



ORYX

INSURANCE BROKERAGE INCORPORATED

Welcome to Oryx Insurance.

Enclosed you will find documentation to assist you with reporting information to your claims team. There is a contact sheet which lists the members of your team, a number for reporting claims, and the mailing address for sending all other documentation to your adjuster. If your state requires a medical panel, one will be mailed to you under separate cover.

All new claims should be reported utilizing the claim reporting email address listed on the contact sheet as soon after the accident/incident as possible to ensure that you and your employees receive the best claims management possible.

We at Oryx Insurance Brokerage believe that in order to provide you with superior claims management we must work together as a team and that includes you.

If, at any time, you have any questions, our adjusters and claims managers are available to assist you.

We look forward to working with you.

Oryx Insurance Brokerage, Inc.
Oryx Insurance Claims



When it comes to construction insurance, we stand alone.

Risk Management Contacts

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Claim Reporting: E-mail completed FROI to:
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All medical bills, forms, etc. should be mailed to: Oryx Insurance Claims, 3 Adler Drive,
East Syracuse, NY 13057



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Checklist for Determining Compensability

It pays to analyze each claim carefully and objectively.

Here is a checklist to determine whether workers' compensation would cover an injury or illness.

Has the employee suffered an injury or illness?

- Has a qualified medical provider diagnosed the injury or illness?
- Is it a diagnosis and not merely a description of symptoms or exposure such as back pain or stress?

Did the injury or illness occur in the course of employment?

- Did it happen during work hours?
- Did it happen inside your workplace or elsewhere on your property?
- Did it happen while traveling on company business?

Did the injury or illness arise out of employment?

- What was the employee doing when it happened?
- Was it caused by conditions in the workplace?
- Did personal factors play a role?

Does the employee have a physical or mental impairment?

- Has a qualified medical provider placed limits on the employee's work activity?
- Are the limitations directly related to the work-related injury or illness?
- Are there other factors playing a part?

Is the employee losing wages due to work-related impairment?

- Is the wage loss directly related to the impairment?



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Injury/Illness Investigation Checklist

Prompt investigation of alleged work-related injuries and illnesses is essential to determining compensability and to limiting claims to conditions that are truly related to the workplace injury or illness.

Take the following steps whenever an injury or illness is reported:

- Take employee statements that provide specific details, including the names of witnesses.
- Be certain to document the exact nature and description of injury or illness in both the employee's statement and in the management investigation report.
- Immediately interview witnesses and get their version of events.
- Document "negative" findings if there are substantial reasons to believe the injury did not occur.

Take these steps if the employee claims an injury:

- Look for physical evidence of the injury. Are the events of injury or illness evident?
- Determine if failure to use personal-protective equipment or proper procedure were a factor.

Take these steps if the employee claims an illness:

- Determine if the job and its exposures have caused similar injuries in the past.
- Verify weights, stresses, and motions used in job if it is a physical injury (i.e., carpal tunnel syndrome). Verify the nature of substances used and exposure levels if the employee alleges an occupational disease (i.e., asthma, dermatitis).



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Employer's Responsibility for Filing a Workers' Comp Claim

Oryx requires claims to be filed within 72 hours of an accident.

1) Provide first aid or medical attention

When an employer receives contemporaneous notice of an "on the job" injury, provide first aid or medical attention if it has not already been done. The employee is normally free to choose any physician, podiatrist, chiropractor, outpatient clinic of a hospital or health maintenance organization authorized to give medical care by the Workers' Compensation Board.

2) C-2 Employers Report of Injury

If the time lost from work is more than the remainder of the day or shift on which the accident occurred, **or** if more than two treatments of first aid are required:

- (1) complete and sign a C-2
- (2) keep a copy of the C-2
- (3) e-mail C-2 (First Report of Injury) to foi@oryxclaims.com
- (4) list the injury on an OSHA 300 form

Policyholders are subject to a \$1,000 fine and a \$2,500 penalty if claims are not filed in a timely manner.

