

THE SDIC ADVISOR

February, 2009

FROM THE DIRECTOR:

"We didn't begin the journey looking for simplicity. What we wanted was more time. More control of our lives. Simplicity came to us as a gift, a consequence of decisions we made to live at a more even pace" (Barbara Sorenson). A little simplification can go a long way in starting the New Year right.

1. Stop Making Resolutions to change things; resolve to enhance the things you already do well and limit the amount of time you spend mulling over things you wish you could do. Give up the superhero role for a smaller part.

2. Take time to review your daily routine. Reorganize your day so that you have some time for

yourself, your hobbies, that novel you want to read. Combine like tasks and either cut out the projects that you will not have time to finish or break them into smaller tasks to finish over a given time period. And give yourself a pat on the back for getting successfully through the day.

3. Enjoy a half-hour walk and give your head time to clear. The fresh air, albeit cold and frosty, can be as refreshing as summer lemonade. Allow ten minutes each night before bedtime to organize your clothes for the next day and make a list of three things you wish to accomplish tomorrow.

4. Drink at least a gallon of water each day. This will



satisfy false hunger pangs, cleanse your body of toxins that make you sluggish and keep your skin hydrated in the winter as well as the summer. It's a good thing.

5. Count your blessings. That's right, just simply count your blessings and be happy with who you are. Cherish the good times you have every day and resolve only to revise your attitude accordingly.

6. Keep it simple!

We wish you a very happy, healthy, safe and peaceful New Year,

From all of us at SDIC

SAFETY AND MEDICAL:

As a follow up to our September 2008 Newsletter regarding Right to Know and MSDS sheets. Ray Conlin from Coatesville Area School District offered to share his MSDS information website with any school district member of SDIC, that may need a

quick MSDS report, without a prolonged search. He has invited anyone who is interested to visit the website and log in without a password as a "guest".

The website address is:

<http://casdleap.net/course/view.php?id=907>

Many thanks go out to Ray Conlin for sharing this information with our members. All Safety Managers and Facility Managers should visit this site. It is amazing and it took a lot of time and effort. If anyone else has helpful information to share with our members please

Upcoming Events

2009 Pennsate Training Schedule in Lansdale FREE 9: am-1: pm	April 22, 2009 June 3, 2009 Aug. 12, 2009 Oct. 14, 2009
SDIC Seminar Harrisburg, PA. 9: am-2: pm FREE	May 13, 2009

INFORMATION WEBSITES

- www.dli.state.pa.us
Dept. of Labor & Industry
- www.ohsonline.com
Occupational Health & Safety (OSHA)
- www.coastal.com
Coastal Safety Videos
- www.pachamber.org
Pa. Chamber of Commerce
- www.osha-safety-training.net
National Safety Compliance Safety Training Videos by OSHA

SCHOOL DISTRICTS INSURANCE CONSORTIUM

1600 Pennbrook Parkway
Lansdale, Pa. 19446

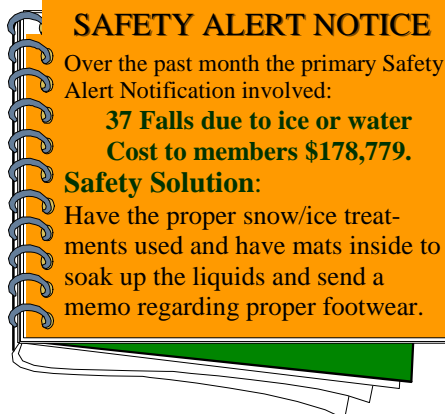
P.O.Box 1249
North Wales, Pa. 19454

Phone: 800-445-6965
Fax: 215-393-0456
Email: krobinson@sdicwc.org



Cheryl LaPotin, Executive Director
Marie Wallace, Claims Manager
Kathy Robinson, Safety Coordinator

We're on the web...
www.sdicwc.org



SAFETY ALERT NOTICE
Over the past month the primary Safety Alert Notification involved:
37 Falls due to ice or water
Cost to members \$178,779.
Safety Solution:
Have the proper snow/ice treatments used and have mats inside to soak up the liquids and send a memo regarding proper footwear.

LEGAL OR CLAIMS UPDATE

THE ADA AMENDMENTS ACT EXPANDS COVERAGE OF DISABLED EMPLOYEES

By Tanya A. Salgado



On September 25, 2008, President Bush signed the ADA Amendments Act (ADAAA), which significantly expands the definition of "disabled" under the Americans with Disabilities Act, and overturns certain Supreme Court decisions which had limited the coverage of the ADA to those whose impairments significantly restricted their major life activities. In the ADAAA, Congress enunciated its intent that the law provide "broad coverage" to individuals with disabilities, and stated that the courts have incorrectly interpreted the term "substantially limits" to require a greater degree of limitation than it intended. The law will take effect January 1, 2009.

After the ADA passed in 1990, much of the litigation that ensued addressed the issue of whether an individual was "disabled," and thus covered by the law.

The ADA differs from other anti-discrimination laws in that the issue of whether an individual is a member of the protected category is often disputed on summary judgment. Under Title VII, for example, whether an individual qualifies as a member of a protected class because of her sex or race is not an issue for dispute on summary judgment. In sharp contrast, the issue of whether an individual qualifies as "disabled" under the ADA is often a hotly contested issue in a dispositive motion. The courts have refined the definition of "disabled" over the years, thus limiting coverage under the ADA to those who have significant restrictions.

Congress disagreed with the direction taken by the Supreme Court. The ADAAA amends the definition of disabled in several ways. The new law expands "major life activities" to include the operation of a major bodily function, including "functions of the immune system, normal cell growth, digestive, and others. Under the ADAAA, an impairment that is episodic or in remission is considered a disability if it would sub-

stantially limit a major life activity when active.

email krobinson@sdicwc.org , and I will mention it in our next Newsletter. If anyone would like to see a specific subject covered in our Newsletter please send in your suggestions.

SAFETY WARNING NOTICE

There was a claim recently submitted to SDIC regarding an injury involving plugging in an electrical item directly into the power strip while in the "on" position.

The incident occurred in the IT Department, involving a laptop computer cart. There are 8 shelves with room for 3 laptops per shelf allowing for a total of 24 laptops to be charged in the cart. There were two power strips mounted vertically on the inside back wall of the cart. The laptop computers are plugged into these power strips. There is also room on the top of the cart for items such as a printer or monitor. The two hinged doors may be locked for security reasons. Each power strip has an on-off switch. After the incident, labels were written and attached to the cart reading "IMPORTANT! Make sure BOTH power switches are turned OFF before plugging or unplugging the laptop cart into a power outlet."

- As with any electrical equipment, make sure you turn it off before you unplug or plug anything in. Unplugging an electrical device when energy is flowing through it may cause a shock as you are trying to interrupt the flow.

stantially limit a major life activity when active.

Congress has delegated the task of issuing regulations implementing the new definitions of disability to the Equal Employment Opportunity Commission. Even prior to the ADAAA, many employers did not split hairs over the issue of whether an employee who requested an accommodation fit the definition of disabled, provided that the impairment at issue was not a short term injury. Given the enunciated purposes of Congress in expanding the definition, such an approach no longer will be cautious, but necessary.

Moreover, employers will need to revise their policies and procedures regarding the ADA and the accommodation process. For example, those employers who include the definition of "disabled" in their employee manuals will need to revise their manuals to reflect the updated definition. Also, medical certification forms, and ADA accommodation forms will need to be reviewed to ensure compliance with the amendments. Given the likely potential for an uptick in ADA claims and lawsuits, employers would be wise to update management staff on disability issues, including training as appropriate.