



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

INSURANCE LOSS CONTROL ASSOCIATION

eNews

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www.insurancelosscontrol.org

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2013 Annual Conference

[Click here to register today !!](#)

The ILCA conference will be held on October 7th, 8th and 9th in Carmel, IN. The conference will be held at the Renaissance Indianapolis North Hotel, 11925 North Meridian Street, 317-816-0777. Rooms for the hotel will be discounted to \$115 per night for ILCA members. Members should identify themselves as coming to the ILCA conference to receive the discounted room rate. Members staying at the hotel will receive a full hot breakfast which is included in the nightly room rate. To make a room reservation by phone, call 866-905-9619. To make a room reservation online for the conference, go to: [Renaissance Indianapolis North Hotel](#).

All members of the conference will have a reception Monday night, hot lunch on Monday and Tuesday, and snacks/beverages for breaks. We have lunch and break sponsorships available. If your company would like to sponsor a break, please contact Kevin Matthews kmatthews@brotherhoodmutual.com or Kristi Ruxlow administration@insurancelosscontrol.org.

Our conference will open with Motivational Speaker, Guy D. Gruters, Captain, USAF, followed by Keynote Speaker, Mark Robison, Chairman of the Board and President, Brotherhood Mutual Insurance Company. We will also have a business meeting that must be conducted at each conference. The business meeting will be addressing the adoption of changes to the Articles of Association along with the normal business meeting items that includes financials, website update, and any other topic affecting the association. Watch for a special eNews addressing the changes to the Articles of Association.

Conference cost is \$345 for members of ILCA and \$430 for nonmembers. Any group bringing 10 or more persons can take advantage of a group rate of \$325 per person.

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2013 ILCA ANNUAL
CONFERENCE
OCTOBER 7—9
INDIANAPOLIS, IN

EN EWS

The topics for the conference this year are as follows:

Topic	Speaker	Company Represented
Workplace Violence	Mark Lies	Seyfarth Shaw LLP
Industrial Hygiene	Dave Wilson	US Reports
Product Liability	Gary Spagnuolo	Zurich Services Corporation
Ergonomics		Midwest Technical Inspections
Fleet Safety	Dennis Shinault	Baldwin & Lyons, Inc.
Crane Safety	Jason Villas	Konecranes
Sprinkler Systems	Bob Titter	Ashland Inc.
GHS	Anthony Ruitz	Indiana Dept of Labor
Webinars	Stig Ruxlow	Zurich Services Corporation
Professional Dev./ Eff. Training	Bruce Guiliani	Heritage Group

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.

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

B&W advertisement we produce in black and white and include in the binder. You provide the original document. Material must be submitted by **August 30, 2013**.

Color advertisement, brochure, or flyer we will add to our binder. You provide and ship the materials in advance. These must be 3 hole punched. Materials must be submitted by **August 30, 2013**.

Exhibitor

1 Table—One day only—\$200

1 Table—Entire conference—\$350

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.

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.

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.

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.



**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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WELCOME IN!: OSHA'S NEW GUIDANCE PERMITS UNION REPRESENTATIVES DURING OSHA INSPECTIONS

By Mark Lies II & Kerry M. Mohan

I. Introduction

Private-sector union membership remains near record lows, forcing unions to devise new and creative ways to access employer's facilities to organize employees. Unions have long used OSHA safety and health complaints as a tool to pressure employers into recognizing a union at a non-unionized facility or to affect collective bargaining at a unionized facility. However, a recent OSHA Letter of Interpretation* from former Deputy Assistant Secretary Richard E. Fairfax has potentially made it easier for unions to organize non-union facilities. Under this recent guidance, non-unionized employees can select a union organizer or community activist to be the employees' walkaround representative during OSHA inspections. In light of this development, host employers can expect unions to use this interpretation to attempt to access employer facilities, and OSHA to support employee requests to have unions as employee representatives during an OSHA inspection.

II. Employee Representatives During OSHA Inspections

The Occupational Safety and Health Act, its regulations, and OSHA's Field Operations Manual authorize employees to select an "employee representative" to participate during the walkaround portion of an OSHA inspection. During the inspection, the walkaround representative is permitted to follow the OSHA inspector, ask questions, talk to the inspector, and identify potential hazards. In unionized facilities, the union typically has a designated individual for all OSHA inspections.

In non-unionized facilities, the employee walkaround representative may be a senior, well-respected individual that is part of the employer's safety committee, or no employee at all. However, in practice, it has long been understood that the "employee representative" needed to be an actual employee and not somebody from the outside. Although some OSHA offices have attempted to permit non-employees to participate in inspections at non-unionized facilities, they have almost always withdrawn this request when questioned about their authority to permit the non-employee's access.

