

# Medical Alliance Association

Safety Group 834

August 2007

Toll Free: (888) 436-2523  
(209) 338-0105  
Fax: (209) 338-0103  
Email: info@medicalallianceassoc.com  
www.maa834.com

## Required Employer Responsibilities

California law requires that:

“Every employer. shall post and keep posted in a conspicuous location frequented by employees and where it may be easily read by employees during the hours of the workday, a notice which shall state the name of the current compensation insurance carrier...”

The notice must also contain information regarding employee rights and responsibilities and must:

“be posted in both English and Spanish where there are Spanish speaking employees.”

Additionally, the law requires employers to provide a form on which employees may indicate the name of their personal physician or personal chiropractor. The form must be provided to new hires either at the time the employee is hired or by the end of the first pay period.

If you would like free copies, in English or Spanish, of the required posting notice, the brochure explaining an employee’s workers’ compensation rights of the physician predesignation form, call State Fund’s toll-free customer service number at: 1-877-405-4545.



## Reporting Work-Related Injuries

State Fund’s Claims Reporting Center (1-888-222-3211) is available 24 hours a day, 7 days a week for policyholders to report injuries as soon as they occur. Agents will do the necessary paperwork to get the claim started and refer the injured to the designated physician or provider.

Within 8 hours of any serious illness or injury (requiring hospitalization over 24 hours, other than for medical observation or where there is permanent employee disfigurement) or death occurring in the workplace or in connection with employment, employers must report the incident to the Division of Occupational Safety and Health.

## Heat Illness Prevention

As the temperature rises, we are once again faced with over 100 degree temperatures. Learn what you can do to protect your workers!  
Update your Injury and Illness Prevention Program (IIPP).

1. Identify and evaluate the “hazard”.
2. Provide a “control” for the hazard.
3. Implement a response plan.
4. Train your workers on heat illness.



## Calendar of Events 2007

September 12th, 2007 ~ 3rd Annual Vendor Faire (Sacramento) - SMGMA

September 13th, 2007 ~ Annual Vendor Faire (Modesto) - VMGMA

March 6 - 8, 2008 ~ California MGMA Annual Event (Santa Clara) MGMA

### Inside This Issue

Cover Page  
Required Employer  
Responsibilities

Page 2  
Workplace Safety - The  
Workers Role

Page 3  
Hiring a Tree Service

Page 4  
Trees Save Energy

### Special Points of Interest

Work Place Safety:  
The Workers'  
Responsibility

### Also

What is Professional  
Liability Insurance?

# Workplace Safety: The Workers' Role

Ensuring that employees have a safe work environment is a key component in reducing and stabilizing an employer's injury and illness rate. That's in keeping with the employer's interest in having a good safety record, which can make the difference between paying higher or lower workers' compensation premiums. Additionally, a safe environment will foster a positive attitude among workers, which leads to longer job tenures and increased productivity. All those factors combined can make a substantial difference in the employer's bottom line.

A safe workplace is best achieved when employers and employees work together to identify and resolve safety issues. Making safety a joint management and labor responsibility sets the ground work for a positive relationship and creates a sense of teamwork. To encourage a close working relationship between workers and management, however, it's important that workers have access to information and the freedom to question management actions without fear of losing their jobs. That's where the federal government steps in.

OSHA has a variety of regulations in place that are designed to encourage and protect employees who wish to step forward and address safety issues. While many employers tend to be critical of government involvement in the workplace, the OSHA regulations are a key part of an overall strategy of ensuring that workers have a say in the workplace. If approached from the correct perspective, the regulations can aid in the safety process instead of leading to an adversarial relationship between employers and employees.

OSHA's regulations lay out a number of employee rights that focus mainly on the employee's ability to access records and monitor safety conditions. Those rights extend from reviewing basic OSHA information - which must be posted and available at every job site - to requesting an OSHA inspection if necessary. Specific attention is paid to instances when workers must handle or are exposed to hazardous materials. In each case, the comprehensive regulations are mainly designed to promote safety as opposed to punishing employers.

## Toxic Substances

One area singled out for special attention is working with and handling toxic chemicals. Under OSHA regulations, employers must develop a written policy on toxic substances that's provided to all employees who work with or near the chemicals. The policy must include provisions for employee training programs and other requirements. Specifically, the policy must include a list of all hazardous chemicals on the job site and the method the employer will use to inform employees of the toxic substances they may encounter. The policy must also include a description of how an employer at a multiemployer job site will inform other employers' employees of the presence of toxic substances.

