



BluePrint

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COMMONWEALTH CONTRACTORS GROUP SELF-INSURANCE ASSOCIATION

From the Trenches



**Don Roberts,
Board Member**
Commonwealth Contractors
Group Self-Insurance Association
Shoreline Contractors, Inc.

The apparent hardening of the workers' compensation insurance market has again put CCGSIA in the limelight – not only with our agents and members, but also with the industry as a whole. Our safety record and management techniques remain under close scrutiny by those seeking to detect the secret of our success.

It really is no secret that low experience mods and loss ratios of our members make our bottom line work – those numbers represent the fruits of the members' labors in preventing adverse "trending" from upsetting our projections and rate structures. New members are now given the advantage of a safety program that has been tailored to meet their size and type of construction. They also benefit from our experience with many classes of contractors.

To our new members: CCGSIA continues to hold reserves to protect itself from market fluctuations and projected losses. It does not, however, have the ability to control your losses – only you have that. Help us and

yourself by reviewing your current safety plan, at least semi-annually, and enforce those guidelines for your own financial gain. Remember, dividends are earned – not granted by some mystical guru.

To our agents: You have earned our confidence in client selection, and like a GPA at school, you currently hold a 4.0 – it can only be hurt if you enroll clients without a commitment to our programs and ideals. We must continue to serve those clients who began this journey with us and keep their needs in mind.

With the recent formation of an ad hoc advisory committee, we hope to develop more initiatives by which to retain our clientele for the long haul, not just for lower rates during the fluctuation periods. This could serve as an excellent "broadening" of our base for premiums, as well as a "depth of bench" for resources at our supervisory board level.

We encourage ALL members to take an active part in this Association, not only as members, but as participants – this is your organization! Attend the annual meetings – call your area representative to the board – attend, or send company representatives to the safety seminars and OSHA training classes that CCGSIA offers.

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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 **120 new members generating over \$2.3 million in pro-rata premium.** The addition of these new members brings our total membership to 1580 as of August 23, 2004.

The 120 new members are categorized as:

- **Carpentry Contractors = 46**
- **HVAC Contractors = 9**
- **General Contractors = 4**
- **Miscellaneous Contractors = 61**

www.ccgsia.com

Claims – More Answers To Your Questions!!!

William K. Willis

Executive Vice President – Landin, Inc.

In the May 2004 issue of the BluePrint we addressed some of the frequently asked questions about workers' compensation and also provided a brief overview of the history of the Virginia Workers' Compensation Act. In this issue we will continue to answer more of your most frequently asked questions.

Can I pay medical bills on small claims in lieu of reporting the claim to Landin?

Yes, you may pay small claims yourself even though we are not encouraging you to do this; however, if you choose to pay small claims, it is very important that you still file an Employer's Accident Report (Form # 3) with Landin. Once we receive the report, we will then file it with the Virginia Workers' Compensation Commission. This will have the dual effect of protecting the statute of limitations as well as meeting your statutory duty to report all on-the-job accidents. Additionally, should you choose to pay a small claim, please indicate this on the Employer's Accident Report or simply state that the claim is being filed for record purposes only.

Who is responsible for selecting the physician(s) my employees can be treated by? Section 65.2-603 of the Virginia Workers' Compensation Act states "as long as necessary after an accident the **employer** shall furnish, free of charge, a physician chosen by the **employee**, from a panel of at least 3 chosen by the **employer**." In coming up with your panel of physicians you may select from the list we provided your

company or select your panel using physicians of your own choosing, basing your selection on (1) the quality of care provided, (2) the convenience afforded both your company and the injured employee and last, but certainly not least, (3) the results obtained. Once you select your panel of physicians, it should be posted in a conspicuous location and all your employees made aware of who your company has selected to treat them for their on-the-job injuries. Immediately upon notice of an on-the-job accident, the injured employee should be offered the medical panel you have selected for your company. Additionally, your employees should be made aware that medical care rendered by a physician other than from your company's medical panel may be at the expense of the employee and benefits that might otherwise be due could be suspended during the period of unauthorized medical care.

Can I terminate an employee after an accident? Section 65.2-308 of the Workers' Compensation Act prohibits an employer from discharging an employee solely because that employee:

- a. has filed a claim
- b. intends to file a claim
- c. has testified at a hearing, or
- d. intends to testify at a hearing.