3) Medical bills in connection with the injury should not be paid by the employee.

The attending doctor should **not require such payment**. Copies of all bills should be sent to the Oryx Claims Department with a note advising the date you filed the claim.

If you feel there is other information the insurance company should be aware of, enclose a letter with the C-2. If you feel this is not a justified claim, include that information and the reasons for your opinion.

4) All C-2s (First Report of Injury) should be e-mailed to foi@oryxclaims.com



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Be Proactive: 10 Steps to Safety!

- #1: Leadership From the Top**
- #2: A Budget**
- #3: A Safety Coordinator**
- #4: Employee Discipline**
- #5: A Written Safety Program**
- #6: Training**
- #7: A Modified or Early-Return-to-Work Program**
- #8: Trade Contractor Compliance**
- #9: Measurement and Evaluation**
- #10: Consistency**

1. Leadership From the Top

The company owner must take an active role in developing and supporting a company wide safety program and must communicate its importance to all employees. The CEO or owner should write a mission statement stating the company's pledge to support the safety and health of its employees. This should be on the first page of your program.

Among other things, the owner must provide adequate staff and budget to meet the company's safety goals and objectives; hold supervisors accountable for success or failure in achieving specific safety performance and insurance cost control goals; participate periodically in employee safety toolbox talks or other training; and review monthly field safety status reports.

2. A Budget

The average overall cost of a safety program is about 2.5% of direct labor costs. What you spend varies according to the safety resources you have on hand, and what you need. Typical expenses include training, safety equipment, signage and first-aid kits. Don't be afraid to ask all employees if they are volunteers (EMT or volunteer firemen). Most of the civic

mindful individuals that volunteer for these jobs would be glad to assist at the company level.

If you are considering using a safety consultant to evaluate your sites and develop a program, be sure to include those fees in your budget.

In addition, budget for incentives. Focus on positive aspects of the safety & health program within the company. Have a good system to reward employees for properly following safety procedures. Otherwise, if the program depends solely on reporting injuries, it focuses on the negative.

For every dollar (\$1) spent on loss control and safety within a company, the company can expect a return on their investment between three (\$3) & four (\$4) dollars in savings (insurance premiums, worker productivity and hiring & training replacement workers are examples). **SAFETY PAYS!**

3. A Safety Coordinator

Designate a staff person to be responsible for the company's overall safety performance. Among those responsibilities, the coordinator must: personally conduct regular safety audits of the job site and correct hazards; participate in accident investigations making recommendations on how to prevent them in the future; maintain and update any necessary OSHA records and Material Safety Data Sheets; provide every employee with a copy of the company's safety and health program, policies and safe work practices; and ensure that each job site has the necessary safety equipment, information and materials, personal protective equipment, first-aid supplies and emergency telephone numbers. That designated person also should have the authority to stop a project, if necessary.

Insist that your safety coordinator and all supervisory personnel **lead by example**. If rank and file employees witness senior personnel not following known safety & health rules & regulations, the program will never succeed.

4. Employee Discipline

As hard as it may be, discipline for all offending employees is a must. You must require that all employees and contractors on your job sites follow the safety and health rules. Because there are some legal issues involved in disciplining employees, good documentation of procedures is critical.

In a typical approach to accountability and safety enforcement procedures, it should be understood that failure to pursue the goal of no losses from work-related injuries and illness could

result in the termination of employment. Every employee must be held accountable for safety (**including foremen & superintendents**), and this should be reflected in retention, promotions, salary increases, bonuses and other benefits.

Employees who are reprimanded should have the opportunity to correct unsafe work practices and behavior. The reprimand should go into the employee's personnel file. An employee warning about rule infractions should precede any further disciplinary action.

Reprimands can typically be issued for failing to wear proper protective equipment such as safety glasses; performing work in an unsafe manner; violating adopted safe work practices; and behaving in a way that puts others on the job at risk.

