

DSI NEWSLETTER

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Legal Updates and Industry News



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HEALTH & WELLNESS

Information on Diabetes Protecting Employee Rights



Discrimination includes firing or refusing to hire or promote an individual because of diabetes, and also includes failing to make reasonable accommodations for an individual's diabetes. For the vast majority of people with diabetes, the disease will not impact their ability to successfully perform their job. Indeed, many employers have found that the discipline involved in managing diabetes translates to excellent work habits on the job. When problems do arise, often they can be addressed with a better understanding of diabetes, how it is managed today, and its effects on the individual.

Reasonable Accommodations: Most common accommodations needed by people with diabetes are easy and virtually cost-free. Employees may need the time and space to check blood glu-

cose levels, to self-administer medications (such as insulin) and to eat or drink to manage blood glucose levels. This can require minor modifications to employee schedules, such as allowing a lunch or snack break at a set time each day. Blood glucose checking and insulin injections are completely safe and can be performed at the employee's work station or wherever the employee happens to be, although some employees desire a more private location to perform these tasks.

Safety Concerns: Employers may not base a decision to terminate, demote or refuse to hire an individual with diabetes on unfounded fears or stereotypes about diabetes or fears about the cost of insurance or accommodations. However, the employer may take into account

legitimate safety concerns based on how diabetes affects a particular individual. When doing so, it is important to keep in mind that diabetes affects each individual differently. The vast majority of people with diabetes can safely perform most jobs, including safety-sensitive occupations such as law enforcement positions. There is no medical justification for disqualifying a person from employment simply because that person has diabetes, uses insulin or had a particular blood test result. Rather, each person must be individually considered, weighing such factors as the requirements or hazards of the specific job, the individual's medical history and treatment regimen.

Source: www.diabetes.com

DSI Focuses on wellness:

Anthem Blue Cross studies show that wellness works!

Our Health Management Corporation subsidiary (HMC) recently researched this very question. The study helped us learn more about who is likely to use these programs and how we - and employers - can improve participation.

Study Results

The study spotted three factors that have a big impact on participation rates:

- **Members with barriers to**

care are more likely to enroll than members without barriers. Barriers can include rural residence, lower socioeconomic status, and lower education levels.

- **Motivational tools, such as monetary incentives, can help increase participation.** After six months of using incentives, the study showed 50% more participation. HMC studied other incentives also, including reduced copayments, free eye exams for members with diabetes, and contributions to account-based plans.

- **Strong support from employers can increase participation rates.** This is especially true among large employers. Companies who consistently promote health and wellness in the workplace had 16% lower costs per employee.

To sum up: To get the most value from wellness and disease management programs, the HMC study suggests that incentives and strong employer support can work. And at the heart of it, a close relationship between employers and members is the key.

Source: *Anthem Blue Cross*



November 1-30

Lung Cancer

Awareness Month

info@lungcanceralliance.org

www.lungcanceralliance.org

Materials available

Contact: Kay Cofrancesco



November 1-30

American Diabetes Month

askada@diabetes.org

www.diabetes.org

Materials available

Contact: Local Chapters



November 1-30

Pancreatic Cancer

Awareness Month

information@pancan.org

www.pancan.org

Materials available

Human Resources

Lessons from the HR Executive/Comedian: How to evaluate workplace humor.

Written by: A DSI client, who wishes to remain anonymous



Imagine what it's like; walking time and again into a room filled with sour, annoyed, or fearful expressions. Trying to ignore the looks that suggest I have either a baseball bat or a termination slip hidden behind my back. Overlooking the eye-rolls and snickers that remind me of the ones I gave Miss Griggs in the third grade.

When I began a career in Human Resources and facilitating harassment/discrimination prevention training fourteen years ago, I was ambushed by this less-than-enthusiastic reception. Who, me? I'm a shrink, for goodness sake. I know the health benefits of humor. While I might never host Saturday Night Live, I've been known to crack a joke or two, and even get paid for it. Heck, one of my best friends considers herself a "laughter therapist." Why would anyone think that I'm the humor police?

