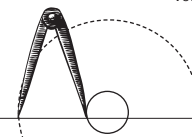




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COMMONWEALTH CONTRACTORS GROUP SELF-INSURANCE ASSOCIATION

From the Trenches



Dennis Miller, *Board Member*

Commonwealth Contractors Group
Self-Insurance Association
Moore Brothers Company, Inc.

The winter doldrums are just a distant memory. During this transition period into Summer, plan to take time to review your company safety program, policies and statements. You may need to update your safety manual as it should be implemented as a strategic plan in preparation for the coming construction season.

If you have not attended the OSHA 10-Hour Outreach Training Program sponsored by CCGSIA and supported by your Board of Directors, please plan on doing so. Our company, Moore Brothers, Inc., has had several employees attend the session and all have been extremely satisfied with content and instruction. This is a member service offered to you at a minimal cost.

In addition, consider taking advantage of our Drug and Alcohol Free Workplace program. It not only saves on your workers' compensation premium, it also provides a healthier and safer workplace for all. The benefits for your company far outweigh any inconveniences. Our company implemented this program over ten years ago. The advantages of pre-employment, random and post accident

testing have significantly increased employee moral and safety awareness. This has been a great benefit to the overall productivity of our company. A companion program that our company offers is the Employee Assistance Program. This program provides confidential counseling in such things as personal finance, family matters and substance abuse.

An article in Occupational Health & Safety magazine noted that in 2003, the number of workplace homicides increased faster than any other cause of worker fatality, and that 81 percent of the 631 victims were female. According to this article 5,559 people died in 2003 from job related injuries. JoAnn M. Sullivan, CSP, noted, "employers must realize that under federal and OSHA regulations they have a general duty to furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or likely to cause, death or serious harm to the employee."

We must remember that we, as employers, are responsible for and to our employees when they are on the job. Take advantage of the benefits and resources provided to you as a member of the CCGSIA to make your company a safer and healthier environment for yourself and your employees. —

Welcome New Members

Stan Adams

President—Self-Insured Concepts, Inc.

Since the April 1 start of Commonwealth Contractors' 04/05 plan (policy) year, we are pleased to welcome 227 new members generating over \$3 million in pro-rata premium. The addition of these new members brings our total membership to 1643 as of March 31, 2005.

The 227 new members are categorized as:

- **Carpentry Contractors = 85**
- **HVAC Contractors = 13**
- **Electrical = 10**
- **Miscellaneous Contractors = 119**



www.ccgsia.com

This news article was published in The News & Advance, Lynchburg, Va. on May 8, 2004. It is reproduced here with permission. The company mentioned in the article is not a CCGSIA member and we do not know any details concerning the accident. However, there's one very important question you should consider, that is, "How's my company's fall protection program working?"

Fall Kills Hill City Roofer

Accident Occurred at Bedford Job Site

BY VICTOR REKLAITIS
THE NEWS & ADVANCE

A 47-year old Lynchburg man described as a "dedicated employee" died at Roanoke Memorial Hospital about 9 p.m. Thursday, after falling from a roof in the city of Bedford.

Sanford Alvin Lewis, of 1920 Union St., slipped about 3:15 p.m. Thursday while replacing a tin roof on a house at 811 Oak St., according to Bedford Police Capt. Stephen

Rizzuto. Lewis fell from the roughly 25-foot high roof, to a 15-foot high porch roof and then to a concrete driveway.

He hit his head and sustained "severe trauma to the back," Rizzuto said, adding there will be no autopsy. Lewis was first treated at the scene by the Bedford and Goode lifesaving crews, then taken to Bedford Memorial Hospital and finally air-lifted to Roanoke Memorial Hospital.

An investigator with the state agency that

administers Occupational Safety and Health Administration (OSHA) regulations was at the accident scene within an hour, said Jennifer Wester, the agency's director of cooperative programs.