A verbal warning should be given to a worker, sub, vendor or invited guest the first time they violate the safety program, and the

safety coordinator should receive a written report from the supervisor on the details of the violation and the resulting discussion. A written reprimand should be issued for the second violation, and a third violation would result in dismissal. Invited guests or customers who repeatedly violate the company safety program should be asked not to return to the job site.

Values

Remember, all specific safety rules & regulations need to be reviewed with employees at the time of initial hire during a new employee orientation. Explain to the employee that **SAFETY IS A CORE VALUE WITH YOUR ORGANIZATION!** Let the employee know that you care & **VALUE** him or her as a person and their well being is the first priority within the company. By not following specific rules within the company, the offending parties are showing that they do not **VALUE YOU AS AN EMPLOYER!** If termination of an employee is eminent, during the termination process explain to the employee that they (the employee) and the company do not share the same set of **VALUES**. Instead of terminating the employee for disobeying company safety rules, they are being relieved of their duties due to a difference in core **VALUES**. Also, make no mistake, if one employee is dismissed for not sharing the core values of the company, word of the dismissal will spread quickly throughout the organization. All employees will then get the message that safety is truly a **CORE VALUE WITHIN THE COMPANY!**

5. A Written Safety Program

The program must include company-specific job site safety policies, regulations and procedures and other OSHA-specified items including procedures for reporting accidents and unsafe conditions, hazardous material communications and tool safety.

Rather than writing it yourself, OSHA has some boiler plate items that may be useful in initially setting up a safety & health manual within a company. (www.osha.gov) Do not include sections that do not relate to the work being performed within your company. (i.e., if you perform residential framing and you have a section on steel erection in your manual). Keep the manual specific to the tasks at hand. Include all specific sections that will pertain to the work. The task of writing a comprehensive safety & health program can be daunting to some contractors.

Third party safety & health companies may have the staff that is able to write a specific program to meet the needs of your company. This may be a cost effective alternative to taking on this task yourself. Contact: losscontrol@oryxinsurance.com for additional advice on safety & health written documentation & training. The safety & health manual needs to be a living, breathing document that can be updated as rules and standards change. The document **SHOULD NOT** be a paper tiger that sits on a shelf collecting dust.

Copies of the safety manual should be distributed to all your staff members and trade contractors. Have each recipient sign a form that acknowledges their receipt of the manual. This helps reinforce everyone's responsibility to read and use the manual and abide by your company's safety program. Remember, signing a document of understanding does not absolve the employer from absolute liability after the review. Continuous documented training and education needs to follow a review of the safety & health program.

6. Training

Make sure new employees receive documented job site safety training as part of their orientation. It's particularly crucial that superintendents receive thorough training in specific job site safety procedures, OSHA regulations and first aid. There are many areas within the OSHA code rule (1926 for Construction, 1910 for General Industry) that require a company to have a "Competent Person (CP)".

A competent person as defined by OSHA is; "one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

A competent person shall also have a direct working knowledge of the code rule for their areas of competency. (i.e. a competent person for fall protection in construction needs to understand and be able to put into practice elements of 29 CFR 1926 subpart "M" for Fall Protection). Based on the knowledge of the CP, they should be the employee in charge of training for their area(s) of expertise.

Many areas within OSHA code rules require the employer to supply training for employees. The individual performing the training needs to be well versed in the area. All trainers need to understand the material to be disseminated to the employee(s). It is highly recommended that trainers take an OSHA outreach 10 or 30 hour safety class. This will give the training employee the information necessary to adequately teach the new or

Every employee must be held accountable for safety (including foremen & superintendents), and this should be reflected in retention, promotions, salary increases, bonuses and other benefits.

transferred employee the essential information about their job. Document all activity in regards to safety and health. As far as OSHA is concerned, if it is not documented, it did not happen! The more safety & health education your employees receive at initial hire, the safer employee base your company will have.

