



American Staffing Association

Employee Safety Best Practices and Operating Information for Nurse Staffing Firms

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Executive Summary

Nurse staffing firms supply hundreds of thousands of health care workers in a wide range of skill categories on an as-needed basis. Through the establishment and implementation of employee safety best practices, nurse staffing firms can improve employee safety and well-being. Nurse staffing firms and their employees can benefit from fewer workplace hazards and exposures, as well as fewer worker injuries, illnesses, and fatalities.

Nurse staffing firms have a general duty to take reasonable steps to determine conditions at the work site, provide employees with generic safety information, and advise them how to protect themselves from hazards they are likely to face on the job. These employee safety best practices will help nurse staffing firms create and sustain healthy and safe work environments.

Nurse staffing firms should have policies in place that address how to handle workplace incidents in a prompt, effective, and efficient manner. Firms should aggressively monitor and manage open claims and institute measures to minimize future claims.

Nurse staffing firms should actively monitor National Council on Compensation Insurance workers' compensation class codes to confirm their accuracy and avoid excessive premiums. They also should make sure that if they classify workers as independent contractors, they do so lawfully under wage and hour, tax, and other laws.

Proper and thorough screening of candidates is essential to health care patients' well-being. Nurse staffing firms should engage in thorough screening of all candidates and should apprise candidates of safety policies and expectations of workers. Firms should verify candidates' employment and education history, confirm that candidates' possesses required licenses or certifications, check candidates' references, and inquire as to gaps in employment.

Newly hired employees should undergo general orientation conducted by the staffing firm. Nurse staffing firms should regularly provide ongoing training and general safety information to employees. Nurses specifically should be provided with caregiver education and training addressing the leading causes of injury.

Nurse staffing firms should engage in a risk assessment and analysis to decide whether to do business with potential clients. Their internal employees should be trained to engage in effective on-site inspections and evaluations of a potential client's work site.

Nurse staffing firms should impress upon clients that both the staffing firm and client are essential to creating a successful partnership and fostering work site safety and temporary employees' well-being. All of the parties' respective responsibilities should be set forth in the staffing firm's written agreement with the client. The staffing firm and client should maintain open and ongoing communication regarding safety issues.

Introduction

Nurse staffing firms play a critical role in the nation's health care system by quickly and efficiently supplying hundreds of thousands of health care workers in a wide range of skill categories on an as-needed basis. Registered nurses, licensed practical nurses, and certified nursing assistants are among the professionals nurse staffing firms employ and assign.¹ Such nurses may be classified as “travel” nurses—nurses who work away from home, are assigned to clients for lengthy periods of time (typically 13 weeks), and are provided with food and lodging. Temporary nurses may also be classified as “per diem” nurses—nurses who do not work away from home and who are typically assigned to clients on a daily basis.

Promoting and ensuring employee safety and well-being is the responsibility of every nurse staffing firm. Through the establishment and implementation of employee safety best practices, nurse staffing firms can foster a workplace culture that increases employer and worker awareness of, commitment to, and involvement in employee safety and well-being. Nurse staffing firms and employees can benefit from fewer workplace hazards and exposures, as well as fewer worker injuries, illnesses, and fatalities. Moreover, worker satisfaction, productivity, collaboration, recruitment, and retention all increase dramatically when employers promote and ensure safe and healthy work environments.

The Employee Safety Best Practices and Operating Information for Nurse Staffing Firms are designed to assist nurse staffing firms in doing just that.

Beyond these tangible and well-recognized benefits of employee safety best practices, the federal Occupational Safety and Health Act and state workplace safety laws require all employers, including nurse staffing firms, to maintain safe and healthy workplaces for their employees. Nurse staffing firms have workplace safety obligations to two sets of employees—their temporary employees assigned to clients and their internal staff.² With respect to temporary employees, the issue of who is primarily responsible for ensuring their safety at the work site—the staffing firm or the client—has, at times, generated confusion.

U.S. Occupational Safety and Health Administration rules provide that clients are primarily responsible for ensuring the safety of staffing firm temporary employees because the client controls the work site and also generally controls the work performed by the employees.

The information in this document should not be relied on as, and is not intended to be, legal advice. Staffing firms requiring legal or other advice regarding the matters discussed herein should consult with experienced legal counsel.