Wester said an investigation of the accident will likely take 60 to 90 days. She said her agency, the Virginia Department of Labor and Industry, investigated 47 workplace deaths in 2003. When OSHA regulations are violated, the agency can issue citations and fines.

Lewis had been working on the roof for Bedford-based Liberty Home Improvements.

"He was a dedicated employee. He was a dear friend," said a man who identified himself as the owner of the company, but declined to give his name. "He was a great person."

The owner said he and Lewis had been friends for a decade, adding that he had been up all night Thursday after Lewis died.

Stofko Masonry, Inc. — A Tough Act to Follow

Cheryl Brooks

Vice-President / Marketing — Landin, Inc.

Need some great tips on safety training and management for your company from a fellow CCGSIA member? Contact Matt Stofko, President of Stofko Masonry and CCGSIA member since 2001. Matt started Stofko Masonry, Inc. in 1986 with just a handful of employees — today, Stofko Masonry has grown to over 70 employees. Matt feels that organization and hands-on involvement by management are key in successfully administering a safety program. We at CCGSIA couldn't agree more — We encourage our members to be proactive



Matt Stofko, President of Stofko Masonry.

when it comes to safety and share that attitude with their employees. Stofko Masonry takes safety very seriously. In fact, Matt acts as the safety director for his own company and the company's outstanding claims history is the result of that attitude. "We like being a member of the CCGSIA because it allows for each member to be involved and have an impact on safety and on their individual premium. It is important for management to provide proper training and equipment and make sure the employees have adequate safety resources, but the ultimate responsibility for safety is with the employee." Matt states that safety is easy — if you make use of the many resources available and give it adequate attention. However, even companies with a strong commitment to safety will occasionally have an injury occur. When it does, Matt states that the biggest variable to the cost of the claim is the person managing the claim from within the company. "We can dramatically lower our claims costs if we stay involved through the claims process." Matt's involvement doesn't stop there — he now serves on the CCGSIA Underwriting Committee and hopes to serve on the

Members' Supervisory Board in the future. We at CCGSIA are pleased to have Matt Stofko and Stofko Masonry, Inc. as a CCGSIA member — the company is an asset to the group and a great example to other member contractors. —

CCGSIA New Member Packet

Contains Important Information

Remember the new member packet that you received when you joined the Commonwealth Contractors Group? It contains the following helpful information:

- Detailed instructions for filing a claim
- First Report of Accident forms
- Panel of Physicians list and information
- Loss Control Procedures from Landin's Occupational Safety & Health Department
- Landin, Inc. Staff Listing

Feel free to contact Landin, Inc. at 804-359-9600 or info@landininc.com should you have any questions regarding the information in your packet.



Are All Accidents Preventable?

Dig Deep with Proper Investigation Techniques!!

Bob Naujelis

Occupational Safety & Health Consultant – Landin, Inc.

Is the old cliché really true, that all accidents are preventable? Not in a practical sense, but most accidents could be avoided if proper safety measures were taken. One of the best ways to prevent accidents is to learn from our mistakes through proper accident investigation.

Often, detailed accident investigations are not performed because false presumptions are made as to the cause of the accident. It is often assumed that an accident was unavoidable, or that it was simply attributable to carelessness on the part of the employee. Sometimes accident investigations are not performed because the value of the information that can be gained from accident investigations is not understood. In order to understand the root, or real causes of accidents, we need to dig deep to find the underlying causes using proper accident investigation techniques.

Why is it so important to thoroughly investigate on the job accidents? There are a number of reasons, but most importantly, we want to learn from our mistakes, so that we can prevent the same thing from happening again. If we don't know why an accident occurred, we cannot take the proper steps to prevent a similar or possibly more serious injury to an employee in the future.

Who should perform accident investigations within your company? The injured employee's supervisor typically carries out accident investigations. However, depending on the size of the company, it could be anyone from a lead person, a foreman, a supervisor, or the owner of the company.



