



News & Views *from* OWWA

December 2013



Convention
Highlights
Pages 6&7!

Member Information Welcome

The Ohio Water Well Association encourages its members to provide us with news releases concerning your firm. Those releases will be published in the quarterly OWWA Newsletter. One of the basic purposes OWWA is communication and networking of information within the industry. So don't be shy, send us your news release. Also, if you would like assistance drafting a news release, just contact us. We would be happy to work with you to draft the release.



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BNA Construction Labor Report

By Bruce Rolfsen

Safety Research Identifies Most Effective Leading Indicators for Construction Work

The large construction projects with the lowest injury rates are most often the projects using several different methods to measure the success of their safety programs, according to a study published June 11.

The report, "Construction Safety Best Practices and Relationships to Safety Performance," looked at the effectiveness of dozens of "passive" and "active" leading indicators of safety at building projects. The study appears in the online edition of the American Society of Civil Engineers' *Journal of Construction Engineering and Management*.

Passive indicators include programs intended to protect workers, such as owner approval of safety plans and mandating all employees wear steel-toe boots. Active indicators measure effectiveness of safety efforts, such as what percentage of worker orientation meetings the project manager participates in, or whether workers' "stop work" calls are ever ignored.

Safety experts have been increasingly calling for employers to adopt leading indicators instead of measuring success based on "lagging" indicators—such as a project's injury rate—that may not become apparent until work is completed.

A common thread through the report's recommendations is the involvement of owners and supervisors, to show workers at all levels a commitment to safety.

**CareWorks is the third party administrator
for the OWWA Workers' Compensation Group
Rating Plan**

**QUALITY INITIAL CARE HELPS EFFECTIVELY
MANAGE NEW INJURIES**

Establishing relationships with local healthcare providers can help your injured employees receive high quality initial care following an accident or injury. This is a key first step in managing your claims, achieving successful return to work and controlling overall claim costs.

Although injured workers in Ohio are allowed to seek treatment from any BWC-certified provider for their injury, employers can assist them by making recommendations.

By developing a partnership with local preferred providers, you can be better prepared when a new injury occurs, helping your employees get the timely, quality care they need to begin their recovery process.

CareWorks encourages our customers to develop relationships with local BWC-certified initial care providers (urgent care and occupational medicine facilities, etc.) who provide quality care with a return-to-work focus.

Your Workers' Compensation Managed Care Organizations (MCO) can assist you in recommending quality providers in your area and developing workplace posters listing your preferred care centers or hospitals and the steps to follow should an injury occur.

Having a process in place to handle new injuries and knowing the proper steps to follow can often make a workplace injury or accident less stressful for both the injured worker and their employer.

THE PERCENTAGES OF RETURN TO WORK

National studies have shown the longer an injured employee is off work, the less likely they are to successfully return to work. Injured employees off work for six months only have a 50% chance of successfully returning to work. After a year of

work, this probability is lowered to 10-25%.

Keep in touch with injured employees during recovery so you are aware of their progress or any challenges they are facing. Work with your MCO and the healthcare provider to identify alternative work options for employees to perform during recovery. Research shows work is an important and healthy part of the healing process.

To learn more about establishing an early return to work program to better manage your workplace injuries, you can contact your Ohio Managed Care Organization, Third Party Administrator, or the Ohio Bureau of Workers' Compensation.

If you have any questions regarding this article, please contact:

Ron Lucki, Director of Business Development
(614) 760-3510 direct
ron.lucki@careworks.com
www.careworksmco.com

OSC 14
Ohio Safety Congress & Expo

Your Pathway to Safety
Save the date!

01 Education

02 Exposition

03 Innovation

While safety takes many forms and each journey is unique, all pathways lead to one thing - keeping your workforce safe and healthy. Attend OSC14 and follow *Your Pathway to Safety*.

