



# THE ORYX INSURANCE RISK MANAGEMENT CONFERENCE

## WELCOME TO THE ORYX INSURANCE RISK MANAGEMENT CONFERENCE

On behalf of the staff of Oryx Insurance I would like to welcome you to our Risk Management Conference. The motivation behind our conferences has always been highlighting topical issues that challenge New York businesses on a daily basis. The first part of the session will focus on drug testing and medical marijuana, both sessions providing important information on topics employers are facing on a daily basis. After lunch we tackle the employers role in claim mitigation offering an overview of options and resources available to them.

Oryx reaches a significant milestone this year as we celebrate our 20 year anniversary. Over the 20 years, Oryx has focused solely on the construction market providing the industry's best resources for construction insurance. Over the past 20 years we have grown from a 3 person, niche based Worker Compensation Managing General Agent for the construction industry, to one of the leading insurance organizations in the Northeast. Along with celebrating our 20 years in business, Oryx is also marking the 5th year in which we have been providing OSHA and construction specific training free of charge to our customers. Since opening the Education Center, we have held close to 300 courses with over 2,000 registered attendees. Appropriately so with our 5th year, courses will now be offered in five different locations throughout the state. Binghamton becomes the 5th location to host training along with Buffalo, Rochester, Syracuse and Albany.

It is our goal to continue to provide education through onsite inspections, online materials and seminars such as this. A combination of which educate and inform employers how to provide a safer work environment. A safer work environment will lead to a reduction in losses, lower insurance premiums and in the end, will make your business/jobsite more profitable.

Thank you for investing in the time to participate in our Risk Management Conference.

Thomas A. Pasquale  
President & CEO

### DATE:

**Tuesday, April 12, 2016**

**8:30am to 2:00pm**

**Lunch provided**

**For Oryx Clients Only**

### LOCATION:

DoubleTree by Hilton Hotel Syracuse

6301 State Route 298, East Syracuse, NY 13057

**RSVP:** email [seminar@oryxinsurance.com](mailto:seminar@oryxinsurance.com)

### CONFERENCE TOPICS INCLUDE:

**The Role of Drug Testing in the Workplace  
& How to Drug Test Workforce Lawfully,  
Effectively**

**The Workplace and Medical Marijuana:  
Employer Guidelines for Navigating the Legal  
Haze**

**The Employer's Role in Claim Mitigation**

### PRESENTERS:

**Robert W. Manning**

*Senior Partner, Stewart Greenblatt Manning & Baez*

**Kathleen McDermott**

*Owner, Hiatus Consultants, LLC*

**Michael J. Sciotti**

*Partner, Barclay Damon, LLP*

## AGENDA

**8:30am to 10:00am**

### **The Role of Drug Testing in the Workplace & How to Drug Test Workforce Lawfully, Effectively**

**Presenters:** Kathleen McDermott, *Owner, Hiatus Consultants, LLC*, and Michael Sciotti, *Partner, Barclay Damon, LLP*

Workplace drug and alcohol testing requires insight into the legal and ethical aspects in the context of human dignity and safety in the workplace. The approach to drug testing protocols is of extreme importance and requires a scientifically sound basis for accurate and reliable testing results. We will address the burning issues related to “Drug Testing in the Workplace.”

- Current status of workplace drug testing in NYS
- Legal aspects of workplace drug testing
- Perspective on urine drug analysis, reporting and interpretation
- Drugs-of-abuse testing in hair and alternative matrices
- Workplace drug testing – ethical considerations and legally defensible sampling
- General guidelines and overview of the underlying principles for the establishment of a substance abuse program
- Interaction of WC and a positive drug test result

**10:20am to 11:45am**

### **The Workplace and Medical Marijuana: Employer Guidelines for Navigating the Legal Haze**

**Presenter:** Michael Sciotti, *Partner, Barclay Damon, LLP*

- Introduction: Common features of the State marijuana statutes.
- May employers lawfully impose discipline (including termination) on an employee who tests positive for marijuana?
- Must employers permit positive drug test results as a disability accommodation?
- Interaction between federal contractors and the DFW Act (Drug Free Workplace Act). How does the zero tolerance – tolerance requirement come into play?
- What should employers do?
- Does an employer need a work place marijuana policy?
- Medical Marijuana Card: What is it? Who issues it? Under HIPPA can employers know if an employee has a Medical Marijuana Card?

**11:45am to 12:45pm**

### **Lunch Break**

Lunch Provided by Oryx

**12:45pm to 2:00pm**

### **The Employer’s Role in Claim Mitigation**

**Presenter:** Robert Manning, *Senior Partner, Stewart Greenblatt Manning & Baez*

- Fraud and the use of the employer’s resources for developing information regarding the same
- The use of Limited or Restricted Duty Programs and their interplay with workers’ compensation benefits, including refusal to accept substitute employment, removal from the labor market and attachment to the labor market
- Use of employer’s resources in providing information to determine other factors in regards to wage earning capacity
- Use of employer’s resources to reduce the overall determination of an employee’s loss of wage earning capacity
- The need for employers to accept a pro-active role in any claim, and when and where to ask why certain things happen or don’t happen in any claim