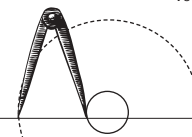




BluePrint



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COMMONWEALTH CONTRACTORS GROUP SELF-INSURANCE ASSOCIATION

From the Trenches



Wayne Boggs, Board Member

Commonwealth Contractors
Group Self-Insurance Association
President—Richmond Alarm Company

As a Board member for five years now, I've seen many changes at Commonwealth Contractors. Like any growing organization, we have faced many difficulties as well as many opportunities. Your Board works hard to assure that we address the difficulties in the best interests of the membership and take advantage of the opportunities whenever possible. We helped reorganize our Service Company, Self-Insured Concepts, and now enjoy first class accounting and underwriting services. This alone has greatly impacted our ability to maintain competitive rates. We turned over our marketing to Landin Incorporated, with the result that we have more productive contacts with the agents who actually sell our product and have seen our membership grow dramatically. We've also seen Landin greatly expand their loss control efforts, with the direct result of helping our members improve the safety of their workplaces. The consequence has been a growing, productive, financially sound

organization which has consistently returned dividends to its members. No other self-insured group in Virginia can boast such success.

However, even with these successes, I feel that our members fail to take full advantage of the opportunities offered by the Association to improve their understanding of its operation, make use of the safety advice we offer, and enhance their business knowledge. I have found my term on your Board to be an awesome learning experience, and much of the knowledge I have gained has directly impacted my business success. Each year the Association holds an Annual Meeting at which the results of its operations for the past year are presented to the members, and presentations are made by the Administrator and the Service Company. This information is invaluable in understanding the Workers Compensation equation and how we can each benefit from the services offered by the Association. Unfortunately in my years on the Board, the highest attendance by members at an annual meeting was three. This year, there were no members present beyond your Board. With over 1000 members, it is

continued on page 6

Welcome New Members

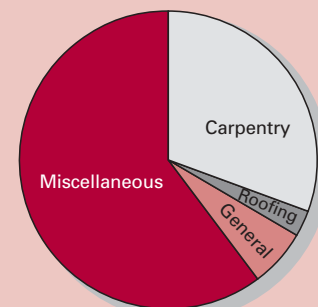


Stan Adams

President—Self-Insured Concepts, Inc.

Since the April 1 start of Commonwealth Contractors' new plan (policy) year, we are pleased to welcome 317 new members generating over \$3.5 million in pro-rata premium. The addition of these new members brings our total membership to 1421 as of December 31, 2003.

The 317 new members are categorized as:
Carpentry Contractors = 97
Roofing Contractors = 9
General Contractors = 20
Miscellaneous Contractors = 191



Welcome Marshall Ware!

Loss Control Addition – Staying Ahead of the Growth!

Cheryl S. Brooks

Vice-President / Marketing – Landin, Inc.

CCGSIA has experienced significant growth over the past several years. Our history of favorable premium rates, excellent loss control and claims service, and substantial refunds of surplus premium has attracted hundreds of contractors and construction related businesses to seek membership in our group. We now boast an impressive 1,400+ membership!

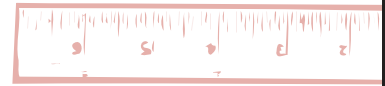
In keeping with the group's focus on strong loss control and claims

services, Landin, Inc. is pleased to announce the addition of our newest loss control representative, **Marshall Ware**. Marshall joined Landin, Inc. in September, 2003 and brings with him over 14 years experience in safety and loss control and a working knowledge of safety regulations for general industry and construction. He is a Certified Safety Professional (CSP) and a Certified Health & Safety Technologist (CHST).



Marshall Ware, our newest Loss Control Representative

With the addition of Marshall Ware, our safety staff consists of 5 full-time loss control engineers and 2 consultants working on an as-needed basis. Our focus continues to be on providing the outstanding safety and claims services that benefit both our group as a whole and our individual members. Thank you for your continued cooperation with our safety engineers – with your help, we will continue to grow stronger as we grow larger.




An Approved Drug-Testing Policy Saves You Money!!

