipment shall be securely fastened within the driving or crew area.
- Pumps
- Tanks
- Water Towers
- Aerial Devices
CHAPTER 4123:1-21-04
AUTOMOTIVE FIRE APPARATUS

- Inspection, Maintenance and Repair
  - All apparatus shall have an operational check and visual check at least weekly, and as soon as practical after any use or repair to identify and correct unsafe conditions.
  - Preventative maintenance program shall be established and record shall be maintained.
  - Any apparatus found to be unsafe shall be placed out of service until repaired.

- Fire pumps on apparatus shall be service tested in accordance with the frequency and procedures specified in NFPA 1911.
- All aerial devices shall be inspected and service tested in accordance with the frequency and procedures specified in NFPA 911, Standard for Inspection Maintenance, Testing and Requirement of In-service Automotive Fire Apparatus, 2007 Edition.
- Fire department vehicles shall be operated only by members who have successfully completed an established or recognized driver training program.

CHAPTER 4123:1-21-05
GROUND LADDERS

- Requirements for all ground ladders.
- Additional requirements for metal and fiberglass ground ladders only.
- Additional requirement for single ladders only.
- Additional requirements for roof ladders only.
CHAPTER 4123:1-21-05
GROUND LADDERS

- Additional requirements for extension ladders only.
- Additional requirements for combination ladders only.
- Additional requirements for folding ladders only.
- Additional requirements for Pompeir ladders only.

CHAPTER 4123:1-21-05
GROUND LADDERS

- Inspection and Maintenance of Ground Ladders
  - All ground ladders shall be inspected and maintained in accordance with the manufacturer’s recommendations.
  - Ground ladder shall be visually inspected at least once every month and after each use.
  - Visual inspection shall include...

- Service Testing of Ground Ladders

CHAPTER 4123:1-21-05
GROUND LADDERS

- Requirements For All Ground Ladders:
  - The employer may contract with an approved testing organization to perform the service tests specified in this rule.
  - Ladder shows any sign of failure during service testing shall be removed from service and destroyed or repaired.
  - Ground ladders shall be tested on the following schedule:
    - Prior to being put into service for the first time;
    - At least annually;
    - When suspected of being unsafe; and
    - After the ladder has been subjected to overloading.
Incident Management
- An incident management system shall be established with written standard operating procedures applying to all members involved in emergency operations.
  - All members involved in emergency operations shall be trained in the system.
  - The incident management system shall be utilized in all emergency incidents.
  - The incident management system shall be applied to drills, exercises, and other situations that involve hazards similar to those encountered at actual emergency incidents and to simulated incidents that are conducted for training and familiarization purposes.

Incident Management
- The incident management system shall utilize the concept of risk management based on the following principles:
  - Activities that present a significant risk to the safety of members shall be limited to situations where there is a potential to save endangered lives.
  - Activities that are routinely employed to protect property shall be recognized as inherent risks to the safety of members, and actions shall be taken to reduce or avoid these risks.
  - No risk to the safety of members shall be acceptable when there is no possibility to save lives or property.
CHAPTER 4123:1–21–07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

- **Incident Management**
  - The employer shall establish and ensure the maintenance of a fire dispatch and incident communication system.
  - Each crew operating within the hazardous environment shall be provided with communication equipment capable of communicating with the incident command.

- **Accountability**
  - The employer shall establish written standard operating procedures for personnel accountability system that provides for the tracking and inventory of all members operating at an emergency incident. The system shall provide a rapid accounting of all personnel at the incident scene.
  - The employer shall consider local conditions and characteristics in establishing the requirements of the personnel accountability system.

- **Accountability**
  - The Incident Commander shall be responsible for overall personnel accountability for the incident.
  - The Incident Commander shall initiate an accountability and inventory worksheet at the very beginning of operations and shall maintain that system throughout the operations.
Operating and Emergency Incidents
- The employer shall provide an adequate number of personnel to safely conduct emergency scene operations.
  - Operations shall be limited to those that can be safely performed by the employees available at the scene.
  - No employee or employees shall commence or perform any firefighting function or evolution that is not within the established risk management principles as specified in this rule.

Employees operating in hazardous environments at emergency incidents shall operate in teams of two or more.
- Team members in hazardous environment shall be in communication with each other through visual, audible, or physical means in order to coordinate their activities.
- Team members shall be in close proximity to each other to provide assistance in case of an emergency.

In interior structural fires a minimum of four employees shall be required, consisting of two employees working as a team in the hazardous atmosphere, who shall remain in voice or visual contact with each other; and two members who are located outside the hazardous atmosphere, who shall be responsible for maintaining a constant awareness of the number and identity of those operating in the hazardous atmosphere and who shall be prepared to perform rescue of those members if required.
CHAPTER 4123:1-21-07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

• Interior structural firefighting means the physical activity of fire suppression, rescue, or both, inside of buildings or enclosed structures, which are involved in a fire situation beyond the incipient stage.