Registration opens in January

March 25 to 27, 2014
Greater Columbus Convention Center



YOUR LEGAL SERVICES PLAN

Get a quick answer to your legal problems without a hassle. Our members continue to benefit from the Legal Services Plan provided by **Dunlevey, Mahan & Furry**. The Plan can save you money and work because the attorneys are well versed in business matters which confront our members. Most importantly, the consultation is free. Yes, *free!*

Here is how it works. Contact **Bob Dunlevey** at (937) 223-6003 and explain your situation to him on a confidential basis. Then, he will get you in contact with an attorney in his firm who is best suited to give you advice. If you wish, make an office appointment instead. Issues involving corporate/business, labor / employment, OSHA, government contracting, workers' comp, real estate, construction, environmental, securities and litigation can all be addressed. Because the plan is designed to provide answers to common legal problems confronting our members, your issue customarily can be resolved with the initial contact. But, if the matter is more intricate and requires more time, Bob will discuss with you the needed services and estimate the cost for you. Many members are using the plan and find it to be a valuable business tool. Don't be left out!

You can't lose with this valuable Association benefit. Easy access to attorneys who know your business, confidential treatment, specialized business services and the personal touch. Keep Bob's number handy or call the Association Office for more details. Let your membership work for you.

HOW TO TAKE ADVANTAGE OF YOUR PLAN - WHAT IS IT?

Your Association has an agreement with the law firm of **Dunlevey, Mahan & Furry** to provide its membership with legal services on a preferred basis. **Dunlevey, Mahan & Furry** emphasizes business law, employment law, and business litigation. If you have a question and need a quick answer, use the Plan. The firm has operated your Legal Services Plan and has represented Association members for many years. It understands your business.

WHAT DOES IT COVER?

The primary purpose of your plan is to provide each member the opportunity to identify and discuss legal issues which confront your management team on a daily basis and to resolve those issues quickly through convenient access to qualified legal counsel knowing your business. Whether it is a question regarding the terms of an equipment lease, a real estate matter, a construction claim, a government contract dispute, or an OSHA surprise inspection, your answer is just a telephone call away.

HOW DO I USE THE PLAN?

It is simple to call, fax or email your inquiry to the plan administrator, Bob Dunlevey. Just call him at (937) 223-6003 and speak with him. He will address your inquiries or direct your call to one of the many attorneys in his firm. He will conveniently discuss your matter by telephone or arrange an office appointment. Your Association has arranged for each member to have one consultation per month at no expense. Make sure to mention that you are a member of the Association and are utilizing the Legal Services Plan.

STRICTLY CONFIDENTIAL

The plan has been approved by the Supreme Court of Ohio and each member's inquiry is protected by the attorney/client privilege. The discussions are strictly confidential.

FREE MONTHLY CONSULTATION

The initial consultation is for the express purpose of identifying legal issues and responding with quick, preliminary analysis available without research and in-depth analysis. If additional services are required, the firm will make them available on a preferred basis.

MANAGEMENT TRAINING

Management training seminars are conducted at your facility on a wide variety of topics, including such things as supervisory training for effectively handling personnel issues, harassment prevention, union-free management, employee motivation, OSHA compliance, and workers' compensation claims management. A program tailored to the needs of our members is available at a fraction of what you would pay consultants.

Texas Construction Contractor Pays More Than \$170K for Misclassifying Workers

Texas-based contractor Ratech Construction Inc. has paid \$176,204 in back wages to 17 employees after a Labor Department investigation found that the company violated the Fair Labor Standards Act by misclassifying workers to avoid paying them overtime compensation, the Wage and Hour Division announced June 10.

The division's Dallas District Office led the investigation into Ratech's pay practices. The office discovered that Ratech, which services heavy industrial and commercial sector construction projects, provided maintenance employees to Hanson Aggregates LLC, a Texas mining operation.

The 17 employees that Ratech offered to do maintenance on the mining operation were

misclassified as independent contractors and were paid straight time in wages rather than overtime for hours worked beyond 40 each week.

According to Cynthia Watson, regional administrator for the Wage and Hour Division in the Southwest, at least one of the misclassified employees worked as much as 95 hours in a workweek without receiving overtime.

"This is illegal and unacceptable. Employee misclassification not only deprives workers of their rightful wages and benefits, it also undercuts honest employers by placing them at a competitive disadvantage for obeying the law. The department is committed to combating this practice to protect workers and ensure a level playing field," Watson said in a statement.