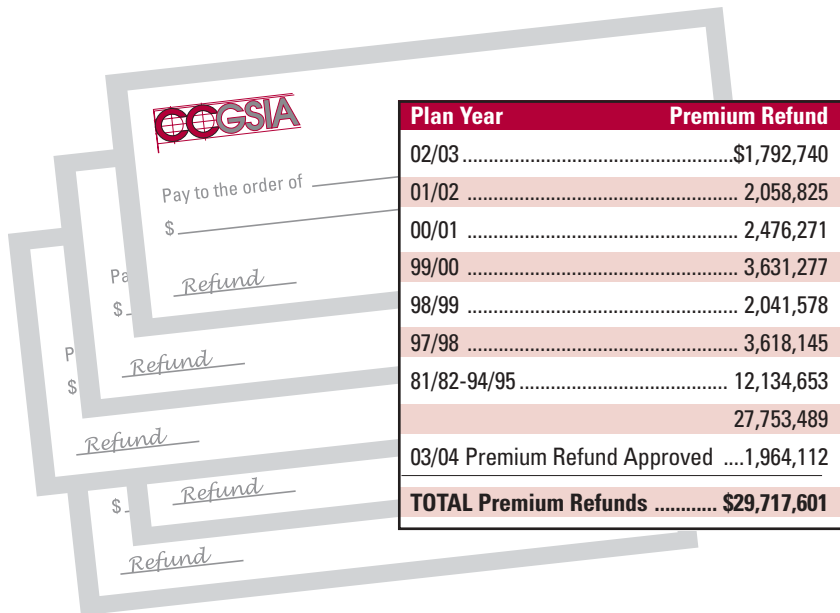
WE'LL HELP YOU GET ONE STARTED

Cheryl S. Brooks

Vice President / Marketing – Landin, Inc.

A drug testing policy can save you money – CCGSIA will give you a premium credit of 5% if your drug testing program meets the outlined requirements, but that's just a small part of the savings. Drug abuse has a direct impact on workers' compensation rates, accident frequency and claims costs. Further, Virginia law allows us to deny payment to any injured employee found impaired by drugs or alcohol via post accident drug testing. Drug abuse has a negative impact on your business in other ways too. Did you know that employee absenteeism and tardiness is 4 times higher for substance abusers? And how about employee theft – 25% of drug users admit to it!!

An effective drug testing program can help you realize substantial savings for your business – we'll help you get one started. Although you may utilize any drug testing firm you choose, the CCGSIA endorses Trident National Corporation to perform the drug screening and assist you in setting up a substance abuse program that meets our criteria. Trident can provide you with an approved written policy and lead you step-by-step into an effective program. For more information, contact Robyn Cagle at Trident National Corporation at 800-849-2264. 



Dividends Are Your Payoff

Stan Adams

President - Self-Insured Concepts, Inc.

The Virginia Bureau of Insurance has approved Commonwealth Contractors' 2003/2004 premium refund distribution in the amount of \$1,964,112. A breakdown of our dividend history follows:

The total refunds over the past five years amount to \$11,923,225, for an average of \$2,384,645 per year, an accomplishment unmatched by any Group Self-Insurance Association in Virginia.

Dividends are returned to Members whenever the group has a positive claims experience, and individually

reflect the loss record of each recipient Member. Therefore, the more effective the safety efforts, the better the claims experience and subsequently results in larger dividends.

This is exciting news for all of our members and especially those who have been with us for the past five years. With approximately \$13,000,000 of Members' surplus remaining after this premium refund distribution, the future looks even brighter for Members who stay with Commonwealth Contractors.

How Does Your Company Stack Up?

Gene Fornash, Jr.

Senior Loss Control Representative – Landin, Inc.

As my associates and I travel across the state making loss control visits to CCGSIA members, we often witness conditions and practices that concern us. We find many companies that unknowingly are in violation of VOSH regulations or other recognized safe work practices. Unfortunately, we also come upon situations where a company knowingly has disregarded a basic safety precaution, thereby exposing one or more of their employees to danger. "I have done this job this same way for 20 years and no one has been hurt," is a frequently heard, and unacceptable, comment. Doing a job the same way for years, without an accident, does not necessarily mean that it is being done the safest way. The next time that job is done someone may be seriously injured. Landin's loss control staff is trained to identify safety hazards and discuss them with members so that action may be taken to correct the problem and make the workplace safer.

We hope to clear up some of those safety gray areas by providing a sampling of some of the more common safety shortcomings that we come across during our visits in this and future articles. We encourage you to use this information to evaluate your own operation and make corrections as necessary for an improved working environment for your employees and a stable, safety-focused

group for all CCGSIA members.

✓ **"I only have one forklift, so I don't need a forklift training program."**

Wrong, maybe dead wrong. We hear that all the time. Whether you have one or ten, you still need the training program.

✓ **A defective or damaged ladder can be a serious danger!**

First, have a competent person periodically inspect ladders for defects. Second, take a defective ladder out of service and either destroy it or tag it with a "Do Not Use" sign until it can be repaired. Finally, ladder repairs should restore the ladder to its original design specifications.

