



*Founded by and dedicated
to the professional
insurance company loss
control representative*

INSURANCE LOSS CONTROL ASSOCIATION

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Mark your
calendars!

ILCA 2013 Conference

You are invited to join us for the ILCA 2013 Annual Conference on October 7th, 8th and 9th at the Renaissance Indianapolis North Hotel in Carmel, Indiana.

We are thrilled to announce that the conference agenda this year will include:

Motivational Speaker, **Guy D. Gruters, Captain, USAF**,
as well as

Keynote Speaker, **Mark Robison, Chairman and President,
Brotherhood Mutual Insurance Company.**

Topics included in the agenda for this conference are:

- Product Liability
- Sprinkler Systems
- Webinars
- Fleet Safety
- Ergonomics
- Industrial Hygiene

Agenda details as well as registration information coming soon. Mark your calendar!



**Guy D. Gruters, Captain, USAF
POW in North Vietnam,
December, 1967 to March, 1973; 5 years, 3 months**

Guy Gruters was raised in New Jersey, where his favorite interests were camping, hunting and trapping. He graduated from the Air Force Academy with a BS in Engineering Science and completed a Masters Degree in Astronautical Engineering from Purdue University. After Pilot Training and fighter gunnery school, he volunteered for Vietnam and served six years in Vietnam, more than five as a POW. He completed more than 400 combat missions as a FAC, first for the 173rd Airborne Brigade flying O-1 aircraft and then flying F-100s for the *MISTY* Fast FACS flying over North Vietnam. He was awarded more than 30 combat awards including two Silver Stars, two DFCs, two purple hearts, two bronze stars for valor, a Presidential Unit citation, POW medal, 20 air medals, and numerous other medals. He was shot down twice and captured the second time, on December 20, 1967.

Meanwhile, Lance Sijan had been shot down in early November and was still in the jungle. Lance evaded capture for forty-six days. He was finally captured on Christmas Day of 1967 and moved into a small holding prison with Guy and Major Bob Craner shortly thereafter. The three of them made the trip north to the Hanoi Hilton in the back of a military truck. Guy and Bob were with Lance until his last-minute removal to a hospital and death in late January, 1968.

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After release in March of 1973, their testimony was the basis for the award of the Congressional Medal of Honor to Lance. Guy also collaborated closely with Malcolm McConnell of the Reader's Digest in his book "Into the Mouth of the Cat," a story about one man's struggle to successfully resist all interrogation despite terrible physical injuries.

There have been two additional books written with stories about Guy, "Bury Us Upside Down," by Rick Newman and Don Shepperd, and "Misty," by Major General Don Shepperd, USAF (Ret.).

Guy joined Eastern Airlines as a pilot, flying DC-9s and Boeing 727s, and retired as a Captain in 1991. During this time, Guy and Sandy were blessed with seven children, two before Vietnam and five after. Guy also was a very successful international account representative for the IBM Corporation, handling GTE Sylvania, a three billion dollar company. He left IBM with his brother and was president of PC Software Systems for more than ten years, building it into IBM's leading supplier of application software for Accountants and Independent Insurance agents. Upon retiring from Eastern, Guy took the position of Director of Data Processing for Pearl Vision in Dallas and then VP-MIS for McCrory Corporation in Pennsylvania, both billion dollar corporations.

Guy was asked to leave the corporate world by his brother, Peter, in Ohio. Guy currently works there with his brother as a writer/editor and professional speaker about the POW experience. Peter is an author of many books on rural family life that have been well received.

The goal they are working for is to strengthen families by facilitating their return to traditional living on five to ten acre plots with large gardens and numerous domestic animals in the countryside.



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Mark Robison
Chairman of the Board and President
Brotherhood Mutual Insurance Company

Mark Robison has served Brotherhood Mutual for more than 18 years. He took on the role of company president in 2007, and was named Chairman of the Board in 2010 as well. In the more than six years since Robison took office, Brotherhood Mutual has increased its national footprint from 29 to 43 states and its customer base has grown by more than 5,000. Corporate assets also have increased from \$293 million to \$385 million. At the home office in Fort Wayne, Indiana, an additional 100 jobs have been created to help meet the insurance and risk management needs of America's churches and related ministries.

Robison has an extensive background in accounting and finance. He earned his accounting degree from Manchester College and his CPA from the Indiana State Board of Public Accountancy. He holds a Fellow Life Management Institute (FLMI) designation, an Associate in Insurance Accounting and Finance (AIAF) and the CPCU designation. A member of the American Institute of Certified Public Accounts and the Indiana CPA Society, Robison also is a past chairman of the Insurance Accounting Systems Association.