OSHA requires employers to measure employees' exposure to toxic substances. Accordingly, employees have the right to observe the tests, and the agency investigator must inform the employees if the employer isn't in compliance. Employers must also make available to employees and their representatives the appropriate medical records that document employees' toxic exposure levels. The records must be made available upon request and at least annually.

In some cases, employers may not be able to comply with OSHA's findings because of a lack of personnel or equipment. In such instances, the employer can apply for a temporary variance if its approach is equivalent or superior to the federal agency's. To obtain a variance, the employer's application must show that it has informed all employees and that they have been provided with a written copy of the application.

## Inspection Process

Under the Occupational Safety and Health Act (OSH Act), employees or their representatives may accompany an agency compliance officer when he inspects a workplace. That allows workers an opportunity to discuss safety issues while presenting compliance officers with a more comprehensive view of the workplace. To facilitate that approach, workers have the right to talk privately and confidentially with the officer. Among the information workers can offer is pointing out hazardous conditions and describing accidents that resulted from those hazards. The workers can also provide more information on past workers complaints and tell officers if their employer had made changes in the workplace just to satisfy the requirements of an OSHA inspection.

After an inspection, OSHA's compliance officer will meet with the employer and the employees and their representatives to discuss any safety issues and how they should be addressed. Typically OSHA grants an employer a certain amount of time to correct a safety hazard, depending on its complexity. Employees have the ability to contest the period set by the agency to correct the hazard by submitting a complaint to the proper authorities within 15 days after a decision on the abatement period is made.

## Retaliation Protection

In the safety process, it's crucial that workers have the right to report hazardous conditions and other problems with fear of reprisals. Recognizing the fact, OSHA has put into place a number of regulations to protect workers from being punished by employers for stepping forward and identifying unsafe conditions. A mainstay of that approach

is a confidentiality provision that allows workers to make a written request that OSHA conduct an inquiry into a safety situation without the employer being informed of who filed the complaint.

OSHA also has instituted a whistleblowers provision that prohibits employers from punishing or discriminating against employees. Under Section 11(c) of the OSHA Act, employers can't take action against an employee for registering a complaint about safety conditions with OSHA, the employee's union representative, or the employer. The law also extends to cases when the employee participates in OSHA inspections or otherwise is involved in a safety investigation.

Employees who believe their employer has taken action against them for exercising their rights under the law must contact the nearest OSHA office within 30 days of the alleged discrimination. An employee can file a complaint individually or be represented by another party, such as a union official. On receiving the complaint, OSHA will contact the employee to see if it has merit. If the employer is found responsible for retaliating against the employee, the agency will request that it reinstate the worker at her previous job and pay scale. In the event an employer fails to abide by OSHA's terms, the agency has the right to take the employer to court. According to OSHA's records, the agency receives some 2,000 complaints annually from employees who claim an employer has taken action against them for filing a complaint with the agency.

Reprinted with permission from TX Employment Law Letter [www.HRhero.com/](http://www.HRhero.com/) Copyright 2007 M. Lee Smith Publishers LLC.



# What You Need to Know About Hiring A Tree Service

- ❖ Before you hire a tree service company, decide what you want done to your trees, since the service performed by different companies varies considerably.
- ❖ Carefully analyze all the information you can find when you are selecting a tree service.
- ❖ Don't be pressured into something you don't need.

## Services Offered

Tree service companies offer services such as, cabling and bracing, insect and disease spraying, fertilization, pruning, tree removal, stump grinding, cavity filling, and related services.

## Full-Service vs Part-Time

Service depends on the type of work you are requesting.

You may find that you will want a full-service company because the employees are generally better trained. A full-service company can perform more than one type of operation, and if at a later date, additional service is needed or your trees have a different problem, you can call on the company with which you are familiar.

## Check References

Once you decide on the type of service you will need for your trees, and the company, it will benefit you to do some homework.

Ask for references - The hour or so you spend checking out a tree service will not only support your decision but will be a protection for the safety and professionalism you will receive.

## Insurance

When contracting companies to perform work on your home or business, ask about...

## Liability Insurance

Ask for a copy, or to see a Certificate of Insurance that explains the type and amount of liability insurance the company carries. Many tree service companies have little or no liability insurance. It is best to verify the information with the agent on the certificate. Do not hesitate to ask for a copy.

If you hire a company that does not carry liability insurance, you will be responsible for injuries or damages incurred to or by the tree trimmers while they are working on your property.

## Workers' Compensation Insurance

The contractor is required by law to have an active contractor's license and workers' compensation insurance for their employees, or an exemption certificate issued by the Contractors State Licensing Bureau if they do not have employees.