The terms of the statute and the decisions of Virginia Courts have made it clear that employers are only prohibited from terminating employees when the motivation for that termination is **solely** one of the reasons noted above. I spoke with an attorney who has represented the CCGSIA on numerous occasions before the

Workers' Compensation Commission and he informed me that the difficulty with a claim for "wrongful termination" by an employee is that they are tried in Circuit Courts and not before the Workers' Compensation Commission. As such, an employer may find that a jury of the employee's peers is left to decide whether the employer's sole motivation for terminating the employee was for a prohibited cause. If they conclude that the termination was in violation of the statute, the Court has jurisdiction to award monetary damages, lost wages, attorney's fees and require that the employee be reinstated.

However, he went on to state that you are not prohibited from terminating an employee after an accident if there is a reason for doing so other than those noted above; however, the fact that you can claim a justification for termination will not necessarily protect you from litigation. It is for this reason, and because the termination status of the employee may involve a multitude of different rights, that he was of the opinion you would be well advised to consult an attorney before terminating either a workers' compensation claimant or a witness to a claim.

In the next issue of the BluePrint this Q&A session about workers' compensation will continue. I plan to address the subject of uninsured subcontractors as well as other frequently asked questions. In the meantime, however, please feel free to contact me regarding any workers' compensation related issue(s) you wish to discuss. ←

Spanish Language Safety Information Is Available

Bobby Sasser CSP, CHCM

Senior Loss Control Representative – Landin, Inc.

If you speak and read Spanish and have limited English speaking or reading skills, or you have Spanish speaking employees, you need to know where you can get safety materials, including safety regulations, signs, posters, prepared topics for safety meeting talks, etc. These materials are needed to assist you in complying with regulations and accident prevention programs.

OSHA has compliance assistance resources for Hispanic employers and

workers. Go to www.osha.gov. On the Home Page on the right side of the screen under "Compliance Assistance" click on "Hispanic Workers and Employers." On that page you will find links to Spanish-Language Compliance Resources, Spanish-language publications, OSHA in "En Español," OSHA standards in Spanish and many other resources. There are even dictionaries: English-to-Spanish and Spanish-to-English of OSHA terms, general industry terms and construction terms.

The National Safety Council located in Itasca, Illinois is another source for

Spanish language videos, posters, pamphlets, booklets and training modules. Use www.nsc.org and type "Spanish" in the search box to see what they have available.

The National Work Zone Safety Information Clearinghouse (www.wzsafety.tamu.edu) provides information on Spanish language training courses, videos, and printed materials that are related to work zone safety by topic. They also have a free roadway safety awareness program that provides an overview of common hazards in highway and road construction and simple prevention



Online Safety – OSHA’s Interpretations of Safety Standards?

Bobby Sasser CSP, CHCM

Senior Loss Control Representative – Landin, Inc.

Have you ever wondered what a particular OSHA regulation means, or if it applies to your activity? Would it help to have an explanation of the regulation and how it might apply to your operation?

For many years, employers, company owners, association representatives, lawyers, safety professionals (including the writer of this article), congressmen, labor representatives and others have written to OSHA requesting just that type of information. OSHA publishes their response to the inquires, thus, making these “Standard Interpretations” available to the general public.

The information is as near as your computer. Go to www.osha.gov and on the home page click on

“Interpretations” under the “Laws and Regulations” section on the right side of the screen. On the Standard Interpretation page there are several options. Type the subject you want information on, or the number of the standard you want information about in the search box; then click on “Search.” Another option is to click on a letter in the “Site Index” and an alphabetical list of topics is displayed.

To illustrate the letters of interpretation, two are reproduced here. They are from several years ago. They were chosen because they are short and address issues that members of CCGSIA must comply with.

The statement in this box is shown on each recent interpretation letter.

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Artie Scruggs
International Brotherhood of Electrical Workers

Dear Mr. Scruggs:

This is in response to your May 14 letter requesting an interpretation of an Occupational Safety and Health (OSHA) standard addressing the use of head protection at construction sites. I apologize for the delay in responding to your inquiry.

As you know, sections 1926.100(a) and (b) require employees to be protected by protective helmets that meet the specifications of the American National Standards Institute (ANSI) standard Z89.1, 1969, Safety Requirements for Industrial Head Protection. Because ANSI only tests and certifies hard hats to be worn with the bill forward, hard hats worn with the bill to the rear would not be considered reliable protection and would not meet the requirements of 29 CFR 1926.100(a) and (b) unless the hard hat manufacturer certifies that this practice meets the ANSI Z89.1- 1969 requirements.

