



A QUICK NOTE FROM THE CHAIRMAN

I hope everyone survived the heat wave that hit us the end of August and the first part of September. The heat wave that hit Southern California is being blamed for at least 15 deaths. WOW! this year is a good one to forget the weather and be glad the forecast for the coming year is normal or slightly wetter than normal. The State Trophy awards have been judged and everyone is getting ready for the Convention in Nashville, November 7-11. It looks like another great program, and I hope everyone is making plans to attend.

I hope everyone who relies on the New Home market is doing their forecasting and making the necessary adjustments. The home builders are cutting production dramatically and those of us in that market should be doing the same. It's a good time to weed out the underachievers, unload old and tired equipment and get ready for an extended lean period. Next year being an election year our elected officials will try to make hay to win our votes, so we might get some good will from them. Never the less be prepared for some hard times ahead.

Golden Oak Cooperative Corporation, (the successor to the Insurance Board of Trustees), comprised of all members of CLCA, is keeping up with the new OSHA regulations and federal wage increases and we have current posters available. For more information call the Golden Oak Offices (800) 451-2834. The equity program is working well and to date we have paid out over \$200,000.00 to our members. Golden Oak and L.C.I.S. continue to work with CLCA to bring educational programs to the membership.

Landscape Contractors Insurance Services, Inc. (L.C.I.S.), owned by Golden Oak, is providing the best insurance available to the members of CLCA. L.C.I.S. has added several new carriers to provide Workers' Compensation Insurance, and they continue to seek new markets to benefit all CLCA members. We have a new health insurance program and other programs that will further benefit our members. For additional information regarding health insurance contact Ashley Hissong at (800) 628-8735.

Birch Financial, Inc. is a premium finance company owned by Landscape Contractors Insurance Services, Inc. (L.C.I.S.). Birch's equipment financing division **BIRCH FINANCIAL EQUIPMENT FINANCE** provides financing for mowers, tractors, trenchers and vehicles, new or used. The equipment finance division currently has over \$1,300,000 in outstanding loans. **If you are thinking about buying equipment, new or used, contact Nelson about financing at 1-800-959-3701.**

For more information regarding the Golden Oak family please visit our website – www.goldenoak.org.

I'm honored to have been selected to be the Chairman of the Board for Golden Oak for the next two years. I have been in the Landscape Industry for over 40 years and a member of CLCA for 36 years. This is my 7th year as a Director of Golden Oak, L.C.I.S, and Birch Financial. I am looking forward to working with the membership to continually improve the business climate.

Sincerely,

Mickey Strauss
Chairman of the Board

L.C.I.S. STOCK AVAILABLE TO ELIGIBLE MEMBERS

The Board of Directors of Golden Oak Co-op Corp. has made a limited number of Landscape Contractors Insurance Services, Inc. (L.C.I.S.) shares available to eligible members. To qualify to own shares a member must be continually insured by L.C.I.S. and remain a member in good standing with CLCA. Currently, shares are selling at \$2,051/share and a minimum of 5 shares must be purchased. Anyone interested in the purchase of stock should contact Nelson Colvin at 800-451-2834.

GOVERNMENT PURSUES NEW “NO MATCH RULES”

by Mickey Strauss

As a result of Congress's failure to pass comprehensive immigration reform we are seeing the Government pursuing the new “no match rules”. In the past you could get away with ignoring those letters from the Social Security Administration (SSA), however now you must act immediately or be faced significant legal consequences.

A lawsuit has been filed by the AFL/CIO against the Department of Homeland Security (DHS) and as a result a Judge has put a hold on the SSA sending out no match letters. CLCA and the Essential Workers Immigration Coalition is looking for small businesses in the SF Bay Area counties to file a similar lawsuit against the DHS under the Regulatory Flexibility Act. The suit would claim that DHS didn't take into account the impact of its recent no-match rule on small business.

The purpose of these lawsuits is to buy us time to continue to lobby Congress to pass a feasible comprehensive immigration reform policy that will allow us to hire legal employees.

No matter what the end result is you better be prepared to follow the rules and make sure your employees are well documented.

TAKE SAFETY IN STRIDE

- Practice good housekeeping – keep slip, trip and fall hazards from occurring.
- Warn others about spills and clean them up immediately.
- Pay attention to what's in your path when walking.
- Never carry a load that blocks your vision.
- Shorten your stride on damp surfaces.

State of the Law - California

What's your stance on gift-giving in the workplace?

Do you have a policy prohibiting employees from accepting gifts from vendors, clients, or other individuals with whom you do business? If you don't, you may want to consider instituting one.