KEYNOTE SPEAKER

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SPONSORSHIP OPPORTUNITIES FOR THE 2013 ANNUAL CONFERENCE

ILCA is pleased to announce the following sponsorship and advertisement opportunities available during the two and a half day conference on October 7-9, 2013.

Any company participating in sponsorship and/or advertising in the 2013 Conference will also receive free advertising in ILCA eNews for one year.

Conference Partner—\$1,500

Includes: Exhibit space and 2 full registrations. (Registrations must be in our hands by **9/6/13**.)

We welcome you to make a ten minute “presentation” to the attendees during the conference. We will insert your 3 hole punched brochure into our conference binder. This fee does not include Hotel registration.

Exhibitor

1 Table—One day only—\$200

1 Table—Entire conference—\$350

Luncheon—\$600

Includes: Announcements before and after lunch, signage, notation and thank-you in conference agenda, web link to your website, table for materials and a vendor’s insert in the conference binder. Encouraged to have small logo giveaways and all the possible contacts you can create by networking. Luncheon sponsors will also receive a special mention and a 3.5”x5” advertisement space in the post-conference newsletter.

Break—\$300

Includes: Announcement before and after break, signage, notation and thank-you in conference agenda, web link to your website and a vendor’s insert in the conference binders. Get all of the possible contacts you can create by networking.

Vendor’s Insert—\$150—Insertion of your company brochure and information.

- ⇒ B&W advertisement—the company can either provide an electronic file which we can reproduce in black and white or the company can submit the pre-printed material (3-hole punched) to us for inclusion in the binder. Material must be submitted by **August 23, 2013**.
- ⇒ Color advertisement, brochure, or flyer—the company must submit the pre-printed (3-hole punched) material to us for inclusion in the binder. Materials must be submitted by **August 23, 2013**.

Sponsorship opportunities are on a first come, first serve basis. Sponsorship payments must be received no later than **September 13, 2013**.

Contact Kristi Ruxlow at 309-696-2551 or by email at administration@insurancelosscontrol.org for reservations and payment information.

MEMBER SPOTLIGHT: SCOT GUDENRATH

Scot Gudenrath is a Commercial Loss Control Representative at Country Financial. We asked him a few questions about becoming involved in the association and his interest in the loss control profession.

What is your educational background? Graduate of the Safety and Health Program from Illinois State University with a Bachelor in Applied Science. Certified Safety Professional (CSP), OSHA 10 hr. card holder, Chartered Property Casualty Underwriter (CPCU), Associate in Risk Management (ARM), Certified Playground Safety Inspector (CPSI).

What made you decide to work in the insurance loss control field? A friend in the Safety Program did his internship in a Loss Control Department and enjoyed the diversity in clients that he worked with as well as the scale of knowledge that is necessary. I started my career in Safety Consulting, which has similarities to Loss Control and then had an opportunity to move into a Loss Control position and I have enjoyed it ever since.

What has been your career history? While in college, I worked 2 summers at Kraft Foods in Champaign, IL where I had the opportunity to participate on the safety team and conduct audits, in addition to my normal job duties as a factory worker. I did my internship at Mitsubishi Motors of America in Bloomington, IL where I focused full time on Environmental Health and Safety. I worked for 1 year at a private safety consulting firm in Southwest Missouri where we focused approx. 95% of our time on OSHA compliance and the other 5% on EPA compliance. I had the opportunity to work in 9 states. I have spent the last 14 years at Country Financial in the Loss Control Department where I have completed surveys in much of the state of Illinois as well as travel and surveys outside of Illinois.

What is the history of Country Financial? What services do you provide? COUNTRY Mutual Insurance Company® is a mutual company which began selling fire and lightning insurance in 1925. COUNTRY Mutual and its subsidiaries, COUNTRY Preferred Insurance Company®, COUNTRY Casualty Insurance Company®, and Modern Service Insurance Company offer auto, home, farm and business insurance.

Services provided by our Loss Control Department include physical surveys of our commercial clients to help identify and mitigate loss exposures. We focus on Property, Liability, Vehicle and Workers Comp on the commercial side and Woodstove and confinement surveys on the personal and farm lines. We do research on behalf of clients and financial representatives to answer safety related questions that they may have or to help underwriters gauge the risks of a potential client. We develop and present a lot of training for our field and desk underwriters as well as developing checklists and forms for their use. We also generate reports to management on a variety of topics to help bring focus to issues we see.