Wage and Hour said the company has paid back wages to the affected employees and has agreed to comply with the Fair Labor Standards Act by ensuring employees are properly classified and compensated.

2013 Scholarship Winners Awarded

This year the Ohio Water Well Association was pleased to be able to grant four \$750.00 scholarships to the industry's youth. These scholarships were granted to the following individuals:

Jeffrey Burgess
Burgess Drilling Inc.

Kayla Domer
Domer Water Supply

Brittany Hardman
Hardman Drilling

Whitney Hardman
Hardman Drilling



Our congratulations and best wishes go out to these students on their academic endeavors. These scholarships are made possible by the generous contributions of our OWWA members. Please take this opportunity at the Convention to participate in one of our fundraisers for the Scholarship Program: **The Silent Auction and the 50/50 raffle**. You may also make direct contributions to the program. Just see an OWWA Staff Member to donate.

2013 Convention & Trade Show

Our thanks goes out to
**THIS YEAR'S CONVENTION
SPONSORS:**

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Pentair Flow Technologies



Nametag Sponsor:

Preferred Pump



Cash Prize Sponsor:

Grundfos Pumps



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Franklin Electric

Seminar Break Sponsor:

Warren Pump & Supply Co.



Tradeshaw Highlights!

**Our thanks goes out to
THIS YEAR'S CONVENTION
EXHIBITORS:**

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Hose Solutions
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National Ground Water Association
North American Specialty Products
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Ohio Water Well Association
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Preferred Pump
Reserve Filter Systems Inc.
RJM Sales
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Warren Pump & Supply Co.
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Watts Water Technologies
Wells Inc.
WorldWide Drilling Resource Inc.
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Photos Provided By:

When Congress tried unsuccessfully to expand the Form 1099 filing requirements a couple of years ago, at least one thing was accomplished. It raised awareness of an important IRS business reporting rule. And at \$100 per infraction, the penalty for ignoring this regulation can be painful.

That's right; the IRS can fine you \$100 for each 1099 form that you fail to file, up to a maximum penalty of \$1.5 million. The most common Form 1099 is the 1099-MISC, which is used to report payments of \$600 or more to vendors who provide services to your business. Examples include payment for repairs, accounting services, consulting fees, and legal advice. Normally if the vendor is incorporated you do not need to send them a 1099-MISC, but there is one important exception. All payments to attorneys must be reported, whether they are incorporated or not.

Timely filing of the Form 1099-MISC is also critical. The form must be filed with the IRS by February 28 (unless you file electronically). But you must provide the vendor a copy of the form by January 31. Electronic filing is optional if you file fewer than 250 forms. If you have 250 or more forms to file, you are required to file electronically. The deadline for electronic filing is March 31.

There are a few more twists. If you pay a vendor for parts and services, you must include the total of both of these on your form as long as the parts or materials were incidental. If materials were the predominate nature of the payment, they are left out. Reporting is also required if you provide nonemployees taxable fringe benefits or pay fees to your board of directors.

Looking for an easy solution to these requirements? Pay all your vendors by credit card. You do not have to report payments made by credit or debit card, or by services like PayPal. The bank or third party payment provider is required to report those transactions.

There are other types of Form 1099s to watch for. A Form 1099-INT is used to report interest payments of \$10 or more to an individual in the course of a trade or business. Form 1099-R is used by investment companies to report distributions from retirement accounts and annuities. And businesses that make loans are required to disclose canceled debt on Form 1099-C if the amount is \$600 or more. If these reporting rules leave you uncertain of your responsibilities, give our office a call. A little attention paid now might help prevent a painful penalty later. PH: (937) 832-5209

Statewide Collaborative Aimed at Preventing Slips, Trips and Falls in Older Ohioans

Safety for the aging workplace

BWC recently teamed up with the Ohio Department of Aging and other Ohio government and state business partners for Steady U, a statewide collaborative aimed at preventing slips, trips and falls in older Ohioans.

Why? Employees ages 45 and up are more likely to fall in the workplace than other workers.