Recently a school district was sued after the parents of a special needs student complained that the district's employees required lavish gifts – totaling thousands of dollars – in exchange for treatment that their child needed.

While the employer didn't admit that its employees demanded gifts in exchange for educational services, and it doubted whether they in fact did receive such gifts and the amount the parents claimed they paid out in gifts, it settled the case. As a result, it will reimburse the parents \$80,000 to cover the expenses they allegedly incurred, including attorney's fees.

In this case, the employer didn't have a policy in place prohibiting its employees from receiving gifts. If it did have such a policy in place, it might have had a better leg to stand on to fight the parents' claim.

A policy barring employees from accepting gifts should touch on the instances in which an employee may receive gifts. For instance, some policies state that gifts of less than \$100 are acceptable. Others say gifts of “nominal value” are acceptable, while still others bar employees from accepting gifts of any kind. In any event, a policy should state instances when the acceptance of a gift is barred; it probably goes without saying that in this case, that would have meant the employer should have stated that demanding gifts in exchange for its services would be prohibited.

Source: latimes.com/



Golden Oak Co-Op Corporation is very excited to announce a new endorsed program for CLCA members, **Aflac**.

Many people have seen the Aflac Duck and wondered how Aflac would benefit their business and family. As the health insurance industry changes, **Aflac is needed now more than ever!**

Aflac is a Fortune 500 company (# 151, April 17, 2006) with assets exceeding \$56 Billion (company statistic, December 31, 2005), insuring more than 40 million people worldwide (company statistic, May 2005). Aflac processes most claims within four days (company statistic, December 31, 2005).

Aflac was built on helping the small business owner build their business by offering more benefit offerings to their employees and at no cost to the business. You want to offer more benefits and your employees are asking for more benefits. Aflac is exclusively dedicated and focused on individually owned and controlled benefits offered on a voluntary basis to ensure that our policyholders are the most well-protected, well-serviced "family" in the world.

How does Aflac differ from other plans you may have?

In case of an accident or illness, **Aflac insurance policies pay cash benefits directly to you**, the insured, unless assigned, regardless of any other insurance you may have. Use the cash benefits for such expenses as:

- **Escalating deductibles, co-payments, out-of-network charges and any other expenses not picked up by your major medical coverage.**
- **Every day living expenses, like the mortgage or rent payments, car notes, groceries and utility bills.**
- **Lost Income, resulting in a "double whammy" if the healthy spouse has to leave work to care for the recuperating one.**

Aflac Pays. You Decide how to use the money. Plus, there's no preauthorization or strings attached. Benefits can be offered to both companies and individuals.

Please contact the Golden Oak Aflac Rep, Lorraine Mabbett at (818) 625-2443 (CA License # 0C87481) if you would like to find out more about how Aflac can help you keep a medical crisis from becoming a financial crisis.

NEW SAFETY VIDEOS ADDED TO LENDING LIBRARY

We have added four new titles to our Safety Video Lending Library:

- Defensive Driving
- Large Equipment Safety (Spanish)
- Heat Stress for Construction
- PPE For Landscape Maintenance & Custodial 2000 Update

Videos can be borrowed two at a time for up to two weeks and are perfect for your company tailgate safety meetings. There is a nominal \$7 charge to cover our shipping costs.

A complete list of available titles can be found on the enclosed product insert/order form.



WHY A NON-COMPETE AGREEMENT?

A new employee discloses that she signed a non-compete agreement with her former employer. This won't affect you, right? Wrong, according to the law firm Fredrikson & Byron.

Not only might a court enforce the agreement and order the employee to stop working for you, but it could find you partly liable and could order you to dole out cash to cover attorney's fees.

A court may ask whether you reasonably inquired to find out if there were any agreements in existence that would bar prospective employees from working for you. To avoid this type of employment fiasco, consider asking potential employees to furnish copies of all non-competition and non-disclosure agreements that may still be in effect with their former employer, and if those employees claim they never signed any such documents, have them sign a statement attesting to the fact. If they do disclose that such agreements exist, talk to your attorney about what steps are needed to review the documents.

Source: <http://www.fredlaw.com>

BIRCH FINANCIAL, INC. PREMIUM FINANCE payments that you submit electronically must be received before 3:00 pm pacific time for credit to your account that same day.

Free Cal/OSHA Workplace Health and Safety Publications

Cal/OSHA requires all employers with outdoor worksites to have a Heat Illness Prevention Program in place for their company.

Two free publications on heat illness prevention are available through the Cal/OSHA Research and Education Unit.