✓ **"I hold a safety meeting every morning."**

No you don't! If it's not documented, it never happened. A casual conversation regarding the daily schedule is not a safety meeting. You need a specific topic for the meeting, it should be planned in advance, and it must be documented.

✓ **Seat belts on heavy equipment or in company vehicles should not be in disrepair, missing, or disregarded.**

Install them, repair them, and clearly state to employees that you will enforce the use of them.

✓ **I once heard an owner say, "I can't make them do anything,"**

referring to the problem of his men not wearing hardhats. Safety rules are not optional. Disciplinary measures must be established and followed.

✓ **Safety glasses should be worn at all times when an eye hazard is present.** I recommend that eyeglass retainers (worn around the neck) be issued so that glasses are always available.

✓ **We see many small to medium-sized shops lacking lockout-tagout protection in regard to shop equipment.**

✓ **Grounding pins on plugs for 3-wire electric power tools are often broken off, and nicks in drop cords are taped instead of properly repairing or disposing of the cord.** Cutting the damaged cord into shorter sections and installing new plugs can repair many cords.

✓ **Do your employees know what a MSDS (Material Safety Data Sheets) Book is and its significance?**

They should.

How does your company stack up? Do any of the conditions referred to above exist? If this list makes you take a closer look at your operation, then you will have made progress toward establishing a proactive approach to workplace safety and health. This will enable you to seek and then implement solutions before a serious problem arises. We encourage you to contact Landin's Loss Control Department for any of your safety and health needs. We are there for you. ←

Safety Workshops 10-HOUR OSHA CONSTRUCTION INDUSTRY TRAINING PROGRAM PLANNED



Bobby Sasser, CSP, CHCM

Senior Loss Control Representative – Landin, Inc.

Landin's Loss Control Department recently completed a series of 4-hour safety workshops in Central, Tidewater, Northern and Southwestern Virginia. The workshops were open to all CCGSIA members and provided valuable safety information on drug testing programs, safety meetings, fall protection, and OSHA inspections.

We are pleased to announce that we will be presenting the **OSHA 10-Hour**

Construction Industry Training

Program in various areas around the state in 2004. Two of Landin's Loss Control Representatives are certified as instructors for the course – it is intended to provide training on a variety of construction safety and health areas, with an emphasis on hazard identification, avoidance, control and prevention. The decision to offer the course was made after we received numerous requests from CCGSIA members that attended the safety workshops we presented in 2003.

Planning is at the preliminary stage, but it is anticipated that the program will begin in February 2004 in Richmond. The program will also be presented in Tidewater, Northern and Southwestern Virginia. Although we have been able to offer previous safety workshops without any fee to attendees, a minimal fee to offset the cost of course materials is anticipated for the 10-hour OSHA program. The manual received at the program will be an excellent reference source on safety issues.

Watch your mail for an announcement about the course in your area. ←

Use of Non-Prescribed Controlled Substances Equals No Benefits

William K. Willis

Executive Vice-President – Landin, Inc.

In this article of the BluePrint we will conclude our exploration of the compensability defenses noted in Section 65.2-306 of the Virginia Workers' Compensation Act, i.e., that portion of the Act addressing "when compensation is not allowed for injury or death."

In previous BluePrint articles we detailed the four defenses noted below:

- *"The Employee's Willful Misconduct Or Intentional Self-Inflicted Injury"* (August '02 BluePrint).
- *"Employee's Attempt To Injure Another And Employee's Intoxication"* (December '02 BluePrint).
- *"Employee's Willful Failure Or Refusal To Use A Safety Appliance Or To Perform A Duty Required By Statute"* (April '03 BluePrint).
- *"Employees Willful Breach Of Any Reasonable Rule Or Regulation Adopted By The Employer And Brought, Prior To The Accident, To The Knowledge Of The Employee"* (September '03 BluePrint).

The final defense we will review under this section of the Act is "The Employee's Use Of A Nonprescribed Controlled Substance" and in order for you to understand how this

defense applies, let me quote from subsection B of 65.2-306 as follows (some of the language in this section will apply to alcohol use as well):

"The person or entity asserting any of the defenses in this section shall have the burden of proof with respect thereto. However, if the employer raises as a defense the employee's intoxication or use of a nonprescribed controlled substance identified as such in Chapter 34 of Title 54.1 of the Code Of Virginia, and there was at the time of the injury an amount of alcohol or nonprescribed controlled substance in the body fluids of the employee which (1) is equal to or greater than the standard set forth in 18.2-266, or (2) in the case of a nonprescribed controlled substance, yields a positive test result from a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, there shall be a rebuttable presumption that the employee was intoxicated due to the consumption of alcohol or using a nonprescribed controlled substance at the time of his injury. The employee may overcome such presumption by clear and convincing evidence."