¹The information contained herein applies to travel and per diem nurses; it does not specifically pertain to allied health care professionals or locum tenens (temporary physicians).

²The ASA employee safety best practices and operating information for nurse staffing firms do not address employee safety practices in the direct hire context since the job candidate is not hired or employed by the staffing firm; instead, employee safety is the responsibility of the client that hires the candidate. Nevertheless, staffing firms engaging in direct hire placements should undertake background checks upon client request, and the scope of such checks should be clearly set forth by the client in writing; if no such request is made, this fact should be reflected in writing also.

Under OSHA rules for recording and reporting occupational injuries and illnesses, clients also are required to maintain records of illnesses and injuries of temporary employees if the temporary workers are subject to the client's direction and supervision. If they are not, then the staffing firms must record the illnesses and injuries on their own OSHA 300 logs. The rules' purpose is to ensure timely and accurate record-keeping by the employer in the best position to obtain the information and to assist OSHA in identifying high-hazard employers. Clients also are required to cover temporary employees under OSHA's 1986 Hazard Communication Standard, which requires employers to notify employees of hazardous substances in the workplace.

Nurse staffing firms have a "general duty" to take reasonable steps to determine conditions at the work site, provide employees with generic safety information, and advise them how to obtain more specific information at the work site to protect themselves from hazards they are likely to face on the job.

Nurse staffing firms can be penalized for failing to inquire about conditions at the work site. They also can be penalized for failing to take adequate steps to ensure that their employees are properly informed of any hazards and how to protect themselves.

Although federal OSHA rules are followed in most states, some states have their own rules that differ in significant ways.

Therefore, while the following employee safety best practices and operating information will help nurse staffing firms create and sustain healthy and safe work environments, they are not intended as legal advice and staffing firms should consult with legal counsel to ensure compliance with all federal and state laws and regulations.

The Employee Safety Best Practices and Operating Information specifically pertain to:

- Nurse staffing firms' general operations and management of workplace incidents
- Nurse staffing firms' internal and temporary employees; and
- Nurse staffing firms' selection of, and interaction with, clients, secondary suppliers, vendor management systems (VMSs); and Managed Service Providers (MSPs)

These best practices have proven to increase productivity and the quality of the work force, as well as decrease turnover and reduce insurance costs. Ultimately, these corporate and field-level policies and procedures can increase profitability.

Employee Safety Best Practices and Operating Information for Nurse Staffing Firms

1. Nurse Staffing Firm General Operations and Management of Workplace Incidents

- 1.1 **Corporate Safety Philosophy:** The staffing firm should, at all times, maintain a corporate safety philosophy regarding, among other things, the firm's commitment to workplace safety; handling workplace incidents; open communication with employees, clients, and other third parties; and acceptable risks with respect to potential and current clients and the parameters for assessing

new or potential risks. Such philosophy should be communicated regularly to all employees and recommunicated as appropriate and any time substantive changes are made to such philosophy.

- 1.2 **Management of Workplace Incidents:** The staffing firm should have policies and procedures in place that are clearly communicated to all employees and address how to handle workplace incidents in a prompt, effective, and efficient manner.
- a. The policy should state that all temporary and internal employees shall be told **to whom they should report incidents** and the time frame for doing so, so that the staffing firm can promptly take action to address any such incident, including facilitating medical care or treatment of any workplace injury.
 - b. The policy should set forth **strict timelines** for incident investigation, for which complete information should be sought (from workers, clients, and third parties), and addressing such incidents.
 - c. The policy should clearly **identify who within the staffing firm will direct postaccident or postinjury treatment**, including interacting with designated medical providers and representatives attending any client facility visit, and communicate with medical personnel.
 - d. The policy should set forth **protocols for postincident investigations and specify which of the staffing firm’s employees or agents shall engage in the investigation** (formal accident training is recommended).
 - e. The policy should specify that a staffing firm representative should expeditiously engage in a **postincident client work site and equipment inspection**, if possible; the policy should further specify that, if on-site inspection is not possible, photographic or video technology should be used promptly to capture information regarding the incident and site. The policy also should address who is responsible for capturing such information.
 - f. The policy should specify the **purposes of all incident investigations**: among other things, to determine whether the incident or claim is legitimate and determine the root cause(s) so as to prevent recurrence.
 - g. The policy should specify how and when the staffing firm’s **insurance carrier(s) and any third-party safety or crisis management consultants** should be contacted and utilized.
 - h. The policy should address the **circumstances under which safety managers should be designated**; such manager could be a staffing firm’s field office employee, regional or corporate employee, or an on-site employee placed with the client.
 - i. **Clients** should be presented with, and consent in writing to, policies and **procedures regarding incidents involving temporary employees**. These policies and procedures should address, among other things
 - Which party is responsible for transporting an injured worker to obtain care and for undertaking other postincident corrective actions
 - Who, at the client site, is responsible for notifying the staffing firm

