



**CARL WARREN & COMPANY**

Claims Management and Solutions

CW Connects  
MARCH 2016

**In this issue of Carl Warren Connects:**

### **Carl Warren's New Director of Workers' Compensation**



[Todd Johnson, CPCU](#), joined the Carl Warren team in January of this year and will be managing our Workers' Compensation division. We sat down with him to talk about claims and changes in the industry.

#### **How many years have you been in the industry?**

I have been managing workers' compensation claims at the primary and reinsurance level for 29 years.

#### **How did you come to work in claims?**

After college, I pursued a position in Federal law enforcement and the agencies desired more investigative experience. I started doing WC investigations for a TPA, really enjoyed the position and decided to stay in the insurance field.

### **What are your responsibilities at Carl Warren?**

As Director of Workers' Compensation, I have three primary roles:

1. Provide the strategic direction and support to our talented WC teams.
2. Ensure the WC operational staff have the best tools and vendors to deliver exceptional claims management and managed care services that are compliant, efficient, and profitable.
3. Help the awesome marketing and sales staff grow our national operation through the consultative technical sales process.

### **What do you like about Carl Warren thus far?**

The investment that Carl Warren is making in the workers' compensation operation on a national basis with MyCarlWarren Work Comp and additional resources. The passion and commitment of the staff, the sense of urgency and certainly the relatively unique ESOP culture. Great people that care.

### **What significant changes have you seen in the industry in the last year and what lies ahead?**

The WC industry has adapted to the impact of the Federal Health Insurance PPACA, Medical Marijuana and a continued decline in lost time frequency. Several states are now implementing mandatory Disability Guidelines, statutory Formularies for Prescriptions, and evaluating Opt-Out Legislation to bypass the traditional delivery of workers' compensation benefits. Major technology changes such as autonomous driving will continue to change the needs of our workforce and these changes will directly impact the exposures of our clients.

### **What do you like to do in your spare time?**

I enjoy running, river and sea kayaking (3 continents so far!), listening to a lot of Bruce Springsteen music, and of course hanging out with my great wife. And we also have 2 wonderful daughters, ages 22 & 26, so I still get to enjoy all of the accompanying family drama.

## PARMA 2016

Thank you to our clients and partners that stopped by and visited us at PARMA in Indian Wells!



Left to Right: Brandon Schlenker, Director of Public Entity, Richard McAbee, Chief Marketing Officer, Karen Ho, Sales & Marketing Assistant, Laura Osvald, Marketing Manager, Kelly Ogle, Account Executive, Tom Boylan, Chief Executive Officer, Todd Johnson, Director of Workers' Compensation

## TRIP, FALL AND FLY ME TO THE MOON



Mark Bernstein, JD, Chief Claims Officer at Carl Warren, Howard Franco Jr. Esq., Attorney at Collins, Collins, Muir + Stewart, Shaun Jackson, Director of Risk Management at El Pollo Loco, presented "Trip, Fall and Fly Me to the Moon" at the 2016 Combined Claims Conference in Orange County. The session provided an overview of the processes you should follow if someone trips and falls in your facility and who to get involved and when. [Read more here.](#)

## THE INS AND OUTS OF EMPLOYEE TRAVEL

### Presentation by Richard McAbee and Joshua Bordin-Wosk



At the 2016 Public Agency Risk Managers Association (PARMA) Annual Conference in Indian Wells last month, public sector employees gathered to learn, network, and share ideas. Having proper travel guidelines is critical in maintaining control of employee travel and expenses. Joshua Bordin-Wosk, Attorney at Bordin, Martorell, LLP and Richard McAbee, Chief Marketing Officer at Carl Warren presented on "The Ins and Outs of Employee Travel". The session was specific to governmental employees in California. [Read more here.](#)