The person performing the accident investigation should:

1. Insure that rescue and proper medical attention, if needed, is provided.
2. Preserve the scene until the investigation is complete.
3. Have some knowledge of the work being performed.
4. Understand the questions that need to be answered.
5. Have reasonable interviewing skills.
6. Be able to develop adequate controls to minimize or eliminate the problem.
7. Be able to prepare a clearly written report on his or her findings.


The following questions should always be answered in any accident investigation:

1. **Who** was involved in the accident? The injured employee and anyone else involved, or witnessing, the accident should be interviewed so that the events surrounding the accident can be accurately determined.
2. **What** happened? Describe the accident carefully. An example might be: The employee stepped off the roof onto a ladder. The ladder slid along the gutter, causing the employee to fall fifteen feet to the ground below.
3. **Where** did it happen? Describe the location by physical address, and location on the site.
4. **When** did it happen? The date and the time of day can be important factors. It allows for the determination of lighting and weather conditions at the time of the accident.
5. **Why and How** the accident occurred are the key questions that need to be answered in any accident investigation. What are the direct causes of the accident? In the example above one of the direct causes was that the ladder was not secured. Another direct cause might have been that employees were short-handed, and had too much to do, so they rushed through the job.

Are there any indirect causes? The following questions should be asked:

1. Do I have a written ladder safety policy?
2. Are my employees trained on it?
3. Do my supervisors consistently enforce rules on ladder safety?
4. Was this employee nervous about working at heights?
5. Do my employees understand English well enough to understand the safety training?

Once the accident report is completed, it is management's job to review it and take corrective measures. The corrective measures should make it difficult, if not impossible, for the same thing to happen again.

Seven construction employees at one company fell from ladders over a short period of time. In five of the accidents, employees were wearing sneakers. All of the accident investigations also noted that the ladder rungs had an oily substance on them. The obvious trend led to a more thorough investigation. It was discovered that the ladders were being stored on the floor in a shop where the oily floor was not cleaned. The combination of rubber soled sneakers, and poor housekeeping caused five employees to fall from ladders. Armed with this knowledge, the employer was able to take corrective measures to eliminate the hazard. 

At the Beach (PIA Convention)

Cheryl Brooks

Vice-President / Marketing – Landin, Inc.



Once again, we had a display booth at the PIA Convention and Trade Fair on June 26th and 27th in Virginia Beach. We saw a lot of our loyal agents that are currently placing their outstanding contractor accounts with us and made some new acquaintances. If you attended the convention, I hope you stopped by our booth; we love to talk about the CCGSIA. **See you next year!!**

Fall Protection — Online Resources

Bob Naujelis

Occupational Safety & Health Consultant

Of all the accident risks in the construction industry, falls are one of the most serious. A 200 lb person falling 6 feet exerts an impact pressure of about 3,700 lbs. It is rare that a worker walks away from a fall without serious injuries. OSHA statistics indicate that falls are the leading cause of construction fatalities. An average of 362 construction workers died from falls between 1995 and 1999. For every fatality, there are many serious, often permanent injuries. Undoubtedly, fall injuries result in high workers' compensation costs. Insurance rates for construction workers on the ground are much lower than for roofers, steel workers, carpenters, etc.

Some common workplace situations that present a risk of falls include work on roofs and other high structures, and from ladders, scaffolds, and aerial lifts. All of these activities present risks that require the implementation of safety measures that include extensive safety training, use of proper equipment, and proper management.

There are several actions a company can take to minimize the risk of falls: The first is for management to have a strong, visible commitment to safety. This means becoming actively involved at the highest levels, and following safety rules, as is expected of all employees. Nothing undermines a safety program more than when management ignores the rules it expects employees to follow. Company owners and managers lead by example. When

employees see and hear that management strongly supports the safety program, they will understand what is expected of them.