Work-related slips, trips and falls often result in sick days, reduced productivity and expensive workers' compensation claims for the employer. The average BWC claim for lost time (taking time off) related to slips, trips and falls is more than \$31,000.

Here are 10 ways to reduce falls in your workplace:

- Keep a written housekeeping program;

- Ensure that floors are clean and dry;
- Employ proper floor cleaning procedures;
- Wear slip-resistant shoes;
- Block entry into areas with wet floors;
- Maintain adequate lighting;
- Encourage employees to take their time and watch where they're going;
- Maintain a written removal plan for snow and ice;
- Place additional mats in entrances during inclement weather;
- Ask employees to use stepstools instead of standing on furniture.



OSHA Announces Proposed Rule Change for Workplace Injuries and Illnesses

By Gary Hanson, President of
American Safety & Health Management Consultants, Inc.

Currently most employers with 10 or more employees are required to maintain the OSHA 300 Log and the 300A Summary. The 300A Summary has to be posted by February 1st of the following year and be posted until May 1st of that year. After that date it can be taken down and filed. Each affected company is required to maintain these records for at least five years. OSHA Compliance Officers are required to review the company OSHA records during an OSHA inspection.

Each year in the spring companies will receive a request to send in their OSHA Recordkeeping data to the Bureau of Labor Statistics (BLS). The BLS then compiles the data for each NAIC Code. (North American Industrial Code.) They then post online during the fall the latest OSHA Incident Rates for each NAIC Code. Companies can pull this information up on the OSHA website to see how they compare with other companies in their NAIC Code. Also, OSHA develops their annual inspection list of companies who have a DART Rate higher than the National average for their Code. The DART Rate is all the Lost-Time cases and the Days of Restricted cases added together. Those companies with high DART Rates are subject to a full OSHA style inspection. On average in Ohio there are over 1200 companies each year who are subject to a DART type safety inspection.

November 7, 2013 OSHA issued a new proposed rule to require employers with more than 250 employees who are required to keep the records to electronically submit their records on a quarterly basis to OSHA. Companies with 20 or more employees in certain industries with high injury and illnesses rates will be required to submit their 300A Summary electronically on an annual basis.

This change is being proposed because there are over 3 million Occupational Injuries and Illnesses that are reported to the Bureau of Labor Statistics each year. The proposed changes according to Dr. David Michaels, the Assistant Secretary of Labor for OSHA, will provide better access to data for employers, employees and the government

that will encourage earlier abatement of hazards. It also hopes that this will result in improved safety programs that will reduce workplace hazards and prevent injuries, illnesses and fatalities.

This proposal does not add any new additional recordkeeping requirement. It only modifies an employer's obligation to transmit these records to OSHA.

The public will have 90 days – through Feb. 6, 2014 to submit written comments on the proposed rule. On January 9, 2014, OSHA will hold a public meeting on the proposed rule in Washington, D. C.

OSHA plans to eventually put the data online as encouraged by President Obama's **Open Government Initiative**. This will help OSHA target resources more effectively by identifying workplaces where workers are at great risk. This will also allow other employers to compare their injury rate to others in the same industry according to OSHA.

This change if adopted would not take effect until January 1, 2015. It will provide OSHA quick results on injuries and illnesses taking place at the companies required to maintain the OSHA records. This will not result in increased inspections, but will change which companies get targeted in the future.

If you have any questions or need any assistance with your Safety Program, please give me a call at 1-800-356-1274.

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Temporary Authorization to Review Information

TO: EMPLOYER SERVICES DEPARTMENT
Ohio Bureau of Workers' Compensation
60 CAREWORLD DRIVE SUITE 200
COLUMBUS, OHIO 43218
PHONE: 614-452118
800.857.6277
FAX: 614-452118
www.careworksconsultants.com
info@careworks.com

Form Policy Number
Title
DEA
Address

Note: For this to be a **valid** letter, the self-insured department for self-insured employers, or the employer services department for all other employers, must stamp it. Being temporary in nature, BWC will not record via computer or retain this authorization. Representative must possess a copy when requesting service relative to the authority granted therein.