Today, I've come to expect the still-too-often misperception that harassment/discrimination prevention boils down to eliminating all fun at work. In fact, I enjoy watching the relief wash over trainees' faces when they realize that I'm not there to remove their funny bone – just fine-tune it. In fact, understanding what appropriate humor is at work can help all of us make the most of a great stress-relieving tool without worrying about creating more stress for ourselves.

I Could Use a Good Laugh

The average child laughs 300 times a day, the average adult? Who knows, but I bet most of those laughs don't happen at work. Which is a shame; employees are being asked to adapt quickly to change, work harder and faster, be more creative, and keep up with the latest information pertinent to their work. The need for stress relief and creative inspiration are two benefits humor can offer, not to mention the health benefits. Research shows that laughter stimulates the immune system, decreases "stress" hormones, and increases endorphins. In the workplace, humor and fun can increase productivity, enhance team building, and thus improve results via the bottom line.

The right humor, that is. Apparently, not all

humor is created equal. Research has shown that there is a distinctive difference in the health benefits of positive and negative humor. Negative humor, i.e. humor that is exclusive or offensive, does not have the same positive physiological effects on one's body and mind. Apparently, our bodies are as sensitive as our feelings; we physiologically respond to hurtful as if our bodies were under attack. This, in some ways, is true.

SIX WAYS TO IMPROVE YOUR SENSE OF HUMOR

In general, strive for humor that is inclusive, creative and captures our human essence. All of us know that sexist, racist, ageist jokes and crude humor are not only inappropriate, but can lead to sanctions, termination or even lawsuits. In addition, be sensitive when telling jokes involving terminations and personal tragedies.

1. Pay attention to clues about your co-worker's mood

One of the most important aspects of using humor effectively is knowing when it is appropriate to use humor. If used at the "wrong" time, humor can backfire and offend, distract, or upset the people we work with. I read an article the other day where a manager sang a few bars of "Laugh While the Whole World is Crying" as he was laying off his employees. I'm not sure where he developed his sense of humor, but it was not the time to display it. An apparent attempt to lighten a stressful situation was perceived as insensitive and an employee felt angry enough about it to blast it all over the employee intranet.

If something has really upset a coworker and s/he tells you about it, you should adjust your humor accordingly. Similarly, if a coworker comes into work crying, tread lightly. Just because someone is angry or upset does not necessarily mean that you should avoid using humor altogether; humor can help alleviate these feelings. However, you might want to be especially careful about how you use humor.

2. Start slowly

There is no way to predict exactly how a coworker will react to humor. Therefore, it is important to start using humor gradually in order to "test" how they react. If you take the time to build a trusting relationship with a work colleague, the odds increase that you will have an idea of his or her humor style. Perhaps more importantly, if you unintentionally offend someone, that person will be more likely to give you the benefit of the doubt based on your history of treating them with respect.

3. Trust your intuition

If a coworker is offended, distracted, or upset by your use of humor, you will most likely be able to "sense" his or her feelings and change the way you use humor. Most people can sense if something is wrong and will naturally decide to discontinue excess attempts at humor. This doesn't mean we have to be mind readers; simply asking "what's up" when a joke or comment doesn't get the response you were looking for can quickly enlighten you on how your attempt at humor was perceived.

4. Take yourself lightly – sometimes

Self-deprecation is an excellent tool, but be careful to use it in moderation, especially when you are around authority figures or people who don't know you. Being seen as a clown or as insecure, rather than a talented employee who doesn't take herself too seriously, is not exactly a good career strategy.

5. Use humor as the icing, not the cake

Humor in business should be a lightening agent; in other words, it's sugar to help the serious work go down. The most effective humor at work is used as a seasoning, not a main ingredient.

6. Avoid playful insults

In general, avoid sarcasm or cynicism. While it may indeed be funny, it also can leave a bitter taste or feeling in the workplace. This is a hard one for many people to avoid, but if you can be funny without being overly dependent on negativity, your professional image will be much higher.