In addition, remember that fall protection training is required under the OSHA Fall Protection Standard. Employees must understand when fall protection equipment is required to be used, and they must be able to use it properly. OSHA also requires that a competent person evaluates fall hazards and determines fall protection requirements. The competent person must make sure that fall protection is properly carried out at all times. Training cannot be over emphasized as a means for reducing accidents.

There are numerous sources of information on fall protection. The following is a short list of the many resources that are available online:

1. The federal OSHA website is an excellent source of information on fall protection that ranges from fall protection standards, to standard interpretations, to training materials, and much more. The web address is: www.osha.gov. When you reach the home page type "fall protection" in the search box. Searches can be further refined to include news releases, interpretations, and other categories.

1-a. www.osha.gov/SLTC/construction-fallprotection/ is the OSHA web page that is a starting point for information on construction fall protection.

1-b. If you are involved in residential contracting, framing, roofing, or masonry, OSHA has established alternative rules on fall protection. The following link will take you directly to that page on the OSHA website: www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2288.

2. Keep in mind that steel erectors in Virginia are subject to fall protection requirements that are different than the Federal Standards. Those requirements can be accessed at: www.doli.state.va.us/infocenter/publications/vaunique_p2.html.

3. www.pacificemployers.com is a free website that contains numerous safety talks and checklists, all downloadable for free. It also contains links to many safety organizations, and government labor related sites. It is one of the best.

4. www.toolboxtopics.com is another website that contains safety talks, checklists, and safety plans all downloadable for free.

5. www.safety.dupont.com/forms/yardstick.html is a web page courtesy of DuPont Corp. that contains a worksheet to help you approximate annual injury costs.

The internet websites listed above are just a few of the many available resources on the internet. A lot of information can be obtained from internet searches, construction trade associations, and equipment vendors. ←

OSHA 10-Hour Training Program Continues



Cheryl Brooks

Vice-President / Marketing – Landin, Inc.

Our recent OSHA 10-Hour Construction Industry Outreach Training Program was nearly a sell-out when it was offered on April 28th in Chesapeake. The course instructors were two of Landin's outstanding Occupational Safety & Health Consultants, Marshall Ware and Bob Naujelis. The course was also recently offered on May 19th in Fredericksburg and was instructed by Ed Boulanger and Bob Naujelis. Landin's Occupational Safety & Health Consultants have many years of safety and accident prevention experience and knowledge of OSHA regulations. They present practical applications for safety program improvements and compliance with OSHA regulations that members are required to implement and follow. We have received many favorable comments on the more recent programs that were presented as well as on the programs offered earlier this year

How to Report a Claim

Scott Berriman

Vice-President / Claims



NEW! ELECTRONIC REPORTING OF CLAIMS!

You can now e-mail claims to Landin, Inc. via the following address:

AccidentReport@landininc.com

Losses can be attached as either a scanned copy of the handwritten Employer's Accident Report or an electronic copy can

be accessed via the following link from the Virginia Workers' Compensation Commission home page for an editable copy of the Employer's Accident Report: http://www.vwc.state.va.us/printable/-form3_ear.pdf

Simply type in the information, go to FILE to SAVE, and save the report to either your desktop or appropriate computer drive. In order to save time, the employers can save a copy with their information, such as employer's name, address, policy and phone numbers,

etc. on their copy and simply update and save the individual information on each claim submitted.

Then e-mail the attachment to AccidentReport@landininc.com.

Of course, we'll still accept claims filed via mail or fax.

Send via mail to: Landin Inc.
PO Box 17590
Richmond, VA 23226
Attn: WC Claims

Or, via fax to: 804-359-9640

Are Independent Contractors Covered Under Workers' Compensation?

Continuing the Discussion

William K. Willis

Vice-President / Claims – Landin, Inc.

In the last BluePrint, my article centered on *independent contractors* and if they would be covered under your company's workers' compensation, assuming they had no coverage of their own.