This is to certify that CAREWORKS CONSULTANTS INC. (ID NO. 150-80) and the Buckeye WC Alliance/Ohio Water Well Association (16000, 2014/2015, Code 11/171) including its agents or representatives identified to you by them has been retained to review and perform studies on certain workers' compensation matters on our behalf.

This limited letter of authority provides access to the following types of information relating to our account:

1. Risk files;
2. Claim files;
3. Merit-rated or non-merit rated experiences;
4. Other associated data.

This authorization does NOT include the authority to:

1. Review protest letters;
2. File protest letters;
3. File form *Application for Handicap Reimbursement (CHP-4)*;
4. Notice of Appeal (I-12) or *Application for Permanent Partial Reconsideration (IC-88)*;
5. File self-insurance applications;
6. Represent the employer at hearings;
7. Pursue other similar actions on behalf of the employer.

I understand that this authorization is limited and temporary in nature and will expire on April 30, 2014 or automatically nine months from the date received by the employer services or self-insured departments, whichever is appropriate. In either case, length of authorization will not exceed nine months.

Telephone number	Fax number	Email address	
Print name	Title	Signature	Date

Completion of the temporary authorization provides a third-party administrator (TPA) limited authority to view an employer's payroll and loss experience. By signing the AC-3, the employer grants permission to the BWC to release information to the employer's authorized representative(s). The form allows a TPA to view an employer's information regarding payroll, claims and experience modification.

Attention group rating prospects

- Employers may complete the AC-3 for as many TPAs or group-rating sponsors they feel are necessary to obtain quotes for a group-rating program.
- Group sponsors must notify all current group members if they will not accept them for the next group-rating year. The deadline for this notification is prior to the first Monday in February for private employers and prior to the second Friday in August for public employers.
- All potential group-rating prospects must have:
 - Active BWC coverage status as of the application deadline;
 - Active coverage from the application deadline through the group rating year;
 - No outstanding balances;
 - Operations similar in nature to the other members of their group.
- Any changes to a group member's policy will affect the group policy. Changes can result in either debits or credits to each of the members.

Note: For complete information on rules for group rating, see Rules 4123-17-61 through 4123-17-68 of the Ohio Administrative Code or your TPA. All group-rating applicants are subject to review by the BWC employer programs unit.

ABOUT OWWA



The Ohio Water Well Association had its beginnings in the 1930's. OWWA, a non-profit trade association, is dedicated to promoting the wise use and protection of Ohio's ground water resources for present and future generations. OWWA and its members cooperate with state regulatory bodies in the collection and dissemination of ground water data and in assuring that all water well systems are completed properly and professionally, meeting all current codes of construction to protect both the owner and the environment. Members of OWWA include water well drillers, pump installers, geothermal system contractors, manufacturers and suppliers of water system and geothermal products, geologists, engineers, regulators and others interested in the development and protection of Ohio's ground water resources. OWWA is an affiliate of the National Ground Water Association and supports the work of the American Ground Water Trust .

BECOME A MEMBER! Membership Application

Name of firm _____
Address _____
City _____ State _____ Zip _____
Telephone () _____ Fax () _____
E-Mail _____ Website _____

INDIVIDUAL CONTRACTOR MEMBERSHIP

(One person from a Drilling, Geo-Exchange or Pump Company).....\$135

Your name _____

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(Up to 3 people from a Drilling, Geo-Exchange or Pump Company\$165

Name 1 _____

Name 2 _____ Name 3 _____

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(Up to 3 members of your firm).....\$165

Name 1 _____

Name 2 _____ Name 3 _____

ASSOCIATE \$75

(Available only to persons who do not qualify for categories above.)

Your name _____

Please note OWWA and NGWA dues are separate (contact NGWA directly for national membership)

Please return this form with your check payable to OWWA or provide credit card information

Name on Card _____

Credit Card Number _____

Expiration Date _____ Billing Zip Code _____

Return form to: OWWA—2077 Embury Park Road, Dayton, Ohio 45414 or Fax to: (937) 278-0317



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