Human Resourcescontinued

Lessons from the HR Executive/Comedian: How to evaluate workplace humor.....continued

IX Nay The Excuses Nay (Nix the Excuses)

Most people have no desire to offend anyone. The number one reason humor backfires at work is when a manager or employee makes the dangerous assumption that everyone is like s/he is. It's easy to assume that everyone has our sense of humor, to believe that a person will react the way we would, to think that anyone who looks like us has same values and beliefs. Here are the five most common forms of this assumption – and why they don't work.

She Has No Sense of Humor . . . I've been around the block a time or two and I've never met anyone with no sense of humor. I have, alas, met people who didn't have my sense of humor. While laughter is universal, humor is not; it varies from person to person.

I Hope This Doesn't Offend Anyone . . . Few of us would think prefacing a punch with "I hope this doesn't hurt" gives us permission to slug someone, but often we think a warning to our colleagues that we are about to tell a risky joke alleviates us from its impact. While this preface might have good inten-

tions, it doesn't let us off the hook in a work environment. Much better to err on the side of caution and, if you think it might offend someone, save it for the Friday night bowling league.

But I Thought We Were the Same . . . I was once in a meeting where the leader looked around the room, noticed there were no individuals of Asian descent in the room, and proceeded to tell a very racist joke. What he didn't realize is that his customer – also in the room – was the proud mother of a darling Chinese girl. Needless to say, this humorous attempt backfired and the manager had to eat serious crow to repair the relationship.

But We Were at Happy Hour . . . Yes; I know we all have our personal lives to lead and some of us actually like to hang out with the people we work with. However, just because we've left the building doesn't mean we've left our work roles behind. Managers, in particular, may fall prey to the temptation to show their employees that, outside of work, they can party hardy with the best of them. The problem is that their employees often don't understand the same distinction be-

tween work and play and may see a manager's rowdy humor at happy hour as "permission" to repeat it in the office first thing Monday morning.

The Bottom Line on Humor

So what is the most effective humor at work:

Humor that takes a stressful work situation and makes light of it.

Humor that focuses on the commonalities among people rather than the differences.

Humor that includes everyone in the audience.

I'd like to hear more laughter in the corporations I work with. However, as Samuel Butler once said, "It is tact that is golden, not silence." We don't need less humor at work; we just need to make sure it's the kind of humor that makes hard tasks easier, collaborations fun and certainly make workdays go faster. Use humor effectively, and the work world still laughs with you!

Property and Casualty

A Quick Guide to Determining if D&O is Right for you

Written by: Tobias Kennedy,

Too many companies operate under the false belief that their organization is not a good candidate for Directors and Officers Insurance without proper knowledge of the full breadth of its coverages and protection. This can be a very dangerous supposition on the part of a company that could see its directors and/or officers held personally liable—thus risking their personal assets, including family assets and estates. The statistics are alarming enough to make one consider the various reasons a claim might be brought against a company, or even an individual personally.

According to a Chubb 2004 Private Company Risk Survey, nearly 40% of privately held companies stated that it was likely their Directors and/or Officers would be sued, and 18% of those surveyed were sued during the past few years.

Beyond that, almost a third of surveyed companies reported a direct or indirect effect from the Sarbanes-Oxley (SOX) Act of 2002.

Even if a lawsuit is baseless or fraudulent, companies still have to pay to defend them. The Tillinghast Towers Perrin D&O survey of 2004 stated the average defense cost for all reported D&O suits was \$370,002 with an average indemnity of \$2,160,909.