Employers Guide to Heat Illness: A Best Practices Approach— This publication has useful information on risk factors and key elements on preventing and responding to heat illness. The information can be used to create a written heat illness prevention program. (Available in English and Spanish)

Protect Yourself from Heat Illness — This handy pocket card suggests practical steps employees can take to prevent heat illness. (Available in English and Spanish)

More than 100 free workplace health and safety publications, on various topics and in various languages, (including Spanish) are available on the Cal/OSHA website. You can order or download copies from the internet at: www.dir.ca.gov/dosh/puborder.asp or call Cal/OSHA office at 800-963-9424.

For more information on heat related illness and the new Heat Illness Prevention Standard please visit www.dir.ca.gov.

THE TAX TICKER

Beware of phony e-mail from 'IRS.' We've said it before; we'll say it again: Never send personal financial data in response to unsolicited e-mail. The IRS says scam artists are sending e-mails to random people, telling them they're due a refund or under investigation. The message directs people to fake IRS Web sites that asks for personal data. In reality, the IRS won't contact you via e-mail.

Need an old tax return fast? Contact your tax advisor. A new IRS service lets tax practitioners receive transcripts of clients' tax returns electronically in minutes. Taxpayers can still receive a free paper transcript of their returns within seven to 10 days by calling the IRS at (800) 829-1040.

Know the difference between gifts and compensation. If you give a favorite employee a big check at Christmas, you might consider it a gift, but the IRS will likely consider it income. That could be true even if the employee and owner are family. In one case, the IRS said payments to an owner's daughter (who was an employee) were for past services, not a gift. Talk with your tax pro if you face a similar dilemma.

Reprinted from Small Business Tax Strategies – Sept 2007

BE READY FOR UNPREDICTABLE PEDESTRIAN BEHAVIOR

Warmer weather can mean more people walking along roadways and city streets, so drivers need to be alert and ready for unpredictable pedestrian behavior.

Every year about 5,900 pedestrians are killed by automobiles and about 84,000 suffer nonfatal injuries, according to the National Safety Council. In 2005, an estimated 6,200 pedestrian deaths were reported - a 3 percent increase from the year before. Meanwhile, about 70,000 pedestrians were injured in motor vehicle accidents.

While improvements in signage and physical separations reduce collision incidents, drivers still must be prepared. The majority of pedestrian deaths and injuries - 63 percent - occur when pedestrians improperly cross roadways or intersections, or when they dart or run into streets, council data shows.

Drivers should stay alert and watch for pedestrians when:

- *Entering crosswalk areas.* Drive slowly and be prepared to stop far enough so other drivers can see the pedestrian.
- *Driving in bad weather.* Slow down if you cannot see clearly.
- *Making turns.* When waiting for a gap in traffic beware of pedestrians who may have moved into your intended path.
- *Passing stopped cars.*
- *Backing up.*
- *Driving around schools* and in neighborhoods where children are active.

Pedestrians should:

- Search before stepping off the curb.
- Look carefully for turning vehicles.
- Stop and look around cars, shrubs, and any other objects that prevent drivers and pedestrians from seeing each other.
- Treat driveways and alleys like roadways.
- Watch for backing vehicles.

Reprinted from *Traffic Safety Vol. 7, No. 7, July 2007*

Keep away from people who try to belittle your ambitions. Small people always do that, but the really great make you feel that you, too, can become great! – Mark Twain

Tear out and give to your
English and Hispanic workers

safety watch

by Olivia Grider
Spanish version on reverse side

PREPARING SAFETY KITS FOR YOUR TRUCK

Federal law requires these basic kits, which can prevent serious injuries from becoming life threatening

The accident: A four-person crew was working at a large country estate. A man using a hand-held brush cutter turned suddenly, causing the cutting head to tear into a co-worker who was passing behind him. The blade sliced through the man's forearm, severing an artery, tendons and muscle, and nicking the bone. The wound bled profusely as other crew members searched frantically for a clean cloth to wrap around it. The homeowners were away and, since they had nothing better, the workers settled on a T-shirt one man was wearing. They tied a tight tourniquet around the victim's arm. Someone called 911, but reaching the rural area took paramedics 45 minutes. Because the tourniquet stopped circulation, doctors had to work hard to salvage the man's hand. In addition, his wound became infected, lengthening recovery.

What the expert says: A standard first aid kit could have prevented the complications resulting from this injury. A pocket guide in the kits explains how to wrap wounds in a manner that slows or stops bleeding without cutting off circulation to a limb, says Scott Shook, safety committee chairman for Dennis' Seven Dees Landscaping in Portland, Oregon. A sterile cloth you can use to make a sling or to put pressure on a laceration is also part of first aid kits.