In that article I indicated that whether a worker is an *independent contractor* or an *employee* depends entirely on the facts of each case and to make such a determination the following questions need to be answered: the method of payment to the worker for the services being rendered; is your company furnishing any tools for the worker's use in the performance of his job; the formal relationship your company has with the worker; the nature of the work being performed on your company's behalf; is the work being performed a part of

your company's "trade, occupation or profession"; what power your company has to terminate the services being rendered or to discharge the worker retained to perform such services; and the single most significant factor in determining the worker's status is the power your company has to control and/or to supervise the worker as to the means and methods by which the desired result is to be accomplished. With this said, let me summarize an actual case from the Opinions of the Commission (63 OIC 346) regarding *independent contractors*.

A general contractor, who we shall refer to as ABC, Inc., hired an uninsured independent contractor, who we shall refer to as John Smith, to install studding. Smith was to be the only person on this particular job who would be responsible for this function. He was paid an agreed-upon amount per wall completed. ABC

provided all tools used by Smith, with the exception of an electric saw. Smith was free to set his own hours, work at his own rate, and to hire his own employees, if necessary, or perform the work alone. ABC exercised no control over Smith with the exception of showing him where to work and, from time to time, checking to make sure the work was being performed in a satisfactory manner. ABC set no deadline for completion of the work. There were no withholdings taken from the gross amount paid to Smith, with the exception of 8% which was withheld for workers' compensation purposes. ABC had intended that Smith be covered for workers' compensation purposes by this method; however, the Commission concluded that case law which controls the carrier's responsibility for payment of claims provided otherwise. In other words, although ABC was providing practically all of the tools used by Smith, they were exercising no control over him. Additionally, the amount withheld for workers' compensation was viewed by the Commission to be a safeguard for ABC in the event it was charged additional premiums by its insurance carrier for any employees Smith may have brought to the job site. In summary, the Commission's final decision was that the amount withheld did not cover Smith as he was determined to be an independent contractor and as such his claim was denied.

I hope by now all of you have a somewhat better understanding of the independent contractor and how his status is determined. However, if not, feel free to call Scott Berriman or myself. You will recall Scott was introduced in the last BluePrint. He is Landin's Vice-President / Claims, and in that capacity will be preparing claims related articles for upcoming issues. —




OSHA 10-Hour Training Program Continues

continued

in Richmond and Staunton. The program will also be offered on October 27th in Lynchburg, so those of you that have not had the opportunity to attend yet, mark your calendars and plan to join us for a day of safety instruction and reinforcement. The following subjects will be presented:

1. Introduction to OSHA
2. Electrical Safety
3. Fall Protection
4. Scaffolds
5. Excavations
6. Stairways and Ladders
7. Personal Protective Equipment
8. Materials Handling
9. Hazard Communication
10. Tools, Hand and Power

Contact your Landin OS&H Consultant at 804-359-9600 for additional information. 

In the Next Issue...

BluePrint Highlights

In the next issue, we'll introduce you to Landin, Inc.'s Occupational Safety & Health Services Department. These guys know their stuff when it comes to safety and loss control and they're anxious to share their knowledge with you to help you make your workplace hazard free.

Claims – A Discussion Regarding Medicare

Does Medicare affect workers' compensation claims – You bet it does! Scott Berriman, Vice-President / Claims, will explain how.

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.

On-Line Safety.

We'll highlight another website devoted to safety that may be of interest to Commonwealth Contractors' members, insurance agents, and others with an

interest in the construction industry and a focus on safety.


Hand Tool Safety?

From nail guns, to sledge hammers, to saws, to drills. Improper use of hand tools results in thousands of injuries each year. Our Occupational Safety & Health Services Department will give you important "hands-on" advice for keeping your fingers and toes and all your other body parts free from injury.

From the Trenches

Charlie Johnson of Capitol City Roofing Company, and long-term CCGSIA Board Member, will share his thoughts on safety and his experience as a member of the CCGSIA.

Look for the next issue of the BluePrint to arrive this fall!!

In the meantime, feel free to contact Cheryl Brooks of 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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