If we can be of any further assistance, please contact Mr. Roy F. Gurnham or Mr. Dale R. Cavanaugh of my staff in the Office of Construction and Maritime Compliance Assistance at (202) 523- 8136.

Sincerely,

Patricia K. Clark, Director
Directorate of Compliance Programs

Mr. Paul Weiss
Wyco Tool Company

Dear Mr. Weiss:

This is in response to your December 7 letter requesting an interpretation of Occupational Safety and Health Administration (OSHA) standards addressing hand tools used in construction.

With regard to whether all electric tools need to be tested by a qualified national testing laboratory and be listed and labeled, please be advised that 29 CFR 1926.403(a) requires all electric equipment, including double insulated and grounded hand tools, to be approved. OSHA defines “approved” at 1926.449 as being accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a qualified testing laboratory.

With regard to the provisions addressing the grounding of electric hand tools, please be advised that 1926.302(a) requires that an electric hand tool be either double insulated or be equipped with a grounding conductor with a three-prong plug in accordance with Subpart K of part 1926. Therefore, a non-grounded, double-insulated electric hand tool with associated two-prong plug which has been listed by a nationally recognized testing laboratory would comply with 1926.302(a) and 1926.403(a).

If we can be of any further assistance, please contact me or Mr. Dale Cavanaugh at (202) 219-8136.

Sincerely,

Roy F. Gurnham, P.E., J.D.
Director
Office of Construction and Maritime
Compliance Assistance

Standard Interpretations Search Results

A search for “fall protection for residential construction” returned 38 documents. Five of the 38 are shown here. Each listing has additional information which has been deleted for brevity purposes.

1. 12/08/2003 - Review residential construction scenarios for alternative fall protection procedures.
2. 07/07/2003 - Requirements for fall protection when ladder jack scaffolds are used for residential and commercial construction.
3. 04/18/2002 - Fall protection requirements for roofing work in residential construction versus roofing work in other areas of construction.
4. 11/20/2002 - Alternative fall protection procedures for residential construction.
5. 04/10/2001 - Requirements of Interim Fall Protection Compliance Guidelines for Residential Construction for guardrails and fall protection during roofing work.

Reta Belk, Ray Person, Bill Mchee, Joanne Schnurman, Don Nicholas, Ginny Ellis and sitting is Robin Clark w/ TB&R Insurance in Richmond.

"Service and response time is outstanding."

Susan Johnson, Mike Reff, and Jim Bradner of Towne Insurance in Chesapeake.



"We love working with Commonwealth Contractors and Landin, Inc. You can always count on them to go the extra mile."

A Word of Thanks !!!

CCGSIA would like to take this opportunity to express our appreciation to all of the outstanding agencies that continue to support our program. We've highlighted just a few of our star producers with their comments about doing business with us. Our only regret is that we don't have the space to include all of our great agencies.

"As the previous owner of a roofing company, I was a CCGSIA member myself and believe in the program."



Alex Thompson of Taylor, Johnson Group in Va. Beach.

Bob Griffin of Bob Griffin, Inc. in Midlothian.



"CCGSIA's appetite is consistent even though the market cycles. I don't remember ever having a member want to leave the group."



"The people are wonderful to work with and lay out the info. required on new submissions."

Dave Shields, Charles Nowlin, Mike LeMaster, Martha Ewing and Celia Shelton of W.D. Campbell in Lynchburg.

"CCGSIA is a good long-term solution for our contractor accounts."



Rusty Smith and Warren Fischi of BB&T DeJarnette & Paul in Richmond.



Chris Hobbs, Chris Seward and James Shewey of Duncan & Assoc. in Richmond

"Service, from underwriting to loss control to claims has been excellent."



"The underwriting philosophy is based on years of experience in a specialized market."

Paula Gibson of Humphrey, Stump & Haynie in Salem.

"We use CCGSIA because it's financially stable, has a good record, and we get good service."



Steve Bonday, Dwight West and Bill Blanchard of C.D. West & Co. of Newport News.



Debbie Heuermann, Mary Crist, Kelli Payne and Joyce Hicks of BB&T G.C. Wright Insurance in Petersburg.