* http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28604

III. OSHA's New Letter of Interpretation On "Employee Representatives"

In OSHA's new letter of interpretation, OSHA states that where employees are not represented at a workplace by a union, one or more employees may designate anyone they choose to be their employee walkaround representative, including a union representative or a "community representative", a technical person, etc. This re-interpretation of the OSH Act, OSHA's regulations, and OSHA's Field Operations Manual potentially provides union organizers unprecedented access to a non-unionized employer's facility. For instance, a union can file an OSHA complaint on behalf of non-unionized employees and remain in contact with OSHA until the inspection occurs. Then when OSHA shows up at the facility, the employees may request that the OSHA compliance safety and health officer (CSHO) allow the same union representative, who is not an employee, to come into the plant and be their employee walkaround representative.

Similarly, a community representative (activist), who is not an employee, could be designated. Such an individual could have economic, social or political interests that are adverse to those of the employer. The CSHO does not have to allow this individual if he feels the person will potentially disrupt the inspection.

IV. Dangers Of Permitting Non-Employee Walkaround Representatives

The participation of a union representative or community activist in an OSHA inspection can lead to significant issues. First, the non-employee's participation will almost certainly lead to increased citations. Many large unions have sophisticated health and safety officials who may be more knowledgeable than the CSHO. As such, the union representative will likely identify any potential citation or hazard (s)he sees to the CSHO, including many the CSHO may have not observed or recognized. Second, the union's involvement gives the union an immediate presence within the employer's facility to communicate with employees at the facility about the union's interest in employee safety and the benefits of a union to foster safety. The union representative may wear pro-union clothing or buttons, which will attract attention and cause employees to question why a union is there. Third, it provides unions and activists the opportunity to take video or photographs of an employer's operation that can be used for union promotional purposes.

V. Recommendations To Limit The Potential Of A Non-Employee Walkaround Representative

To limit the potential of a non-employee union representative or community activist participating in an OSHA inspection, an employer should consider taking the following precautions or actions:

- Have employees identify an employee walkaround representative prior to any potential inspections: A non-employee representative likely cannot be named if the employees have already designated their representative. The employees' selection can be done via an employee safety committee or an informal employee consent.
- Provide any designated employee representatives with OSHA 10 Hour or other enhanced safety training: A basis for OSHA's new guidance is that employee walkaround representatives may not be sophisticated enough to represent employee interests during the inspection. To challenge this belief, the employer should offer to provide the employee representatives OSHA 10 Hour or other enhanced safety awareness training to ensure they are knowledgeable about health and safety issues to be able to meaningfully participate in the inspection.
- Challenge the non-employee's credentials: Noted above, OSHA may believe that a non-employee representative may be able to better represent the employees' interests due to his or her superior knowledge of health and safety issues. Thus, the employer can challenge the non-employee's health and safety credentials to show that the non-employee's participation would not only be worthless, it would actually be disruptive and confuse issues during the inspection because the individual is unqualified.
- Require the union representative or activist to following administrative requirements: In the event OSHA is going to permit a union representative or activist to be the walkaround representative, the employer can require the union representative or activist to through the same administrative burdens as any other visitor to the facility. Though these administrative tasks may not prevent the non-employee from participating, it may significantly limit the extent of their participation. For instance, the employer can require the non-employee individual to:
 - Sign a document indemnifying the employer for any injury that may occur in the facility and waiving any potential claims against the employer;
 - Agree to provide and wear all required personal protective equipment (PPE), including respiratory protection, flame retardant clothing, etc.

- Sign a confidentiality agreement prohibiting the individual from: (1) taking any video footage or photographs within the facility; and (2) disclosing any information they obtained during the inspection; and
- Participate in any orientation programs that are required of all non-employee visitors
- Obtain your own expert for the inspection: One way to silence the non-employee representative is to engage your own expert to participate in the walkaround. Consider retaining an expert who can follow the non-employee and challenge any statements or observations (s)he makes.
- Say “No” and require OSHA to obtain a warrant: Ultimately, an employer always has the right to tell OSHA that it will allow a non-employee union representative or activist to participate in the inspection only if OSHA obtains a warrant requiring it. At that point, OSHA will be required to go before a judge to get a warrant, which may cause OSHA to reconsider its position. An employer should contact legal counsel before taking this action to discuss the risks and benefits of this strategy.

VI. Conclusion

Without question, OSHA’s new interpretation potentially provides unions with unprecedented access to private property and non-unionized employees. Thus, employers should be prepared to confront a union representative or activist at their front door when they accompany the OSHA investigator and have a preplan to challenge the non-employee’s participation, or limit the participation as much as possible.



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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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