In addition to formal training, weekly training at the facility or site is recommended. Weekly safety talks or “Toolbox Talks” are an excellent way to administer safety & health education to employees on a weekly basis. Talks should be done as early in the week as possible and be pertinent to the work at hand. As always, document this segment of your safety training as well. By reinforcing the safety message with Toolbox Talks, employees are constantly reminded of the value of safety within your organization.

OSHA is an important training resource, as well. OSHA has many online training aids that can be downloaded for use at no cost (www.osha.gov). Your local OSHA area office is willing to consult with you to coordinate training for your company. In addition, consult with your insurance carriers.

7. A Modified or Early-Return-to-Work Program

This program allows an injured worker to do light or transitional duty (driving trucks until he has recuperated enough to install roofing, for example) as soon as a physician agrees that the worker can return to the work site.

Early return to work keeps employees alert and in responsible ownership of their jobs. Early return to work will also lessen the burden on your workers compensation carrier, and may save you money in premiums.

8. Trade Contractor Compliance

An important part of your program is choosing subs that care about safety. Prequalifying subs, evaluating their safety history and requiring a safety and health program and workers' compensation is one way to help keep your insurance and safety and health costs low.

Stress to your trade contractors that they must abide by your company's safety program. If they don't, they could endanger everyone on your job site and make you liable for OSHA citations. Unless all prerequisite documents are signed and in place, and insurance coverage for the subcontractor (and the subcontractors subs as well) are in place and documented, do not let the subs enter your site or start their portion of the work.

Insist that all subcontractors take part in documented Toolbox Talks. If you are having a talk on a safety item that has relevance to all workers on site, insist that the subs attend the talk. If not, insist that the subs perform a talk (documented) that has a direct relationship to the work and services they are providing.

Another way to evaluate a potential subcontractor is an OSHA history. All OSHA citations are part of the public domain. On the OSHA web page look for “Inspection Data”, then click on “Statistics”. Once this is opened, click on “Establishment Search”. All opened & closed inspections & citations are available for review.

9. Measurement and Evaluation

Periodically review your safety program with a safety committee consisting of your company's safety administrator, superintendents, project managers and several field crew members. You may also want to ask trade contractors for their suggestions on how to fine-tune your safety program and its elements. A safety & health program needs to be continuously evolving. Always strive for “zero” safety incidents.

By tracking incidents, (injuries & near miss activity) trends will develop over time. Once you see a particular trend starting, put action and education plans in place to reduce the likelihood of repeat incidents. Involve the employees in the evaluation process. This empowers workers and gives them a greater sense of pride in their work. Get suggestions to remedy safety concerns from the employees. Employees know the job and know the hazards. They also may have ideas on how to make the process better. Utilize them as a resource!

10. Consistency

The elements of a safety program must work together. Implementing a single element isn't as good as putting a comprehensive program in place, but it's a start.

If you already have a job site safety program, be consistent in its application. Don't stop and start your program. Work at the program on a day to day basis. Your programs should not just sit on a shelf collecting dust. A safety & health program is a working document to be utilized day in and day out.

If you do not have an existing program in place, don't delay! Take the first step on the road to a safe workplace, increase employee productivity & morale and cost savings for your company!

Following these 10 Points will assist you in formulating or upgrading your safety & health programs.



Safety Training

Required Safety Training for All New Employees and Employees Moving to New Jobs

All employees should complete a documented safety orientation with a supervisor/manager, a Safety team member, or top management. The safety orientation should document all issues covered with the new hire and include a sign-off by the employee and

person(s) conducting the orientation. Sign-off verifies that important safety information, rules, procedures, protective equipment, and training were provided for the new hire. This document should become a permanent part of the employee's file.

Ideally, the safety orientation should be completed before the new hire begins work. When this is not possible, supervisors will often conduct a safety orientation over

several days, reviewing safety issues as the employee learns each task and progresses from one operation to another. This allows you to use the employee at low hazard tasks until they complete the full orientation.

The checklist would include the date when each item was covered. There are certain aspects of the safety orientation you should not postpone that must be covered the first day with each new hire (such as general safety rules and emergency procedures).