One example of the application of this section of the Act is that "compensation cannot be awarded to an employee for an injury caused by his use of a nonprescribed controlled substance; however, the burden of

proof is on the employer to prove the claim is barred." A second example would be that "the employer must prove by a preponderance of the evidence that the use of the forbidden substance(s) proximately caused the employee's injury. The mere fact that a lab result showed the presence of the controlled substance in the claimant's body does not prove causation."

What all this means is that if your company requires post accident drug/alcohol testing, and we strongly recommend that you do, and an injured employee has a positive post accident test then the Act provides you with a defense to the claim in the form of a "rebuttable presumption." The Act, however, allows the employee to attempt to overcome the presumption by presenting "clear and convincing evidence" (i.e., rebut the presumption) that the accident was not caused by or as a result of the employee's use of such nonprescribed controlled substance.

In the next issue of the BluePrint we will look at the employer's statutory duties under the Act to both the employee as well as to the Virginia Workers' Compensation Commission; however, in the meantime please feel free to contact me in regard to this or any other Workers' Compensation related matter. ☛

ONLINE SAFETY

Bobby Sasser, CSP, CHCM

Senior Loss Control Representative – Landin, Inc.

www.dli.state.va.us

This is Virginia's Occupational Safety and Health (VOSH) web site. Through the VOSH site, information on Virginia's unique safety regulations (applicable only in Virginia), VOSH manuals, a safety newsletter, a list of the most frequently cited standards and links to other sites (including federal OSHA) are available

OSHA Revises Recordkeeping Form

OSHA's Form 300, Log of Work-Related Injuries and Illnesses, has been revised by adding a column for hearing loss effective January 1, 2004.

A copy of the revised Form 300 can be downloaded as an Excel spread-

sheet by following these steps: log onto the VOSH web site; click on "DOLI Programs", click on "Most Requested" in the upper left corner; click on "OSHA 300 Log" under Downloadable Publications; and click on "Microsoft Excel XLS." When the form appears, save it to your hard drive and the form is ready to use. VOSH citations can be issued and fines assessed for failing to keep the Log or for keeping it incorrectly.

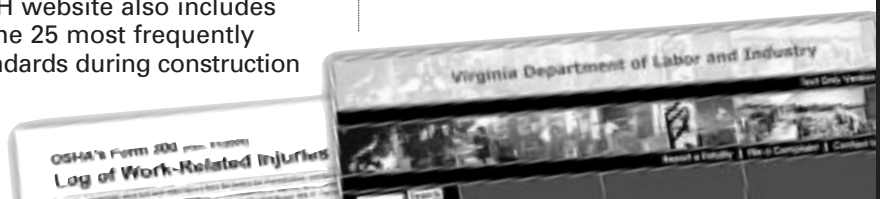
Most Frequently Cited Standards During Construction Inspections by VOSH

The VOSH website also includes a list of the 25 most frequently cited standards during construction

inspections. This gives you an opportunity to correct deficiencies before someone is injured or a VOSH Compliance Officer pays you a surprise visit.

Need Help?

To determine if you are required to keep OSHA Form 300 or to obtain information about VOSH regulations, visit the VOSH website, contact the local VOSH consultation office (They cannot issue citations, and the call won't result in an inspection.), or contact Landin's Loss Control Department at 804-359-9600, extension 20. ☛



Meet Bobbi Davis of Greenbrier Vinyl & Gutter Supply, Inc.

A Long-Term Member of The Commonwealth Contractor's GSIA

Cheryl S. Brooks

Vice-President / Marketing – Landin, Inc.

Bobbi Davis, Vice-President of Greenbrier Vinyl & Gutter Supply says she'll "go to the ends of the earth" for her employees, and they know it! They also know not to cross her. She runs a tight ship – just the type of member we like in the CCGSIA.

Greenbrier Vinyl & Gutter Supply, Inc. has been a CCGSIA member for 17 years, and Ms. Davis' no-nonsense attitude about safety and her close involvement with her employees has proven beneficial over the years. Indeed, Greenbrier's outstanding loss record has enabled the CCGSIA to return over \$120,000 in surplus premium to the company since it joined the group in 1992. Over the last 3 years, Greenbrier has had no work related injuries and only 3 minor incidents the two prior years – a record to be proud of. Ms. Davis states "workers' compensation is not old age retirement – don't try to collect something you're not entitled to". She says she's made several

trips to the Virginia Workers' Compensation Commission to defend the company against fraudulent claims and has "never walked out a loser". She makes sure her employees are aware of her safety policies up-front and doesn't deviate from them.