A homeowner can have workers' compensation insurance under their homeowners policy. However, it is very important to check your policy or ask your insurance agent, for its limitations and exclusions.

Many policies require you to receive a current Certificate of Insurance on file from the contractors' insurance agent or insurance carrier. If you call the agent, verify that the contractor has a current policy on file with the appropriate coverage limits.

A homeowners policy can have restrictions and may not cover a cata-



strophic loss for an UNINSURED business owner/contractor.

Hiring a company with minimal or no insurance can place you in a serious financial risk should an accident occur to an employee, your property or the property of others.

## Professional Liability Coverage

Often referred to as "errors & omissions" or "E&O" insurance. An easy way to understand the difference between general and professional liability is that general liability covers the job site while professional liability covers their opinions.

Check with your contractor or their agent as to the type of Professional Liability they may carry. General Liability may not protect against a Professional Liability claim.

## License Numbers on Advertising and Business Cards

Be sure to ask, when checking, what type of license is represented and if current. Is it a contractors, drivers, business or pesticide license? They should present a license that pertains to the work being done.

## Get Estimates

Ask for -

- ❖ Certificate of Insurance - Check for proper coverage.
- ❖ Written estimates with details
  - ◆ Exactly what does each tree service include in the price.
    - Do they clean up the mess?
    - Will wood be left or resold?
  - ◆ If spraying the trees..
    - Who will provide the water?

Five hundred gallons of water through your water meter could be an expensive hidden cost.

## New Phone Numbers and Address for State Compensation Insurance Fund

Bay Area Group Program  
5890 Owens Drive  
Pleasanton, CA 94588-3900

Office: (925) 523-5950  
Toll Free: (800) 533-6868  
Voicemail: (925) 523-5010  
Fax: (925) 416-7344



Medical Alliance Association  
P.O.Box 3556  
Fremont, CA 94539-0355

## Trees Save Energy!

Here are some interesting facts about how trees around the homes and buildings reduce energy use and costs.

In the summer, a home or building shaded by trees, even as few as three trees, can cut its energy bills in half.

In the winter, homes that are sheltered from wind and cold can save as much as \$52.00 a year on winter heat costs.

Urban trees not only reduce energy consumption, but they also reduce the effects of pollution. Tree store tons of carbon - between 400 and 500 million tons annually - reducing smog and air pollution.

## Workplace Safety Recommendations

Here are some recommendations to get you started down the path to a safer workplace:

- .. Make safety part of your company's system of rewards and corrections. Tie safety performance to raises, promotions, and bonuses. Reward people promptly when they come up with good ideas.
- .. Get back to basics - pay attention to the major risk factors like lockout- tagout practices.
- .. Use training methods that are geared to your company and its particular needs. Don't buy an off-the-shelf video when what really works is one-on-one interaction between the new employee and a bilingual employee who knows the ropes and has succeeded in your company.
- .. Make sure your employees know that you expect them to speak up about safety conditions and that they won't be punished if they do. Some cultures go to great lengths to make sure people don't "lose face" or become embarrassed in front of peers and subordinates. An employee from that culture might hesitate before telling his/her boss about a safety hazard - or even keep quiet about it for fear he/she will lose face with the boss.

## What is Professional Liability?

Often referred to as Errors & Omissions; or E & O insurance, professional liability insures a person and/ or an entity (corporation, LLC, LLP, partnership, etc.) against claims made by third parties (clients, customers, etc.) alleging negligence while rendering professional services, or failure to provide a proper level of professional services. In such cases "negligence" can be loosely defined as the failure to provide the degree of knowledge, care or skill expected of the average professional. Essentially, anyone or any firm that claims to be experts in a particular field can be held responsible for their work, advice, or counsel.

For many years, professional liability insurance was mainly associated with academic professions such as medicine and law. However, the scope has broadened in recent years to include anyone who claims to be an expert in a particular field. If the expert is paid for his other expertise, he or she can be held responsible if things don't turn out as expected.

Professionals are expected to possess extensive technical knowledge or training, and to perform the services for which they are hired according to the standards of conduct in their profession. If they fail to use the degree of skill expected of them, they can be held legally responsible for any harm to people, property or businesses that results.

A common misconception is that liability can be avoided simply by establishing a corporation, a limited liability company (LLC), or another type of limited liability entity, and should a claim be made, bankruptcy is an easy escape route. This is not the case. Most professional liability claims are based on a personal service. While the contract may have been made with a corporation, a person provides the actual work or advice. The claim usually names both the entity and the individual(s) involved.

If you need help with your professional liability insurance please contact us. We are here to help you.