CHAPTER 4123:1-21-07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

• Operating and Emergency Incidents
  • Initial attack operations shall be organized to ensure that, if upon arrival at the emergency scene, the initial attack employees find an eminent life-threatening situation where immediate action could prevent the loss of life or serious injury, such action shall be permitted with less than four employees.
  • No exception shall be permitted when there is no possibility to save lives.
  • Any such actions taken shall be thoroughly investigated by the employer.

CHAPTER 4123:1-21-07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

• Operating at Traffic Incidents
  • The employer shall establish written standard operating procedures regarding emergency operations for traffic incidents.
  • Fire apparatus shall be positioned in a blocking position, so if it is struck it will protect members and other personnel at the incident scene.
  • When acting as a shield, apparatus emergency/warning lights shall remain on.
CHAPTER 4123:1–21–07
FIRE DEPARTMENT
OCURRENTAL SAFETY AND HEALTH

▪ Operating at Traffic Incidents
  ▪ All additional responding vehicles when arriving on the scene, shall position beyond the traffic barrier unless their function requires placement before the barrier.

▪ Operating at Traffic Incidents
  ▪ One or more of the following warning devices shall be used to warn oncoming traffic of the emergency operations and the hazards to members operating at the incident:
    ▪ Five fluorescent orange traffic cones not less than 28 inches in height, each equipped with a 6 inch retro-reflective white band no more than 4 inches from the top of the cone, and an additional 4 inch retro-reflective white band 2 inches below the 6 inch band;
    ▪ Federal Highway Administration FHWA approved 48” x 48” retro-reflective signs stating “Emergency Scene Ahead” (with directional arrow overlay);
    ▪ Five illuminated warning devices such as highway flares; and
    ▪ Other warning devices appropriate to warn oncoming traffic of the emergency operations.

▪ Operating at Traffic Incidents
  ▪ When employees are operating at a traffic incident and their assignment places them in potential conflict with motor vehicle traffic, they shall wear a garment that meets:
CHAPTER 4123:1-21-07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

Risk Management
- The employer shall develop and adopt a comprehensive risk management plan. The plan shall consider all fire department policies and procedures.
  - It shall include goals and objectives to ensure that risks associated with the emergency and nonemergency operations of the fire department are identified and effectively managed.

Employee Fitness
- The employer shall establish and provide a health–related and wellness program that enables members to develop and maintain a level of health and fitness to safely perform their assigned functions.
  - This program will not be punitive, as the purpose of the program is to improve the health and well–being of the individual.

Employee Fitness
- It shall be the responsibility of all employees to actively participate in the fitness and wellness program.
- The employer shall adopt a written policy that establishes a program designed to relieve the stress generated by an incident that could adversely affect the psychological and physical well being of fire department employees.
Infection Control

- The employer shall operate an infection control program that actively attempts to identify and limit or prevent the exposure of employees to infectious and contagious diseases in the performance of their assigned duties.

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All bodily fluid shall be considered potentially infectious materials.

- The employer shall establish a written exposure control plan that includes universal precautions.
- Engineering and work practice controls shall be used to eliminate or minimize employee exposure.

Employer shall make available, at no cost to the employee, the Hepatitis B vaccine and vaccination series to all employees who have potential occupational exposure.

- If a routine booster dose or doses of Hepatitis B vaccine is recommended by the U.S. public health service at a future date, such booster doses shall be made available, at no cost to the employee.
CHAPTER 4123:1-21-07
FIRE DEPARTMENT
OCCUPATIONAL SAFETY AND HEALTH

- Hazardous Materials
  - The employer shall establish a written plan that defines the fire department’s hazardous materials handling capabilities.

- Hazardous Materials
  - The plan to cover all hazardous material operations with all other responding agencies and their roles and capabilities.
  - Employers shall develop and require use of a written plan covering the safe use, limitations, care, inspection, maintenance, and replacement of the hazardous materials equipment, and all affected employees shall be trained in accordance with such plan.

- Technical Rescue
  - The employer shall provide or make available approved personal protective equipment and associated technical equipment that is appropriate for the technical rescue operations that provides for the safety of each member operating at the scene.
Technical Rescue

- Technical rescue operations are defined by the employers according to their risk management plan as defined in paragraph E of this rule.
- Employers shall develop and require use of a written plan covering the safe use, limitations, care, inspection, maintenance, and replacement of equipment utilized in technical rescue operations, and all affected employee shall be trained in accordance of such plan.

BWC SAFETY INDUSTRY MANUAL

- Chapter 1
  - Safety and Health Responsibilities, and Work Practices
- Chapter 2
  - Accident Investigation
- Chapter 4
  - Safety and Health Meeting
- Chapter 5
  - Employee Safety and Health Training
- Chapter 6
  - Fitness for Duty Program

- Chapter 7
  - Treatment of Sick or Injured Employees
- Chapter 18
  - Respiratory Protection
- Chapter 19
  - Hearing Conservation
- Chapter 20
  - Confined Space Entry
- Chapter 21
  - Lock Out/Tagout
BWC SAFETY INDUSTRY MANUAL

- Chapter 26
  - Safety Committees
- Chapter 27
  - Record Keeping Systems

“ACHIEVING PROFICIENCY AND PROFESSIONALISM THROUGH TRAINING AND EDUCATION”

—Chief Richard Collins