After looking into it, many companies decide that, as it turns out, D&O coverage is a necessary company safeguard after all, as many of the things they thought were covered by their general liability policies, are in fact not. When that happens, it is important to note that unlike most general liability policies, which are somewhat standard, D&O policies can differ greatly. If one is shopping for a policy one *must* give credence to the need for understanding both the definitions of the terms below and how they factor into the policies they are considering:

- Claims-Made Coverage vs. an Occurrence Policy
- Extended Reporting Period/Tail Issues
- Policy Limits
- Defense Inside the Limit

- Failure to Provide Insurance Exclusion
- Retroactive Date/Prior and Pending Litigation Date
- Employment-Related Practices Issue

With the tremendously high propensity for employers to face lawsuits, and so many aspects of coverage left out by other policies, finding out whether or not your organization needs a D&O policy may be the difference between an executive team member exhaling a sigh of relief at a policy stepping in to do its job, and seeing his car towed away after being sued for his own personal assets.

Tobias Kennedy is an Account Executive at Danone Simpson Insurance Services LLC. Dually licensed to work on both Employee Benefits and Property & Liability, he works with multiple Companies on their D&O policies. For more information about DSI, D&O or to contact Tobias, please email toby@dsinsuranceservices.com or call (818) 676-0044.

Employee Benefits

Wading through the healthcare lingo

Source: cnnpolitics.com

Blue Dog Coalition	The Blue Dog coalition is a group of 52 fiscally conservative Democrats in the House. The Blue Dogs insist that health care reform should preserve patient choice and maintain competition in the marketplace without adding to the national deficit. They will play a critical role in getting a bill through the House.
Co-op	Nonprofit health cooperatives, or “co-ops,” are being proposed as an option to compete with the private sector and as an alternative to a government-sponsored public health insurance option. Co-ops are owned and governed by the same people they insure.
Gang of Six	The Gang of Six is a group of members of the Senate Finance Committee who are trying to craft bipartisan health care legislation. The group is made up of Democrats Max Baucus of Montana, Jeff Bingaman of New Mexico and Kent Conrad of North Dakota. The Republicans are Michael Enzi of Wyoming, Charles Grassley of Iowa and Olympia Snowe of Maine.
Health Insurance Exchange	Obama defines it as a “one-stop shopping place where you can compare the benefits, cost and track records of a variety of plans—including a public option.” The term refers to the marketplace of the health insurance options.
Public Option	A public option is a government-funded, government-ran health care option. Some Democrats have said that they will not vote to pass any bill that does not contain a public option, other Democrats and most Republicans have called the idea a deal-breaker.
Senate HELP Committee	The Senate committee of Health, Education, Labor and Pensions drafted the one health care reform plan that has been introduced in the Senate.
Single-Payer	Under a single-payer system, the financing system relied on one “payer” –likely the government—to fund all health care costs billed by doctors, hospitals and other health professionals.
“Socialized” Health Care	Critics charge that Obama’s health care proposals will lead to a government takeover of health care. They fear that the private insurers would be driven out by a public option, leading to a health care system run entirely by the government.

Client Corner



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The World Marketing Mission

“To provide our clients with integrated direct marketing solutions which optimize their results, relationships and revenues.”

Focus on Employee Wellness

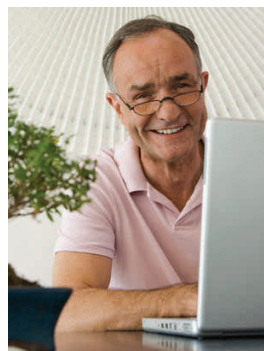
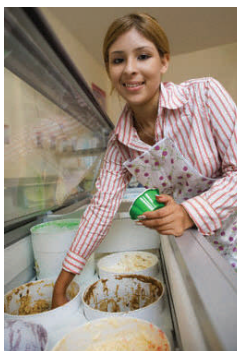
Diabetes Awareness

Source: www.diabetes.com

Types of Diabetes

There are two main types of diabetes: Type 1 which usually occurs during childhood or adolescence and type 2, the most common form of the disease which usually occurs after age 45, but is increasingly being diagnosed in children and adolescents.