## 5 PRACTICAL TIPS

### For Drafting Effective Arbitration Clauses

As a Third Party Administrator charged with helping our clients save expense dollars by managing their litigation spend, we often see defendant parties trying to enforce arbitration clauses in order to resolve disputes in a forum. This is perceived to be quicker, less expensive, and less prone to runaway plaintiffs' awards. However, perception doesn't always mirror reality - arbitration clauses must be carefully crafted to fulfill their purposes. The following, "Don't Let a Funny Thing Happen on Your Way to the Forum: 5 Practical Tips for Arbitration Clauses" points out a few issues to consider. [Read more here.](#)

Article courtesy of Larry Warshaw, Account Executive at Carl Warren.

## LEGAL NOTES: EMPLOYER GUIDANCE



### Pregnancy and the Americans with Disabilities Act

In today's legal landscape, employers must recognize the interplay of protections offered to pregnant workers by the Pregnancy Discrimination Act, the Family Medical Leave Act, and the Americans with Disabilities Act Amendments Act ("ADAAA"). The ADAAA prohibits discrimination "against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment". Prior to 2008, several courts held that medical conditions related to pregnancy do not ordinarily constitute a "disability". In 2008, however, Congress amended the ADA to broaden the definition of a disability to include more temporary or less severe impairments.

Although pregnancy is not an independent disability under the ADAAA, some pregnancy-related impairments qualify as disabilities. Examples include pregnancy-related anemia, sciatica or carpal tunnel syndrome, gestational diabetes, severe dehydration, abnormal heart rhythms, circulation problems and depression. Employers are

## UPCOMING EVENTS

- **April 6- 8th:** [Claims and Litigation Management Alliance](#), Orlando, FL.
- **April 10-13th:** [National RIMS](#), San Diego, CA. Come visit us at Booth 1324!
- **May 19-20th:** [National ESOP](#), Washington, D.C.
- **June 5-8th:** [Public Risk Management Association](#), Atlanta, GA. Come visit us at Booth 316!



Visit the new [carlwarren.com](http://carlwarren.com) for more information about us, the markets we serve, the services we provide, and our latest news from Carl Warren. New site. Same quality claims service.

## Stay Connected

prohibited from discriminating on the basis of such impairments and must provide reasonable accommodations to disabled employees unless accommodation would cause undue hardship.

Accommodation requests from pregnant workers should be treated similarly to requests from other disabled employees. Once a worker requests an accommodation for a pregnancy - related impairment, an employer has an obligation to engage in the interactive process and provide a reasonable accommodation, absent undue hardship. In the pregnancy context, reasonable accommodation may include measures such as job restructuring or redistribution of non-essential functions, a part-time or modified work schedule, more frequent breaks, telecommuting, leave of absence, and reassignment to a vacant position or light duty.

One area of confusion arises when individuals request accommodations following pregnancy-related leave. When an employee requests additional accommodations due to a pregnancy-related condition after FMLA leave, an employer must engage in the interactive process, as temporary leave may be considered reasonable accommodation. [Read the full article here.](#)

Article courtesy of [Sara E. Hoffman](#), Esquire of Margolis Edelstein.

## SAFETY TIP

### Checking Tire Pressure:

- Check your tire pressure every month. Don't just rely on sight. Properly inflated tires help keep you safer in an accident, and they also help you get more miles to the gallon and can extend the life of your tires.
- Use your own gauge. Gauges at gas stations get a lot of use and might not be accurate.
- The best time to check your tires is after the vehicle has been sitting for a few hours.
- Know the proper tire pressure for your car. Check your owner's manual if you're not sure.
- Double-check your tire pressure with your gauge afterwards to be sure the numbers are where they should be.
- Don't forget to check the tire pressure in your spare tire.

Carl Warren is an employee-owned Third Party Administrator with 70+ years of experience. We have offices nationwide and specialize in liability, workers' compensation, and property claims management and subrogation services.

Contact us to find out more:

Tel: (888) 858-2807  
[Email](#)