"The underwriting staff is easy to work with. We use CCGSIA for the ease of doing business."

"We use CCGSIA for the ease of doing business and the excellent service we get."



Alan Renkin, Drew Apperson and Karen Highlander of HRH of Virginia in Richmond.



Phil Quam of The Ware Company in Va. Beach.

"Of the companies that I represent, none works harder to get things done than CCGSIA. They look for ways to write my accounts rather than ways not to."



Shirley Forehand, Pat Cartwright, Donna Pierce, Gloria Robins and Bob Woodward of HRH of Virginia in Norfolk.

"We use CCGSIA because they are a very competitive and stable market for our contractors, our clients enjoy the dividends, and the staff has been a joy to work with."

You make the program work!! Our sincere thanks to all!!

October is . . . National Car-Care Month

Submitted by **Bobby Sasser, CSP, CHCM**

Senior Loss Control Representative – Landin, Inc.

When auto mechanics tell you to take a hike – around your own car, no less – they may be providing you with some excellent preventive car-care advice. Three key words that assist drivers to better handle most maintenance mishaps are: preparation, training, and application. Remember, a properly maintained vehicle could save your life.

Preparation

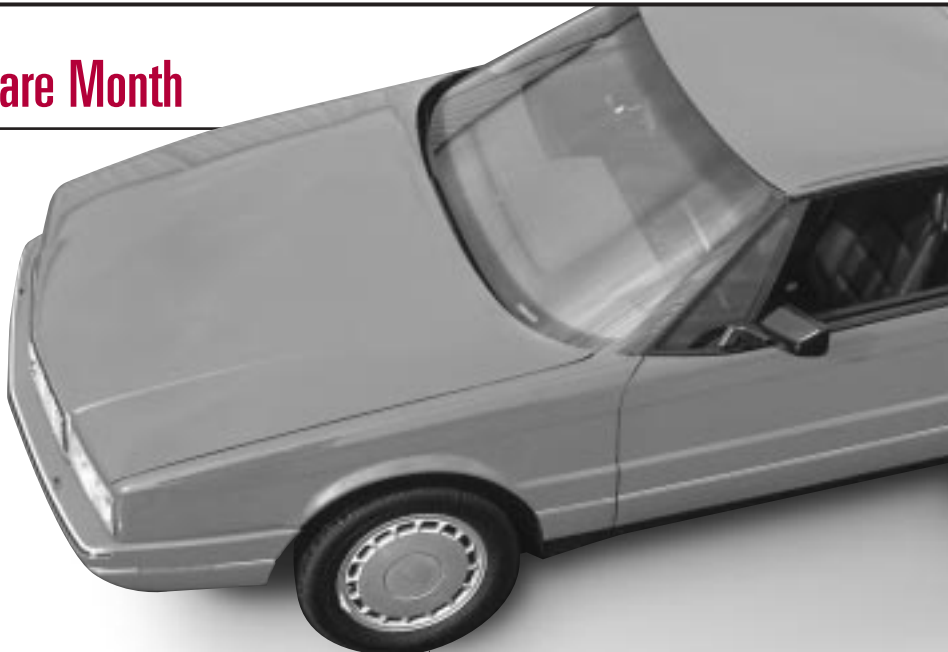
When was the last time you reviewed your Owner's Manual? Do you know where it is located? If you answered, "I'm not sure," or "I don't know," now is a good time to find it and review it in preparation for National Car-Care Month.

Where to begin an exploratory "hike" around your vehicle? You can start anywhere. How about examining the tires first? Check them for proper pressure levels. Look at the tread and sidewall for cuts, welts, and uneven wear. Check the valve stems and make sure that your hubcaps are on securely. Include tire rotation in your regular maintenance plans, and don't forget to check the spare.

Just as people cannot survive for more than several days without water, a car needs the correct level of fluids to function properly. Regularly examine antifreeze coolant, oil, transmission, power steering, and brake fluid, as well as windshield wiper fluid levels. Report all leaks to your mechanic.

Next, ensure all brake, directional signals, emergency flashers, license plate lights and low and high beam headlights are in good working order and windshield, side windows and mirrors are clean.

Final preparation of any vehicle, especially prior to long road trips, should include reliable repair and emergency travel supplies. First, they should include a spare tire, jack and lug wrench. Next, familiarize yourself with these items upon the purchase or rental of any car. You'd be surprised how many times a lack of familiarity prevents drivers from changing their own tires.