- of the incident and the acceptable timeframe for doing so
- Contact information for staffing firm personnel who should be informed of any incident
- The sharing of information yielded from postincident investigations
- Identifying corrective actions to prevent future incidents
- The client's responsibility to record assigned temporary employees' workplace injuries and illnesses on the client's OSHA 300 log, to the extent the client directs and supervises their day-to-day work

1.3 Management of Workplace Injury Claims: The staffing firm should aggressively monitor and manage open claims as well as institute policies and prophylactic measures to minimize future claims. Such actions or measures should include

- a. **Timely reporting** of all injuries and claims to the firm's insurer, broker, or third-party administrator
- b. **Maintaining ongoing communication** with both the claimant and insurance adjuster
- c. **Utilizing a national network of health care providers for postincident treatment** so as to avoid having injured workers using higher-cost non-occupational health care providers
- d. **Putting the claimant back to work, through a mandatory return to work program**, in a timely manner and taking into account any work limitations (specified by a medical provider) that the claimant may have; the worker may be placed
 - In a different work capacity as part of the staffing firm's internal staff
 - With the same or another client in a different work capacity
 - With a third party such as a nonprofit organization

Regardless of the capacity in which the worker is placed, he or she should render meaningful services and engage in productive work, and should be required to abide by all applicable staffing firm policies and procedures; and while the worker should be treated with the same respect and dignity as if he or she had not suffered the workplace incident, he or she also should be subject to the firm's policies regarding disciplinary action for workplace misconduct or poor performance.

Such return to work program can substantially mitigate workers' compensation claims and expenses, and the staffing firm should educate all branch offices and internal employees about the cost savings and benefits resulting from a strictly enforced return to work program.

- e. **Engaging in medical management of claims**, through which nurses or other medical providers actively advise and communicate with the staffing firm's internal staff to resolve claims expeditiously

- f. **Implementing a rating system for post incident investigations** undertaken by field employees, so as to incent and hold them accountable for proper investigations of, analyses of, and responses to, workplace incidents
- g. **Utilizing internal claims staff** who can work with adjusters and carriers to manage worker claims

1.4 **Utilization of Contracts That Fairly Apportion Risk:** Contracts proffered by clients often apportion risk in an unfair manner, with the staffing firm agreeing to indemnify the client for almost any and all claims arising from the staffing relationship. Because staffing firms are not insurers, each party should be responsible for the risks associated with its own business, and each such party should have a duty to indemnify the other only for those risks. To help ASA members and their attorneys address these issues, **ASA has developed model contracts that spell out the staffing firm's and the client's respective responsibilities and apportion risk fairly.** The ASA model contracts, which do not constitute legal advice and should be reviewed and modified by legal counsel, as appropriate, are available at americanstaffing.net/legalandgovernment/contracts.cfm.

1.5 **Proper Classification of Workers:** One of the primary components of pricing workers' compensation insurance is classifying a risk or workplace exposure within the proper National Council on Compensation Insurance workers' compensation class code. Incorrect risk classification by insurance agents or underwriters often results in premium that is too high or, conversely, lower premium that is reclassified at the time of audit, thus creating a large audit bill.

The staffing firm therefore should actively monitor such NCCI codes to confirm their accuracy and avoid excessive premiums (note that some states use their own codes rather than the NCCI codes). The staffing firm also should **utilize third parties to monitor and assess the accuracy of the staffing firm's workers' compensation modification factor**, and work closely with adjusters and carriers with respect to the administration of claims.

Also, **the staffing firm should make sure that, to the extent it classifies workers as independent contractors, it is doing so lawfully under wage and hour, tax, and other laws.** While there are benefits to using independent contractors, including not having to provide workers' compensation insurance, new laws and increased enforcement of existing laws are making it more difficult than ever to properly determine whether workers should be classified as independent contractors or as employees.