I recently had the pleasure of sharing lunch with Bobbi Davis and her agent, Pat Cartwright of HRH of Virginia. HRH is a long time supporter of the CCGSIA, and Ms. Cartwright has been taking care of Greenbrier's insurance needs since 1997 - a rewarding relationship for both. Although Ms. Davis is no-nonsense when it comes to safety issues, she has a very warm and colorful personality. Her management style has produced a staff that is loyal and experienced, with very little turn-over. Her superintendents are excellent and lighten her load considerably - her philosophy is "treat them like people and be good to them, but don't let them get by with anything either".



Bobbi Davis of Greenbrier Vinyl & Gutter Supply, Inc. with Pat Cartwright of HRH of Virginia.

We are pleased that Greenbrier Vinyl and Gutter Supply, Inc. is a member of the CCGSIA, and strive to populate the group with businesses with that same commitment to safety and strong management style. If you ever have the opportunity to meet Bobbi Davis, congratulate her on a job well done on behalf of all the members of the group – we're all in this together! 🗝️

Drug Testing Just Got Easier (And Better)!



Robyn Cagle

Trident National Corporation

Drug screening has been going through an evolution for the past 10 years, but the basic technology has changed very little. Now there is something that could revolutionize the drug screening industry...and make life easier for employers as well. The accuracy of oral fluid (saliva) testing is now equal to urine tests. But oral fluid testing is not new. It has been used by the insurance industry for years.

There are several real advantages:

- First, the collection of oral fluid is much **less invasive**.
- Every collection is observed in its entirety so the **opportunity for adulteration or substitution is virtually eliminated**.
- There is no need to send the employee off-site to a collection site, which **saves time and money**. Collections can take place in an



office or in the front seat of a company vehicle at the worksite.

- In our experience, when used for pre-employment testing, the oral fluid test **identifies 42% more** current drug users than a laboratory-based urine test.
- **Detection** time period for marijuana is virtually zero. This means it is a better tool for current impairment.

While the oral fluid test costs a couple dollars more, the expense is

more than offset by the savings realized by reducing travel and collection time.


With a 5% discount on your Workers Comp Premium and a grant for free testing and services through the Small Business Administration for qualifying companies, you can't afford not to have a Drug Free Workplace Program!

For more information, call Robyn Cagle 354-0697 or 1-800-849-2264.
E-Mail: rcagle@trident-national.com 🗝️

Trenches, continued from page 1

unfortunate that none found the time to attend such an important meeting.

Commonwealth Contractors Group Self Insurance Association is not simply another Workers Compensation insurance company. You are a member, not a client. You directly benefit from the success of the Association in the dividends you earn. When was the last time your auto insurance carrier sent you money back after you had a year with no claims? Your Association has done so for years. Please take the time next year to attend our Annual Meeting. I promise you will find it time well spent.

Finally, have you visited the CCGSIA web site recently? We remind you of this periodically because the links provide excellent information for employee safety education. Take advantage of this and the many other services offered by CCGSIA – they are provided for the benefit of your company, your individual employees, and ultimately, the long-term stability and health of the CCGSIA! 

In the Next Issue...

BluePrint Highlights

In the next issue, we'll highlight Landin, Inc.'s Claims Staff. Meet the people that work every day to keep claims costs down and greater refunds of surplus premium coming your way!!!

Claims – What Are Your Responsibilities As An Employer?

Bill Willis, Executive Vice President for Landin, Inc. will report on the employer's statutory duties under the Act to both the employee as well as to the Virginia Workers' Compensation Commission.

Toolbox Topics

Our removable insert will provide useful information on safety issues and injury prevention. We encourage you to circulate and post it as a constant reminder to your employees. In our April issue, we'll discuss:

Back Injury Prevention

Back pain is one of the most common health problems in America. We'll tell you how to prevent it.

Fall Protection – Online Resources

Of the accident risks in the construction industry, falls are one of the most serious. We'll give you some fall protection pointers and provide you with some great sources of additional information.


Real Life Circumstances

Our loss control staff will continue their report on real-life circumstances seen by Landin's Loss Control Representatives in their visits with members.

From The Trenches

Charlie Lambert of R.D. Lambert & Son, Inc. and CCGSIA Board Member will report on his experiences as a member of the CCGSIA.

Look for the next BluePrint issue

to arrive in April!! In the meantime, feel free to contact Cheryl Brooks at Landin, Inc. with your ideas for topics you would like to see addressed in future issues (cbrooks@landininc.com or 804-359-9600 x 22). 

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