



## Upcoming Events

**FREE OSHA 10-Hour  
Construction Industry Safety  
Course**

**May 18<sup>th</sup> & 19<sup>th</sup>**



## Let Us Help You Navigate Your OSHA Compliance Plan

OSHA compliance regulations are complex and constantly changing, and inspections can be stressful – and costly – if you are not adequately prepared. Without an expert to help you develop programs and employee trainings, it is difficult to be confident about compliance.

No matter the size of your business, Friedman Associates has the resources to help you understand regulations and stay in compliance. As a leading supplier of property-casualty insurance solutions, we understand the importance of managing safety and compliance to protect your bottom line. That's why we focus our services in areas that help you control your total cost of risk and enhance your safety program initiatives—at no extra cost.

We have solutions for all your risk management and insurance needs, and we provide innovative results for many of the region's most prominent companies. Call us today and we can explain how our risk management tools and resources can benefit you, or visit our website [www.friedman-insurance.com](http://www.friedman-insurance.com).

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## Site-Specific Targeting Based on DART in Effect until Late Summer

OSHA's site-specific targeting program, announced last year, will continue to target at least 4,100 worksites around the country with comprehensive inspections. The program is set to expire Aug. 18.

The agency has established criteria for ranking its primary targets based on data collected in 2009 covering two frequency measures of occupational injuries and illnesses: days away, restricted and transferred (DART) and days away from work injury and illness (DAFWII). To calculate the DART:

- Identify the total number of hours worked at your facility during the year
- Divide the number of injury/illness cases in which workers missed work or had to have job restrictions or a transfer
- Multiply the result by a constant of 200; represent a base of hours worked per 100 full-time employees.
- To calculate DAFWII, divide by only missed-work cases.

About 3,300 establishments in manufacturing have a DART rate of 7.0 or higher or a DAFWII rate of 5.0 or higher – these facilities will be subject to an OSHA visit. Non-manufacturing workplaces being targeted have DART rates of 15.0 and higher or DAFWII rates of 14.0 or higher. In addition, OSHA will target workplaces with more than 40 employees in historically high-injury industries that did not provide 2009 injury data. Even if your business is not on the list, reducing your injury rate can cut costs on workers' compensation premiums and claims. There are several printed resources available on the OSHA website, and many more available from Friedman Associates. ♦

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## Combat Heavy Equipment Theft with Proper Policy and Precautions

In many parts of the country, spring and summer months mean more than just warm weather – they also mean construction season. As temperatures begin to rise, so do occurrences of heavy equipment theft.

Businesses engaged in construction, road maintenance and agriculture are all subject to loss because of stolen equipment. Heavy equipment used in these industries is vulnerable because it is valuable, cases are hard to investigate, it is difficult to recover, easy to steal and relatively easy to re-sell after theft.

To prevent equipment theft, be sure

to register all your company's machines on the National Equipment Register, which provides a large database of equipment ownership and theft reports in addition to providing theft prevention advice and reference materials. Also, be sure your insurance policies are current and that your most valuable equipment is covered.

Most commonly stolen equipment:

- Tractors
- Skid steer loaders
- Backhoe loaders
- Excavators
- Dozers ♦

## Agent Corner

John Woleben



### Why Buy Life Insurance?

Why do we buy life insurance? There are so many reasons, but one of the primary reasons is that we love someone, and want to provide for their financial security even when and after we're gone. We want to provide financial security for our loved ones, spouse, children, and often grandchildren.

If we can provide enough financial capital for a surviving spouse and family to live fairly comfortably for a reasonable number of years, Life Insurance will have accomplished its goal. And the insured can feel good that they have provided this important financial security for their family.

There are many other reasons for Life Insurance, such as for Business, Estate Planning and Charitable purposes. There is Buy-Sell Insurance, Key Person Insurance, Deferred Compensation Insurance, as well as insurance to pay Estate Taxes if applicable; and Life Insurance can be donated to a charity for charitable purposes.

All of these reasons for life insurance are good business practices; however, owning life insurance to take care of and provide financial security for one's family is one of the most important reasons for buying life insurance. †

**John joined Friedman Associates in 2006 and has been a member of the National Association of Insurance & Financial Advisers (NAIFA) for 32 years. He's been married to wife Henriann for 41 years.**

# Safety First

## Spring cleaning: Time to tackle the dryer vent!

Even if you are diligent about emptying the dryer's lint filter after each use, you need to clean the machine's vent at least once a year to minimize your risk of fire. Here's how:

1. Unplug your dryer and slide the dryer away from the wall.
2. Using a screwdriver, loosen the vent clamp behind the dryer. Slide the vent hose off.
3. Reach into the back of the machine and pull out any lint buildup. With your vacuum hose attachment, clear the vent hose; reconnect to the dryer.
4. Disconnect the other end of the vent hose from the wall; remove dust and lint as noted in Step 3 above. Reconnect hose to wall.
5. On the outside of your home, remove the louvered vent; clear duct of dust and lint with a dryer vent brush or vacuum. ♦

## The Dangers of Dialing and Driving



A recent study conducted by the University of Minnesota found that talking on a cell phone while driving impairs one's ability **even more** than driving while intoxicated. You'd never consider driving after drinking, so the next time you go to reach for the cell phone, think twice!

With today's technology, consider a hands-free answering option, or pull over safely before taking an important call. Helping you to avoid claims is just one of the many value-added services we provide. Call us today to learn more about all of our personal risk management solutions for your auto, home and life. ♦

## The Growing Problem of EPL Claims

According to the most recent Equal Employment Opportunity Commission (EEOC) report, 2010 had a record number of all types of employment practices liability (EPL) filings. The EEOC cited discrimination as a substantial problem for employers, and for the first time in history, retaliation claims surpassed race as the most frequently filed charge. And the EPL problem continues to grow.

A recent U.S. Supreme Court ruling determined that employers can be held liable for discriminatory conduct even if the person who made the decisions was not biased, but relied upon people who were. In the case in question, Vincent E. Staub vs. Proctor Hospital, the employer accepted the supervisor's opinion in the face of an employee claiming that the supervisor was discriminating against him. The ruling means that relying on a personnel file or a supervisor's report is not sufficient grounds for termination. Although employees must prove they were terminated for an unlawful reason, they can now refer to any point in the chain of command for discrimination.

Further, the rise of retaliation claims is of concern for employers. If an employee files a discrimination claim, fails to win the case, remains on the job, and then is later terminated for another reason, that employee may decide to pursue a retaliation claim. The problem with retaliation claims is that many legal observers believe that the burden of proof in a retaliation claim is lower than in the initial charge of discrimination. More and more, retaliation claims have been successful after a lost discrimination claim.

Consequently, to minimize potential liability, it is more important than ever for employers to:

1. Establish proactive loss mitigation strategies
2. Perform thorough investigations before taking adverse job actions, ensuring that no one involved had a discriminatory motive.

When following the recommendation of a lower-level supervisor, employers should be cautious and diligent to ensure that there is no potential basis for a discrimination claim. And of course, to prevent this type of conduct in supervisors in the first place, thorough supervisor training is indispensable.

To review your EPL policy or discuss more ways of mitigating your risk of employment-related claims, contact your Friedman Associates representative. ♦

An advertisement for an OSHA 10-Hour Construction Industry Safety Course. It features a blue background with white and red text. On the left, there is a small video thumbnail showing a man in a red shirt pointing at a screen. The text reads: "Register On-line Today!" in white, "FREE" in a red circle, "OSHA 10-Hour Construction Industry Safety Course" in white, and "May 18th &amp; 19th" in white.