1.6 **Utilization of Written Job Descriptions and Scope of Work Documents:** Such documents are essential to establishing and clarifying the job duties, responsibilities, and proper role of temporary employees, and therefore they will assist in determining the staffing firm or client's liability under the parties' contract; such documents should be confirmed and agreed upon in writing by

clients, and clients should not be allowed to modify worker duties absent the staffing firm's prior consent.

1.7 Utilization of Risk Management-Based Sales Processes: By including safety and risk management analyses of potential and existing clients in its services, the staffing firm can provide value-added services in addition to staffing. Moreover, by engaging in a risk and safety analysis of policies and work sites, the staffing firm can more accurately account for risk in its pricing, should it decide to do business with a potential client.

1.8 Continuous Cooperation and Communication With Clients: Throughout the term of the staffing contract, the staffing firm and client should continuously communicate, preferably in writing but in all cases expeditiously, regarding temporary workers' assignments, workplace incidents, satisfaction, training, responsibilities, safety equipment, working conditions, and all other relevant issues pertaining to the workers' assignments.

2. Nurse Staffing Firm Screening and Credentialing of Temporary Employees: It is in this area that health care staffing most demonstrably differs from other segments of the staffing industry. Qualification standards for candidates for temporary assignments are stringent, detailed, and dictated by applicable laws and regulations, as well as clients. Proper and thorough screening of such candidates is essential to health care patients' well-being.

2.1 General Screening of Candidates: The staffing firm should engage in thorough screening of all candidates, with a particular focus on **licensing, continuing education, and background checks and drug tests**, to the extent necessary or advisable, and the **dissemination of safety information** during the application process.

- a. The staffing firm's Web site, application forms, and employee handbooks (whether in paper, electronic, or other format) should **clearly set forth all safety policies and worker expectations**; the candidate should be provided with a copy of such policies and expectations during the interview (which should be in person, whenever possible) and sign an acknowledgement of receipt and agreement to abide by them.
- b. The staffing firm should obtain a **complete application for employment from each candidate, as well as a supplemental questionnaire** completed by the candidate and published by the applicable state.
- c. The staffing firm should advise the candidate that drug screens and background checks may be required for certain assignments, and should **obtain the candidate's written consent and waiver** for same.
 - Drug or substance abuse tests and criminal background checks should be conducted per client requests; as required by applicable law; and in connection with certain positions; a minimum 10-panel drug screen is recommended, irrespective of applicable law or client requests, before the nurse is assigned and also within 30 days of assignment;

moreover, drug testing is recommended, prior to placement, for nurses with gaps in assignments or employment of more than six months.

- Criminal background checks should be performed in accordance with the Fair Credit Reporting Act and any applicable state laws.
- d. In cases where a criminal background check will be conducted, the staffing firm should **clearly communicate with the client regarding the scope of the background check**—e.g., whether a state or national check will be conducted (and, if the former, those states that will be checked); whether county or municipality records will be checked; and the time period the background check will cover. **The client should acknowledge and agree in writing to the scope of the criminal background check.** The staffing firm should also review its marketing materials to make sure **not to overstate, or give false impressions with respect to, the background checks it will conduct.**
- e. The staffing firm should **comply with all applicable federal and state laws and regulations** that include drug or criminal background screening requirements.
- f. The staffing firm should **verify the candidate’s employment and education history, confirm that the candidate possesses required licenses or certifications, check the candidate’s references, and inquire as to gaps in employment.** Licenses should be verified, prior to assignment and periodically (at least annually) thereafter, with the relevant state authority so as to ensure that the candidate is and remains in good standing. The staffing firm also should inform the candidate that any material omission or falsification on an employment application is grounds for refusal to hire or termination of employment.
- g. **Office of Inspector General Exclusion Search:** The staffing firm should verify that the candidate is not excluded from participation in federally funded programs. Reasons for being on the excluded list include fraud and abuse, licensing board actions, and defaults on health education loans. Verification can be done online at *exclusions.oig.hhs.gov*.
- h. The staffing firm should ensure that the candidate possesses **current cardiopulmonary resuscitation (CPR) certification and any other relevant or desirable certifications.**
- i. The staffing firm should examine documentation, upon hire, verifying that applicant has had a **satisfactory medical examination within the previous 12 months.** This can be a copy of a physical exam or a statement of good health.
- j. The staffing firm should verify that the applicant had a **tuberculosis test within the past year or chest X-ray within the past five years** showing negative results (certain client contracts may require different or more frequent testing).
- k. The staffing firm should examine proof of **Hepatitis B vaccination, antibody testing revealing immunity of Hepatitis B, or declination of Hepatitis B vaccination,** signed by candidate; similar verifications should be undertaken with respect to rubella vaccinations or titers and varicella titers.