- **Type 1 (formerly known as juvenile diabetes)** People with type 1 diabetes must take daily insulin injections to stay alive.
 - ◇ There are an estimated 1 million people with type 1 diabetes in the United States today.
 - ◇ Type 1 diabetes is more common than any other severe chronic diseases of childhood.
- **Type 2 (formerly known as adult onset diabetes)** Often type 2 diabetes can be controlled through losing weight, improved nutrition and exercise alone, but many people may need oral medications and/or insulin to control their diabetes.
 - ◇ Of the 20.8 million Americans with diabetes, 90-95% (approximately 19.0 million) has type 2 diabetes. Approximately **one-third are unaware they have diabetes**.
 - ◇ The risk for type 2 diabetes increases with age. It is estimated that 20.9% of the United States population aged 60 and older has diabetes.
 - ◇ Rates of type 2 diabetes are higher in certain racial and ethnic groups including African Americans, Hispanics/Latinos, Asian & Pacific Islanders, and Native Americans.
- **Pre-diabetes** is a condition that occurs when a person's blood glucose levels are higher than normal but not high enough for a diagnosis of type 2 diabetes. An estimated 54 million Americans have pre-diabetes, in addition to the 20.8 million with diabetes. Lifestyle changes including cutting back on calories and fat, being physically active and losing weight can return high blood glucose levels to the normal range and therefore prevent or delay type 2 diabetes. In the Diabetes Prevention Program study, people at high risk for type 2 diabetes greatly reduced their risk of developing diabetes by being physically active about 30 minutes a day, five days a week and losing an average of 10-15 pounds (5-7 percent of body weight).



Focus on Employee Wellness...continued

Diabetes Awareness...continued

Source: www.diabetes.com

Preventing Diabetes Complications

The occurrence of many diabetes complications can be reduced by controlling blood glucose, blood pressure, blood lipids, and by receiving timely preventive care.

- **Glucose Control:** In general, every percentage point drop in A1C blood glucose reduces the risk of microvascular complications (eye, kidney and nerve diseases) by 40%.
- **Blood Pressure Control:** Reduces the risk of cardiovascular disease (heart disease or stroke) by 33% to 50% and the risk of microvascular complications by approximately 33%.
- **Control of Blood Lipids:** Improved control of cholesterol or blood lipids (e.g., HDL, LDL and triglycerides) can reduce cardiovascular complications by 20% to 50%.
- **Preventive Care Practices for Eyes, Feet and Kidneys:**
 - ◇ Detecting and treating diabetes eye disease with laser therapy can reduce the development of severe vision loss by an estimated 50% to 60%.
 - ◇ Comprehensive foot care programs can reduce amputation rates by 45% to 85%.
 - ◇ Detecting and treating early diabetic kidney disease by lowering blood pressure can reduce kidney function decline by 30% to 70%.

Pancreatic Cancer Awareness

Source: www.pancan.org

Symptoms of Pancreatic Cancer

Cancer of the pancreas is sometimes called a “silent” disease because symptoms are not usually present in early stages. Many patients have advanced disease by the time it becomes noticeable to the patient and the doctors. Symptoms that do develop are often vague. Individuals may experience different symptoms depending on the location, type and stage of the tumor. Symptoms that commonly lead to diagnosis include: jaundice, abdominal and/or back pain, and unexplained weight loss and loss of appetite. A person with advanced pancreatic cancer may experience all of these symptoms and others including ascites and blood clots. Ascites is the abnormal build up of fluid in the abdominal cavity. Blood clots most often form in the legs and may easily go unnoticed. Symptoms such as fatigue, weakness, digestive difficulties, and depression may occur at any time.



If someone is experiencing one or more of the symptoms mentioned in this section, it does not mean that he or she has pancreatic cancer. There are other medical problems or conditions that may also cause these or similar symptoms. Therefore, anyone experiencing these symptoms should consult with his or her doctor. Only a doctor can diagnose the cause of an individual's symptoms.

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Tuesday, December 1, 2009

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Where: 22110 Clarendon Street, Suite 201
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Cost: \$100 per person

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