



KICKBACK



A Privately Circulated Newsletter for Employers in the
 NEW YORK LUMBERMEN'S INSURANCE TRUST FUND

NUMBER 6

NOVEMBER 2009

NYLITF Area Meetings

Edward G. Wright, President & CEO

ROUTE TO:

- _____
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- _____



Our six Area Meetings were attended by a total of 201 people representing 66 of our Member Companies (22%).

Each meeting was preceded by an afternoon meeting attended by Safety Coordinators where they discussed "Recharging the Workforce" which focused on methods to reaffirm your safety culture to returning and current employees.

The evening sessions included dinner and fellowship along with an update on the status of the Trust fund. Following are the highlights:

- Premium - off by 15% from last year, likely due to an overall industry slowdown.
- Employees - also down by 15%.
- Members - holding up well at 302.
- Claims - new reports are at an all time low, projected to be around 200 for the year.
- General Expenses - up 15% due to Workers' Compensation Board (WCB) assessment and increased reinsurance costs.
- Members' Equity - \$3,686,000, of which \$2.2 million is not recognized by the WCB.
- Rates - at this time, no change is planned.
- Website Update - Members can now access Payroll Reports, Employee Lists, claims information, certificates of insurance, Electronic Funds Transfers and so on. For assistance on any of these, please contact our office.

Spouses and companions were urged to help keep workplace safety on the minds of their loved ones.

Please plan to join us for the Annual Meeting on Friday, March 19, 2010 at the Holiday Inn in Syracuse, NY.

Thanks for listening.

Inside this issue:

- ◆ New Labor Law
- ◆ Wagner Lumber & Wagner Hardwoods, LLC
- ◆ General Liability for Logging Operations
- ◆ Scholarships

NYLITF Mission Statement

Our mission is to provide our Members the best value and financial security for workers' compensation and disability benefits with the objective of the utmost protection for the health and safety of our Members' employees. We shall achieve this by rendering unparalleled loss prevention service, vigilant claim handling, risk selection and cost control. We are committed to continuous improvement, achieving and maintaining Member satisfaction with integrity and respect.

Important Dates to Remember

Thursday & Friday, December 24 & 25, 2009

W.J. Cox Associates, Inc. office will be closed

Friday, January 1, 2010

W.J. Cox Associates, Inc. office will be closed

Monday, February 15, 2010

W.J. Cox Associates, Inc. office will be closed

Friday, March 19, 2010

*NYLITF 29th Annual Meeting
 Syracuse, NY*

Friday, April 2, 2010

W.J. Cox Associates, Inc. office will close at 11:30 a.m.

This publication is intended for the educational use of employees and contractors who work for and provide services to members of the New York Lumbermen's Insurance Trust Fund. The techniques suggested herein do not apply to all situations and all work procedures should be discussed with supervisory personnel prior to being applied to your job.



New York Lumbermen's
Insurance Trust Fund

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NYLITF TRUSTEES

- Joel I. Bingham**
Double Aught Lumber, Inc.
Owego, NY
- Joel A. Bowman**
A. D. Bowman & Son Lumber Co., Inc.
Castle Creek, NY
- Gregory Fitzpatrick**
Fitzpatrick & Weller, Inc.
Ellicottville, NY
- Paul N. Gutches**
Paul N. Gutches Products, Inc.
Preble, NY
- Michael W. Hanlon**
Cotton-Hanlon, Inc.
Cayuta, NY
- Aaron I. Robinson**
Robinson Saw Mill Works, Inc.
Barryville, NY
- Steven F. Schaeffer**
Wagner Millwork, Inc.
Owego, NY
- Edward G. Wright (Secretary)**
W. J. Cox Associates, Inc.
Clarence, NY

NYLITF EXECUTIVE ADVISORY COMMITTEE

- Mo Cleaver**
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Watertown, NY
- Craig Jochum**
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Apalachin, NY
- John S. Levi**
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Inlet, NY
- William Millier**
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- Paul J. Mitchell**
Paul J. Mitchell Logging, Inc.
Tupper Lake, NY
- Jeanne M. Schmidt (Secretary)**
W. J. Cox Associates, Inc.
Clarence, NY

KICKBACK
Issue 6, November 2009

Editors:
Kathleen A. Ayala, Kevin P. Brown,
Michelle C. Conley & Edward G. Wright

The Kickback is published by W. J. Cox Associates, Inc. The publication is a privately circulated newsletter for Employers in the New York Lumbermen's Insurance Trust Fund & Forest Industry Insurance Group.

**NEW LABOR LAW -
Notice of Pay Rate and Payday for New Hires**

Employers must give newly-hired workers written notice of the rate at which they will be paid and their regular payday, under Section 195.1 of New York's Labor Law. The notice must be provided on a form available from the New York State Department of Labor, and must be given to new employees before they do any work.