- l. The staffing firm should verify, upon hire and periodically thereafter, that the candidate has **completed in-services**—mandatory training programs required by the applicable state, OSHA, U.S. Centers for Disease Control and Prevention, or industry regulatory bodies. Examples of in-services include
 - Universal Precautions
 - OSHA
 - Substance Abuse
 - Health Insurance Portability and Accountability Act
 - Age-Specific Skills
 - National Patient Safety Goals
- m. **The staffing firm should verify drivers' licenses, review motor vehicle records, and comply with U.S. Department of Transportation requirements** for those candidates who may be driving vehicles on the job.

2.2 Skills and Other Testing of Candidates: The staffing firm should consider administering the following, **in accordance with applicable disability and other relevant laws as well as client specifications obtained in writing.**

- a. **Basic safety knowledge assessments**
- b. General and assignment-specific **skills and knowledge assessments**
- c. **Competency assessments;** self-assessments of nurses' clinical competency and skills in specific specialty areas, which should be done upon hire and annually thereafter
- d. **Skills checklists;** forms used to record the competency assessments of applicants, which allow the staffing firm to acquire an inventory and skill set for each nurse in order to best meet the needs and requirements of clients. The skills checklists should be updated annually to demonstrate acquisition of additional areas of competency and to show the progression of experience in skills.
- c. **Physicals and medical examinations** and physical capability testing of a general nature or assignment-specific (*after* an assignment offer is made, in accordance with the Americans With Disabilities Act and other disability laws)
- d. **Drug tests**
 - The staffing firm should obtain **written consent** from all applicants.
 - In addition to preassignment drug tests, the staffing firm should consider implementing **random drug testing and postaccident testing** in accordance with applicable laws.
 - The staffing firm should maintain a **log of drug tests** conducted to insulate itself from liability.
 - The staffing firm should **comply with all applicable privacy laws** in connection with drug testing and handling drug test results.
- e. **Integrity testing,** which can be used to identify individuals who are likely to engage in inappropriate, dishonest, unlawful, or antisocial behavior at work
 - Such tests can be used to reduce turnover and business costs (for

- example, reductions in absenteeism).
- Such tests should be considered for all candidates for safety-sensitive positions.
- Such tests should be considered for candidates for jobs with high-volume clients.

2.3 **General Orientation for New Employees:** Newly hired employees should undergo general orientation conducted by the staffing firm. Such orientation should include

- a. Review of the **staffing firm's employee handbook** (which should be updated regularly in accordance with the advice of legal counsel), as well as the firm's workplace safety, drug-free workplace, equal employment opportunity, antiharassment, retaliation, and other policies and procedures; and review of **the staffing firm's general duty regarding workplace safety** (for temporary employees)
- b. Review of the **staffing firm's mandatory return to work program**
- c. Review of **any and all processes, policies**, risks, business methods and practices, administrative issues, or other matters that are **specific or unique to the staffing firm's branch offices or particular lines of business**
- d. **Briefing of temporary employees** assigned to clients on
 - General working conditions at the client site and the fact that a major area of loss is slip and fall injuries; thus the employees should be particularly cognizant of areas of obstruction
 - The need for, and types of, personal protective equipment (PPE) for the assignment and that such equipment will be provided by the client or staffing firm
 - To whom the assigned employees will report at the client site
 - scheduled hours of work
 - Job qualifications, including the need for special training or the ability to work with particular machinery or equipment
 - The staffing firm's policies and protocols for reporting workplace incidents
 - The existence of a strike or work stoppage at the client site, including the fact that the worker will not be retaliated against for turning down the assignment and any precautionary measures designed to ensure worker safety during the strike
 - Orientation materials, handbooks, safety policies, and other assignment-specific information provided by the client
 - The need to refrain from removing any safety devices at the work site or using any equipment that the worker does not fully understand how to use, for which the worker has not received safety training, or that is not part of the worker's written job description

2.4 **General Safety Training and Ongoing Communication:** It is critical that, during the employee's tenure with the staffing firm, the firm regularly provide ongoing training and general safety information to the employee. Nurses

specifically should be provided with **caregiver education and training addressing the leading causes of injury**—patient handling, patient assaults, and slips and falls. Testing of nurses may be instituted to ensure that nurses understand and master safety information and training that is provided.