Cover All the Risks

Teach your employees about possible hazards and the risk for potential accidents associated with their job. Give them a copy of the Safe Work Practice for their job title.

Other Sources of Safety Training

Use safety training offered by OSHA, your insurance carrier and/or state and federal agencies. Many are free or low cost.

Employee orientation should include the following:

- Policy/Mission Statement
- Map of Facility Site
- Safety Awards Program (if applicable)
- Right-to-Know Training
- Specific Programs: Respiratory, Hearing, Confined Space
- Employee Equal Opportunity
- Policy Organizational Chart
- Fall Protection Requirements
- Emergency Plans
- Emergency Phone Numbers
- Specific Hazards/Considerations
- Substance Free Workplace Program
- Employee Disciplinary Procedure
- Sexual Harassment Policy
- Safety Program Elements
- Question & Answer Period
- Sign-Off Sheet

EMPLOYEE SAFETY ORIENTATION CHECKLIST

EMPLOYEE'S NAME: _____ HIRE DATE: _____

POSITION: _____ DEPARTMENT/LOCATION: _____

PERSON COMPLETING ORIENTATION: _____ TITLE: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

Employee Safety Rules

- Provide copy of General Safety Rules.
- Provide copy of Safety Discipline Procedures.
- Provide copy of Area Safety rules (If applicable).

Unsafe Conditions

- Discussed examples of unsafe conditions.
- Discussed correction and/or reporting of unsafe conditions.

Lifting Techniques

- Discussed common lifting/strain injury hazards.
- Discussed material handling equipment available/used.
- Reviewed correct lifting techniques and guidelines.

Accidents and Incidents

- Discussed common lifting/strain injury hazard.
- Discussed material handling equipment available/used.
- Reviewed correct lifting techniques and guidelines.

Medical Aid

- Identified readily available first aid personnel.
- Reviewed location of emergency first aid materials.
- Discussed notifying supervisors of first aid injuries.
- Identified location of emergency eye-wash station.

Emergency Procedures

- Identified location use of emergency telephone numbers.
- Reviewed procedures for fire/medical emergencies.
- Discussed procedures for extreme weather and other emergencies.

Personal Protective Equipment Requirements (if applicable)

- Footwear
- Eye Protection
- Gloves
- Other

Department and Area Housekeeping

- Discussed common problems/corrective measures.
- Discussed materials storage areas and practices.

Fire Protection and Prevention

- Identified and discussed "No Smoking" areas.
- Discussed location and use of fire extinguishers and fire alarms.

Hazard Communication/Rights to Know Compliance

- Discussed requirements of the law.
- Discussed container labeling and SDS information.
- Identified hazardous materials used in the work area.
- Conducted hazardous material training.
- Issued personal protective equipment.

Driver Safety Orientation (if applicable)

- Completed personal driving record (MVR) check.
- Provided/reviewed driver safety rules.
- Conducted driver's vehicle orientation.
- Reviewed vehicle inspection procedures.
- Provided driver with accident information package.

Other Safety Concerns/Instruction

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

TRAINING TOPICS	TRAINING	COMMENTS
Ladder Safety		
Scaffold Use		
Scissor or Boom Lifts		
Fall Protection		
Fire Prevention/Emergency Action Plan		
Flammable Materials		
Housekeeping		
Hazard Communication/GHS		
Hearing Protection		
Respiratory Protection		
Lock-Out/Tag-Out		
PPE		
Emergency Egress		
Lighting		
Lifting Procedures		
Electrical Safety (GFCI)		
Safety Bulletin Board / Posters		

Keep Records

Maintain the following safety records covering the last five years' safety-related activities:

- Minutes of Safety Committee Meetings;
- Safety training activities and documentation;
- Safety audit reports;
- OSHA 300 log, OSHA 300A annual summaries;
- Safety incident reports;
- Injury reports; and
- Safety citations.