What has been the best part and the most challenging parts in your job? The best part of the job is the variety of risks that I see on a daily, weekly and monthly basis. I routinely reference OSHA, NFPA, EPA and CPSC codes and standards. Working with clients and underwriters to help everyone understand the risks that we insure is very rewarding. The most challenging part is trying to apply those codes and standards in a uniform fashion over the territories that we write coverage in. I have found that clients and their financial representatives often feel that their exposure is different than the rest of their industry for one reason or another and would like special considerations to be made. Sticking with established codes and standards to back up our Underwriting Guidelines can be difficult when the municipality that the business is in hasn't adopted codes of their own.

MEMBER SPOTLIGHT: SCOT GUDENRATH

What do you think are the biggest issues facing the insurance loss control profession and the insurance industry in the next five years? Why? One of the major issues I see facing the insurance industry as a whole as well as loss control specifically is storm activity. We continue to see record setting storms all over the United States, whether they be tornadoes, hurricanes, hail, etc. Storms like these put an obvious strain on profitability and puts additional focus on guidelines to help protect companies from catastrophic losses. Coming up with innovative ways to service a client's needs and maintain profitability for the company will be a major concern.

In what roles have you served ILCA or other safety associations? I have served in each of the four positions of the ILCA Executive Committee and chaired the annual conference twice.

If you were not employed in insurance loss control, what would you like to do? In the safety field, I think I would enjoy Construction Safety. This is something that I get to work with on a limited basis but the progression of a large scale job offers an ever changing dynamic. Different trades working in a close proximity, use of large scale equipment and finding innovative ways to work within the 1926 standard and still maintain efficiency is very interesting to me. At the end of a project, you can look at something that you helped to accomplish. I think that would be a challenging but interesting focus.

What are your favorite non-work activities? I have a wife and a 5 year old boy, so my non-work activities are really focused on them. It is really great to see his abilities grow so rapidly and see what his interests are as he begins to make more decisions for himself. We do a lot of weekend activities as a family and just got home from a trip to California. I had ideas of what would impress him the most and they were almost all completely wrong. Upon seeing the Pacific Ocean for the first time, his thoughts were, "Uh, pretty good".

Are you involved in any social, community, or volunteer activities, etc.? I have coached my son's T-Ball teams and participated in my company's community activities.

RANDOM DRUG AND ALCOHOL TESTING— OSHA TRUMPS ADA

By Mark A. Lies II

INTRODUCTION

As most employers are aware, employee impairment at the workplace due to drug and alcohol use is a chronic problem. By some studies conducted of workplace accidents, twenty percent or more of employees at the typical workplace are impaired due to drug and alcohol usage on any given day. Post accident drug and alcohol tests confirm the significant numbers of fatalities and serious injuries that have been caused by such impairment. A recent federal court decision, EEOC v. United States Steel Corporation, et al., __ F. Supp. __, Civil Action No. 10-1284 (USDC W.D. Pa., Feb. 20, 2012) gives employers added support for random drug and alcohol testing to combat these safety risks.

CASE

The case involved a U.S. Steel facility in Clairton, Pennsylvania which had established a random drug and alcohol testing program for its probationary employees at its coke production plant. The company's goal was a "drug and alcohol free workplace." A probationary employee was selected for a random breath alcohol test which indicated the presence of alcohol. The employee claimed that the positive test result was attributable to her diabetic condition. She was terminated and filed a charge with the EEOC claiming she was discriminated against under the Americans with Disabilities Act (ADA). The EEOC brought a court action against the company claiming that the random alcohol test violated the ADA.

ADA

The ADA does not permit employers to conduct medical examinations for employees once the employee has commenced employment, unless the employer can establish that the medical examination is "job-related and consistent with business necessity." The EEOC claimed that the company had not met its burden to permit such testing.

The Court disagreed and found that the company had proved that the coke plant was an extremely dangerous workplace given the nature of the equipment, molten coke and the various employee job duties in

the vicinity of the operation. The Court also recognized that the drug and alcohol testing was related to legitimate safety concerns, including the obligation under OSHA's General Duty Clause, to protect employees against hazards to their safety and health. The Court held "there is no question that maintaining workplace safety is a legitimate and vital business necessity."

After an extensive analysis, the Court granted the company's motion for summary judgment dismissing the lawsuit.

CONCLUSION

This decision is meaningful as it provides strong support for employer efforts to maintain workplace safety by eliminating injuries due to drug and alcohol impairment. Employers should consider the efficacy of such programs as a means of reducing such injuries and a means to prove to OSHA that they are taking all reasonable means to eliminate accidents caused by such impairment.

There is one important caveat regarding such programs. Where this decision relates to federal law, employers must also determine whether there are any state law restrictions on such programs and tailor such programs to comply accordingly.



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2013 Board Members:

President — Kevin Matthews

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Thank you to our vendors!

Please visit the ILCA Website. Follow the links to our Vendor Directory for info about these companies and their services:



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