- a. Such training and communication should be disseminated through
 - Electronic newsletters
 - E-mail
 - Safety posters at the staffing firm and client sites
 - Regularly scheduled lunch room or other talks, during which actual work site incidents are addressed and for which employees are required to verify their attendance
 - Internet tutorials and Web-based safety programs
 - Areas of the staffing firm’s Web site dedicated to workplace safety issues and information
 - Paycheck stuffers
 - Mandatory phone sessions or recordings that focus on workplace safety and incident prevention
 - A print or online library of safety and training materials
- b. The staffing firm **should share, with assigned temporary workers, the results of any work site inspections** conducted by the staffing firm (including those conducted prior to the assignment, after a work site incident or accident, or after a significant change in client staff or the temporary worker’s duties).
- c. The staffing firm should engage in **postincident training so as to review causes of and responsibility for the incident** (client, temporary employee, staffing firm, or third party), as well as preventative measures.
- d. The staffing firm should **include risk management personnel in internal staff meetings**.
- e. The staffing firm should **appoint branch office safety teams** to oversee communications with temporary workers assigned from such branches.

3. Selection of, and Ongoing Interaction With, Clients, Secondary Suppliers, Vendor Management Systems, and Managed Service Providers³

3.1 Risk Assessment and Consultation: Prior to taking on (onboarding) a client, it is essential for the staffing firm to engage in a risk assessment and analysis to ascertain the risk of workplace incidents and ultimately decide whether the firm should do business with the potential client. To the extent the staffing firm decides to take on the client, the results of the assessment can and should be shared with the client as a value added service that can improve work site safety for the client’s internal staff, as well as assigned temporary employees. Such assessment should include

³For purposes of these best practices, references to “client” should be construed to also refer to VMSs, MSPs, and secondary suppliers.

- a. A **credit check** of the potential client
- b. Confirmation that the client is **accredited**, if applicable, and a review of the existence of state law and regulations violations
- c. A **search of the potential client's recordable workplace incidents and safety history**. Such information can be obtained from
 - U.S. Bureau of Labor Statistics data
 - OSHA (with respect to inspection histories and fines); see osha.gov/pls/imis/establishment.html
- d. A **comparison of the potential client's workplace incident rate** to the rates of peers within client's industry
- e. A **check within the staffing firm's professional network** regarding others' experiences with the client
- f. A **job hazard analysis** of each potential temporary assignment with the client
- g. A **review of information furnished by the potential client**, including the potential client's safety manuals, policies, and procedures for its employees; OSHA 300 logs (for purposes of determining, among other things, the frequency and severity of workplace incidents and whether incidents involving temporary employees were recorded on the log); and a client safety practices and procedures form, which should set forth information regarding the client's training and safety protocols

3.2 On-Site Evaluation of the Work Site: Staffing firm employees (sales representatives, recruiters, risk managers, etc.) should be trained to engage in **effective on-site inspections and evaluations of the potential client's work site**. **Either a scoring process or qualitative analysis** should be used to evaluate whether to do business with the prospective client.

- a. For potential clients expected to utilize a high volume of temporary workers, or for remote placements, the **staffing firm should consider utilizing the resources of its insurance carrier, or those of a third-party safety consultant, to engage in the on-site evaluation**
- b. The site inspections and evaluations should include
 - An **inspection of equipment** to determine its condition and corresponding safety level (logs and records of equipment maintenance and replacement should be reviewed; safeguards should be in place)
 - A **review of the client's training protocols and practices** with respect to its equipment
 - A **review of all relevant written job descriptions**
 - A **review of common and parking areas**, in addition to the **work site**
 - A review of the **method(s) the client use(s) to communicate safety issues to its own employees** and the efficacy of same
 - Ascertaining that clear **means of entrance and egress** are maintained
 - A review of the client's **policies and procedures regarding patient**

handling and interaction (including combative patients)