(http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/LS_52_Hourly_Rate_Plus_Overtime.pdf)

The written notice must also include the employee's overtime rate of pay, if they qualify for overtime. Most employees must receive overtime pay at one-and-a-half times their regular rate of pay for all hours they work over 40 in a given week. A very few occupations are not covered by the overtime provisions of labor law, such as farm workers and professionals.

FYI...

We have a company that will write Term Life on Loggers. If you would like more information, please call Jeanne at (716) 759-5102 or e-mail at jschmidt@wjcox.com.

Please join us in welcoming the following new
Members to the
New York Lumbermen's Insurance Trust Fund

- | | |
|---|--|
| Benson Trucking & Timber Division
Poland, NY | LPJ Logging
Northville, NY |
| Delta Hardwood Flooring, Inc.
Ava, NY | Robinson's Logging
Shinglehouse, PA |

Mark your calendar for the
**29th Annual Meeting of the
New York Lumbermen's Insurance Trust Fund**
Friday, March 19, 2010
Holiday Inn
Syracuse, NY
*Look for more information
in the next Kickback!*

General Liability for Logging Operations

Jeanne M. Schmidt, Vice President

General Liability for logging operations coverage is meant to cover accidents (other than automobile or Workers' Comp) on your premises or as a result of your operations. This would include things like hitting a power line while falling a tree, damaging a fence while skidding logs to the header, or injury to a hiker who wanders onto your logging job.

We have had several large claims involving "accidental overcut of timber". Since 99% of our clients do not have this type of claim, policies written through North American Specialty Insurance Company covering logging operations now have an endorsement limiting coverage for "accidental overcut of timber". In the event of a loss, defense will still be provided but the coverage under the policy will be limited to \$50,000 with a 20% co-insurance payment up to \$10,000 required by the customer.

To minimize the possibility of a loss, here are a few things to remember. When you purchase a woodlot, it is important to check the boundaries with the landowner. If possible, talk to adjacent landowners and let them know where you will be working. Its also a good idea to check the town tax maps to be sure the boundaries are correct. While you are checking the tax maps, check to see that the landowner who is selling the timber is the true and only owner of the trees and that the land is free of liens. We have had instances where a woodlot was purchased in good faith only to find out later that there was another owner who either did not agree to or was not aware of the sale. Have the landowner or his for-ester mark the trees to be cut, and be sure that you and he are in agreement on where the skid trails will be and how they will be cleared and left after the job is completed.

If you are advised that there is a problem with your work, get as much information as you can and report this to your insurance carrier as soon as possible. The sooner the company can begin investigation of the loss the better. If there is damage to the property or if the wrong trees have been cut, your company will work with you and the landowner to settle the loss.

If the claimant claims theft of the trees and asks the court for punitive damages, your insurance will not cover the punitive damages. If it is proven that the wrong trees were intentionally taken, your insurance will not cover the loss and coverage will probably be cancelled at the next opportunity.

Scholarships

There are a number of scholarship opportunities offered by both W. J. Cox Associates, Inc. and the William J. Cox Memorial Fund depending on what the student will be studying and what college he or she will attend.

1. W. J. Cox Associates, Inc. Employee Charity Fund has an essay contest each year awarding a winner (\$2,000 payable @ \$500 annually for 4 years) and runner-up (1 payment of \$500). The application with essay topic is sent to all employers and clients of W. J. Cox with a deadline of January 15, 2009. The scholarship may be used for any course of study at any college.
2. W. J. Cox Associates, Inc. Employee Charity Fund sponsors a \$500 scholarship to Paul Smiths College each year to be awarded to a student in the School of Forestry. Application may be made by contacting the financial aid office at the college or by calling our office.

3. The William J. Cox Memorial Fund awards one \$2,500 scholarship each year for Forest Industry related studies at each of these colleges: SUNY Morrisville, ESF Syracuse or Wannakenna, Paul Smiths College, Thompson School at the University of New Hampshire, Penn State School of Forest Resources. Application may be made by contacting the financial aid office at each college or by calling our office.
4. The William J. Cox Memorial Fund sponsors an annual scholarship through NELA for students supported by Forest Product Industry families. Contact NELA for details.

If you have a dependent child entering college or attending one of the sponsored schools and wish to discuss any of these opportunities, feel free to contact Jeanne Schmidt at (716) 759-5102 or jschmidt@wjcox.com.

Receive Your Employee Lists & Monthly Payroll Reports Via E-mail

In an effort to reduce outgoing mail and postage expense for the New York Lumbermen's Insurance Trust Fund, Employee Lists and Monthly Payroll Reports are now available to be received via e-mail. Both of these reports can be e-mailed directly to the person at your company that is responsible for completing them. The report will be a .pdf attachment that can be printed, completed and returned to our office; or you may log on to the "Clients Only" tab at www.wjcox.com and enter payroll, premium payment and add/terminate or make any necessary changes to current employees (i.e., address or telephone number change, shirt size change, etc.).

Do you know what else is available at www.wjcox.com?