OSHA requires your employer to provide an easily accessible kit that contains "basic supplies necessary to address typical work site first aid needs." The contents of the kit should be in sealed packages within a weatherproof container, and your employer should check the kit weekly to ensure expended items are replaced, OSHA stipulates.

Dennis' Seven Dees keeps a kit in each of its trucks, two in the company's shop and one in its headquarters building. Shook says these items should be in a first aid kit at every jobsite:

- **First aid booklet** – This can help you deal with a



safety crisis whether "it's bad enough that you're panicking or if you've just forgotten what you need to do," Shook says.

- **Latex rubber gloves** – Wear gloves if you will come in contact with bodily fluids while treating an injured co-worker.
- **Antiseptic cream and wipes** – Use to clean minor cuts and scrapes and prevent infection.
- **Burn cream** – Apply immediately to minor burns.
- **Band-aids, gauze and first aid tape** – Cover minor to serious wounds with these.
- **Large piece of cloth** – This comes with instructions for creating a sling or using it to stop bleeding.
- **Heating blanket** – Place the blanket between an injured person and the ground to keep him warm and prevent shock while you wait for emergency personnel.
- **Tweezers** – Avoid a trip to an urgent care center by using tweezers to remove wood or metal splinters embedded in your skin.

Shook also suggests keeping a list of urgent care centers in your metro area in the kit, along with a good map of the city. If you will be using pesticides or herbicides, Shook says you should carry eye and skin wash with you. **TLC**

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PREPARACIÓN DE EQUIPOS DE SEGURIDAD PARA SUS CAMIONES

La legislación federal exige estos kit básicos, que pueden prevenir que las lesiones graves pongan en peligro su vida

El accidente: Un grupo de cuatro personas estaba trabajando en una gran propiedad en las afueras de la ciudad. Un hombre que estaba usando una cortadora de malezas portátil se dio vuelta repentinamente, y cortó a un compañero de trabajo que pasaba por detrás con el cabezal de corte. La cuchilla le levantó parte del antebrazo y le seccionó una arteria, tendones y músculo, y tocó apenas el hueso. La herida sangraba intensamente mientras los demás integrantes del grupo buscaban desesperadamente un paño limpio para envolverla. Los propietarios no estaban y, como no tenían otra alternativa mejor, los trabajadores se decidieron por una camiseta que tenía puesta uno de ellos. Hicieron un torniquete fuertemente ajustado alrededor del brazo de la víctima. Alguien llamó al 911, pero los paramédicos tardaron 45 minutos en llegar al área rural. Como el torniquete detuvo la circulación, los médicos tuvieron que hacer un gran esfuerzo para salvar la mano del hombre. Además, la herida se infectó y esto hizo que la recuperación fuera más lenta.

El experto responde: Un botiquín de primeros auxilios estándar podría haber evitado las complicaciones que trajo esta lesión. Una guía de bolsillo del botiquín explica cómo envolver las heridas de manera que reduzca o detenga la hemorragia sin cortar la circulación del miembro afectado, dice Scott Shook, presidente del comité de seguridad de Dennis' Seven Dees Landscaping de Portland, Oregon. Un paño estéril para hacer un cabestrillo o ejercer presión sobre una laceración también forma parte de los botiquines de primer auxilio.

La Administración de Seguridad e Higiene Ocupacional (Occupational Safety and Health Administration, OSHA) exige que su empleador proporcione un botiquín de fácil acceso que contenga "elementos básicos necesarios para abordar las necesidades de primeros auxilios comunes del lugar de trabajo". El contenido del botiquín debe estar en paquetes sellados dentro de un contenedor resistente al agua, y su



empleador debe controlar el botiquín una vez por semana para controlar que se hayan repuesto los artículos que se usaron, establece la OSHA. Es posible que su agencia de seguridad ocupacional estatal tenga pautas aún más estrictas o más específicas.

- **Manual de primeros auxilios:** Esto puede ayudarle a tratar una crisis de seguridad ya sea que "la situación sea tan grave que usted haya entrado en pánico o no recuerde lo que tiene que hacer", explica Shook.
- **Guantes de látex:** Use guantes si entrará en contacto con fluidos corporales mientras atiende a un compañero de trabajo lesionado.
- **Crema antiséptica y toallitas húmedas:** Úselas para limpiar cortes leves y raspaduras, y para prevenir la infección.
- **Crema para quemaduras:** Aplíquela inmediatamente sobre las quemaduras leves.
- **Apósitos protectores adhesivos, gasa y cinta de primeros auxilios:** Cubra las heridas leves a graves con estos elementos.
- **Paño grande:** Viene con instrucciones para armar un cabestrillo o para usarlo para detener una hemorragia.
- **Pinzas:** Evite acudir a un centro de cuidados urgentes usando pinzas para retirar las esquirlas de madera o de metal de su piel.