- A review of the **client's security measures**

3.3 Safety Partnership With the Client: The staffing firm should impress upon the client that both parties, the staffing firm and client, are essential to creating a successful partnership and fostering work site safety and temporary employees' well-being. The client must have a thorough understanding of, and indicate its written agreement to abide by, its specific duty under OSHA and state workplace safety laws to engage in site-specific training for temporary employees and provide site-specific PPE. To that end, **the staffing firm should require the client to include assigned temporary workers in all orientation, safety, and training sessions conducted by the client for its internal employees performing the same job functions.**

- a. The staffing firm should insure that the **client agrees in writing to comply, and does in fact comply, with the firm's illness and injury prevention program.**
- b. The staffing firm should obtain **documentation from the client showing that the client completed site-specific orientation and training** for assigned temporary employees and provided necessary PPE. The client must provide annual fire and electrical safety classes; annual infection control classes; and annual in-service training regarding recent changes in laws or standards relating to health care, including those pertaining to the ADA, pain assessment and management, blood-borne pathogens and needle stick regulations, cultural, spiritual, and age-specific needs of patients, and national patient safety goals. The client also must engage in site-specific orientation that addresses, among other things, any requirement that licenses and CPR certifications be carried at all times while on duty; dress codes; documentation and medication administration policies and procedures; and "Code Blue" policies and procedures.
- c. The client should provide a **written position description** for each assigned temporary employee.
- d. All of the parties' respective responsibilities should be set forth in the staffing firm's written agreement with the client, which should be reviewed and thoroughly discussed before execution.
 - The **staffing firm should understand any liabilities it contractually assumes**, and ascertain through its underwriter **the extent to which such liability is covered by** the staffing firm's **insurance policy.**
 - The indemnity/hold harmless provision should be reviewed by both the staffing firm's insurer and its attorney.
 - The **client should agree to provide PPE and site-specific training for assigned temporary workers** (including but not limited to training about accident avoidance and reporting, emergency procedures, and ergonomics and site layout) **and also maintain the OSHA 300 log** for temporary workers' illnesses and injuries.
 - The parties should **indemnify each other only for those duties they**

are responsible for under the contract. The staffing firm should refer to the indemnity provisions of the ASA model agreement for general staffing arrangements, and review and modify the same upon the advice of the firm's legal counsel.

- The staffing firm should beware of, understand, and discuss with its attorney and insurance carrier the **ramifications of waivers of subrogation, alternate employer endorsements, and “additional insured” clauses** in the client contract, all of which can adversely affect the staffing firm's ability to recover damages from the client in the event of an incident.
- The parties' contract should incorporate by reference **the staffing firm's accident protocols and practices**, including timeframes for reporting workplace incidents, and the client should agree to abide by same.
- The contract should require the client to **promptly inform the staffing firm of any safety violations or incidents** at the work site, whether or not they involve assigned temporary employees.
- The contract should address the **staffing firm's right to promptly engage in postincident on-site investigations.**
- The staffing firm should create a **formal hierarchy for contract approval**, whereby various members of the firm's staff have an opportunity to review and sign off on the contract before it is executed.

3.4 Ongoing Communication Between the Parties: During the term of the contract, the staffing firm and client should maintain open and ongoing communication regarding safety issues.

- a. The staffing firm should engage in **regular performance and safety evaluations** of assigned temporary employees, with input from and information furnished by the client.
- b. The staffing firm should engage in periodic (quarterly or more frequent) **follow-up safety visits** to, and inspections of, the client work site.
- c. The staffing firm and client should promptly **counsel assigned temporary employees in connection with any accidents or near misses** so as to prevent same in the future.
- d. The staffing firm should, wherever feasible, **participate in the client's safety committees** so as to have meaningful input into the safety of assigned temporary workers.
- e. The staffing firm should consider **providing safety incentives to clients** for conducting business without incident for certain periods of time.
- f. Both the client and assigned temporary workers should **affirm, in writing, any time training is conducted by the client**, and such training should be **regularly updated** as a result of, among other things, changes in equipment, job duties, supervisors, or other changed terms and conditions of the temporary worker's assignment.