- ◆ Enter Monthly Payroll Reports
- ◆ Maintain Employees
- ◆ Request Certificates of Insurance
- ◆ View Workers' Compensation & Disability Claims Payments
- ◆ Workers' Compensation & Disability Forms
- ◆ Loss Prevention Department Forms & Video List
- ◆ Electronic Funds Transfer (EFT)
- ◆ Scholarship Application
- ◆ W. J. Cox Associates, Inc. Staff Members' Direct Dial & E-mail Addresses
- ◆ Recent Issues of the *Kickback*
- ◆ Calendar of Events
- ◆ FAQ's
 - Workers' Compensation & Disability Claims
 - Workers' Compensation Coverage
 - Term Life Insurance
 - Property Casualty Insurance
 - Equipment & Insurance Premium Financing



To be set up for any of these services, please contact Roxanne Dungan or Jeanne Schmidt in our office for a Username and Password.

www.wjcox.com

Wagner Lumber & Wagner Hardwoods, LLC

Qualify for OSHA's SHARP Program

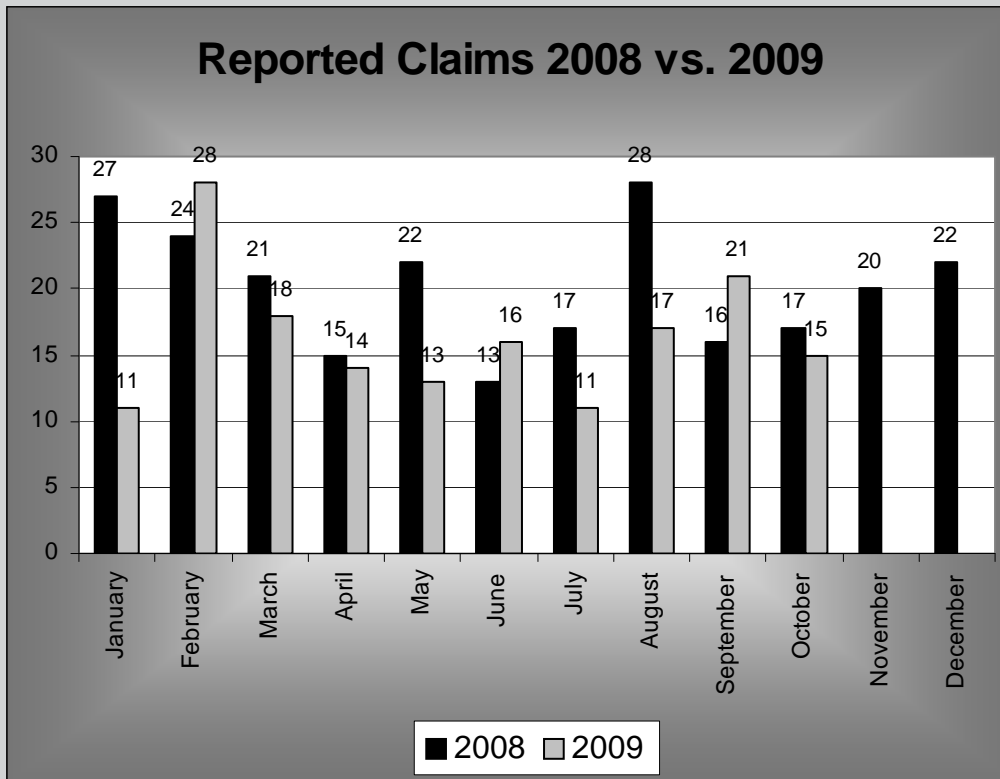
Congratulations to Wagner Lumber in Owego, NY and Wagner Hardwoods, LLC in Cayuta, NY for qualifying for the OSHA Safety & Health Recognition Program (SHARP) this past August.

SHARP recognizes small employers who operate an exemplary safety and health management system. Acceptance into SHARP by OSHA is an achievement of status that will single you out among your business peers as a model for worksite safety and health. Upon receiving SHARP recognition, your worksite will be exempt from programmed inspections during the period that your SHARP certification is valid.

For more information on OSHA SHARP, visit <http://www.osha.gov/dcsp/smallbusiness/sharp.html>.

2009 Reported Workers' Compensation Claims Update

Reported Claims 2008 vs. 2009



Through October 2009, there have been 164 reported claims, 36 less than the same period last year. The goal for this year is to have less than 240 reported injuries and at this point, we are on target to come in under 200 for the first time in Trust Fund history.

Please contact your Loss Prevention Consultant with any questions regarding safety programs.

Thank you and keep up the good work!

Upcoming Monthly Safety Meeting Topics

December
Employee Assistance Program
The Importance of First Aid
Carpal Tunnel

*If you have a suggestion for a future
Monthly Safety Meeting topic,
please contact your
Loss Prevention Consultant.*

All 2009 Monthly Safety Meeting topics are available at www.wjcox.com