Shook también sugiere tener en el botiquín una lista de centros de cuidados urgentes en el área del subterráneo, junto con un buen mapa de la ciudad. Si se usarán pesticidas o herbicidas, Shook recomienda llevar colirio para los ojos y solución para lavar la piel. **TLC**



THE FIGHT AGAINST WORKERS' COMPENSATION FRAUD

Workers' compensation fraud is a drain on California's economy. Workers' compensation fraud harms employers by contributing to the high cost of workers' compensation insurance and self-insurance and it harms employees by undermining the perceived legitimacy of all workers' compensation claims.

Workers' compensation fraud is not limited to claimant fraud. The workers' compensation program is also victimized by medical providers, employers, claims adjusters and attorneys.

WHAT CONSTITUTES EMPLOYER FRAUD?

- **Premium Fraud** - when an employer schemes to defraud their workers' compensation insurer by paying less for their workers' compensation insurance than they should. Examples include under-reporting payroll, misclassifying employees' job descriptions, paying an employee's medical provider directly for medical treatment for a work related injury.
- **Failing to secure workers' compensation insurance coverage.**

WORKERS' COMPENSATION FRAUD IS A CRIME...

Insurance Code section 1871.4 provides that it is a felony to make or cause to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying any compensation, as defined in section 3207 of the Labor Code, or present or cause to be presented any knowingly false or fraudulent written or oral material statement in support of, or in opposition to, any claim for compensation for the purpose of obtaining, as defined in section 3207 of the Labor Code. It is also a crime to knowingly assist, abet, conspire with, or solicit any person in an unlawful act of workers' compensation insurance fraud.

It is also a crime to make or cause to be made a knowingly false or fraudulent statement with regard to entitlement to benefits with the intent to discourage an injured worker from claiming benefits or pursuing a claim.

Workers' compensation fraud may be punished by imprisonment and/or with fines. Imprisonment can be in county jail for one year, or in a state prison, for two, three, or five years. A fine may be imposed not exceeding fifty thousand (\$50,000), or double the amount of the fraud, whichever is greater. In addition, if someone is convicted of workers' compensation fraud, the court is required to order restitution to be paid, including restitution for any medical evaluation or treatment services obtained or provided. A person convicted under Insurance Code 1871.4 may be charged the costs of the investigation at the discretion of the court.

Insurance Code section 1871.5 provides that any person convicted of workers' compensation fraud pursuant to section 1871.4 or section 550 of the Penal Code shall be ineligible to receive or retain any compensation, as defined in section 3207 of the Labor Code, where that compensation was owed or received as a result of a violation of section 1871.4 or section 550 of the Penal Code for which the recipient of the compensation was convicted.

WORKERS' COMPENSATION FRAUD IS A SERIOUS MATTER...

Workers' compensation fraud can increase the cost of doing business and can result in decreases (or no increases) in employee salaries, laying off employees or even going out of business. Workers' compensation fraud can also increase health care costs and the cost of insurance for all Californians.

If you would like to obtain more information about the issue of workers' compensation fraud, or would like to report an occurrence of workers' compensation fraud, please call the Department of Insurance Fraud Division's hotline number: 800-927-4357. If you have Internet access, you can access the Fraud Division's website at: www.insurance.ca.gov/FRD/Frd_main.htm to obtain more information and locate the telephone number for the Fraud Division office nearest to you.





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For everything you ever wanted to know about Golden Oak, check it out.

- ✓ Liability Package
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- ✓ Accident Reporting Kits
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- ✓ OSHA Wall Posters
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ENDORSED PROGRAMS & CARRIERS

LANDSCAPE CONTRACTORS INSURANCE SERVICES (LCIS):

STEVE HARTMAN
Office # (800) 628-8735
Offers: workers' compensation,
automobile, liability,
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Office # (800) 628-8735
Offers: group medical insurance

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Office # (800) 917-6500
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Office # (800) 252-0419
Offers: workers' compensation
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(800) 653-8003 Southern California
Offers: life, disability and
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*The employer member firms participating in CLCA group insurance programs agree to abide by the memorandum agreement dated January 30, 1999, of the Fourth Amended Trust and acknowledge receipt of any dividend or rebate declared there from, require membership in good standing throughout such participation and at the time any dividend or rebate is earned and paid.