Stow warning devices such as flares or reflector triangles, jumper cables (auto experts are now recommending goggles to wear when jump-starting a battery), gloves, a first aid kit, one or two water bottles, and windshield wiper fluid in your vehicle. A working flashlight, blanket, old clothing to protect what you are wearing during repairs, duct tape for temporary patch-up jobs, maps, and nonperishable food items including high-energy trail mix or granola bars round out a basic list.

These supplies should be considered standard equipment just like your radio or air conditioning. If you don't have one already, consider purchasing a cellular telephone for emergencies and practice using it.

Training

If your vehicle becomes disabled, follow these tips: First, get the vehicle safely off the road, stay with the vehicle if in an area where your vehicle is safe from being struck, turn your emergency flashers on, post a "call for

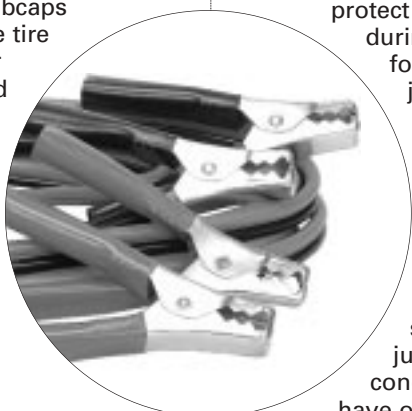
help" sign, and stay inside the car with the doors locked for added safety. If you have a cellular phone, call for help yourself. In the event of a flat tire, flip on your emergency flashers and try to pull over to the right side of the road. In the evening, try to pull into a well-lit area like a shopping mall or secure parking area where it is easier for emergency vehicles to reach you and provide assistance.

Application


Remember, practice makes perfect. Rehearse what you've learned in the preparation and training sections listed above and you can transform most roadside breakdowns from a major disaster into a relatively minor inconvenience.

Through a proper and regular vehicle preventive maintenance program, you not only ensure your vehicle will be in good working order, but you also protect yourself, family and other motorists. So, go "take a hike" and don't forget your Owner's Manual.

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Trenches (Con't from page 1)

To repeat what we all have set as a goal for our organization, we strive to keep our commissions equitable, our premium rates competitive, and our service above the levels of the conglomerate companies in order to maintain our reputation of integrity to our members. 

Free Drug Testing!!

Want a **5% credit** on your workers' compensation premium? You can get it with an approved Drug Testing Program. Trident National will help you set up your new Drug Testing Program for FREE with funds from the Small Business Administration!! Funds are limited, so don't miss out. **Call Robyn Cagle @ Trident National Corporation today! (804) 354-0697.**

In the Next Issue...

Spanish Language Safety

(Con't from page 2)

measures. It is intended to help your company produce the worker awareness needed to achieve best practices. It is designed for use by supervisory personnel with some safety and health experience or by safety and health personnel to orient new workers as they arrive on the jobsite. The program contents are available in both English and Spanish.

Prepared topics for safety meetings are available at www.toolboxtopics.com and www.pacificemployers.com. Many of the safety topics at both sites are available in Spanish and English.

Should you desire more resources, try typing "Spanish language safety information" in the search box of your favorite search engine on the internet. I did it in my MSN program and got nearly 200,000 hits and using Google I got 781,000 hits. 🔑

Blueprint Highlights

In the next issue, meet the CCGSIA Underwriting Staff: Lisa Pierce of CCGSIA; and Mary Kay Jones, Jan McCormack, and Caryn Conwell of Landin, Inc. Why do they ask all those questions!

Claims – More Answers to Frequently Asked Questions

Bill Willis, Executive Vice President for Landin, Inc. will provide answers to more of your frequently asked questions, including a discussion regarding uninsured subcontractors.

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.

Don't Fall For It – Slips, trips and falls are a leading cause of injury and death in the construction industry. We'll give you tips to help you identify fall hazards and steps you should take to help prevent them.

Working in the Cold – Winter is just around the corner and with the cold weather comes the danger of exposure to extreme temperatures, and working and driving in icy conditions. Look for hot tips on staying safe in the cold!!

Safety as Easy as Pie – A good, effective safety program must have all the pieces in order to make a whole pie. We'll give you the key ingredients and our favorite recipe for a successful safety program pie.

From The Trenches

Henry Zirkle of Morris Industries, 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 January!! 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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