

Eighteen (18) Human Resources actions to lower the Workers' Comp costs for Florida Contractors

1. Improve your hiring process – Avoid hiring a problem employee by developing a thorough and effective hiring process. Hire the best available talent by looking at skills, past work experience, reasons for leaving - but also a “can do” attitude. Ask for examples of when they showed initiative and teamwork in the past. For instance: How will your boss rate you when we call him? What kind of work don't you like to do? What makes a safe workplace? How do you know you do a good job? What are you most proud of at work? Also important is checking references for applicants – call previous employers and see what can be confirmed. Lastly, call your local Florida Career Source Center, <https://www.careersourceflorida.com/>, and have the Business Services team pre-interview and qualify applicants for your company. It's a **FREE** resource.
2. Use a written 90 day probationary period – When you have each new hire sign the following language, your company will not pay unemployment if the employee is terminated for unsatisfactory performance within the first 90 days.
“The employee's first ninety (90) days of employment with the Company are considered an introductory period. This introductory period will be a time for getting to know fellow employees, managers and the tasks involved in the position, as well as becoming familiar with the Company's products and services. The supervisor or manager will work closely with each employee to help them understand the needs and processes of their job. This introductory period is a try-out time for the employee and the Company. During this introductory period, the Company will evaluate employees' suitability for employment, and employees can evaluate the Company as well. At any time during this first ninety (90) days, employees may resign. If, during this period, employee work habits, attitude, attendance, performance or other relevant factors do not measure up to our standards, the Company may release employment. Please understand that completion of the introductory period does not alter the at-will employment relationship. If I am separated from the company during this period, the company may not be charged for unemployment benefits as this is an introductory period recognized under the Florida statutes. “ Florida Statutes 443.131(3)(a)(2)
3. Use up-to-date New Hire forms – Contractors should use a multi-page Employment Application. It should ask for important information about past work, reasons for leaving jobs, ability to perform job duties, licenses, other skills, criminal convictions and reliable transportation. Other required new hire forms include: new hire checklist, I9, W4 and the Florida Healthcare Exchange info. To verify medical capability, a contractor may use an Applicant Questionnaire (pre-hire), Post Offer Medical Questionnaire or pay for a physical examination for each new hire. Pre-employment physicals can be performed by walk in clinics or occupational medical centers – to test for physical agility and back/lifting evaluation. Just make sure you test all applicants for a position type, not just some candidates.
4. Written Safety program – Contractors are eligible for a 2% reduction in workers' compensation premiums for a written safety program. FL Stat 440.1025 describes the required safety program sections. Download the Employer Certification form http://www.myfloridacfo.com/Division/WC/pdf/safety_credit_app.pdf and submit to your workers compensation carrier. A Safety Plan template can be created using the **FREE** resources from the University of South Florida, Safety Consultation Services. Click the following link and create a safety program at <https://www.safetyconsultationservices.com/Safetywriter/>
5. Get OSHA Safety programs – Use the OSHA's Compliance Assistance Quick Start to determine required safety programs https://www.osha.gov/dcsdp/compliance_assistance/quickstarts/construction/index_construction.html The site has English & Spanish compliance assistance resources. Typical written plans may include: First Aid, Hazard Communication, Lockout, Personal Protective Equipment, Fire Prevention, Electrical Safety, Confined Space and Respiratory Protection. Put these policies in a binder and maintain at each worksite or with each site superintendent/foreman. Use during training.
6. Document Employee Safety Training – A safe workplace culture includes documented employee safety training. Use a written safety training attendance sheet to document all safety training. Include the following language at the bottom of your form:
“The above employees participated in the described safety training, had an opportunity to ask questions and are required to follow company's safety rules and regulations, including the wearing of required safety equipment on the jobsite.”
7. Document Safety Equipment issuance – Use a written form to provide hard hat, safety glasses, safety vest and hearing protection. Employee acknowledgement form should state:
(1) I am responsible for the equipment and/or company property issued to me; (2) I will use it/wear it in the manner intended and consistent with the instructions for use; (3) I am responsible for any damage done (not including normal wear and tear); (4) when I leave the Company, I will return the item(s) issued to me in proper working order (excluding normal wear & tear) excluding the T-shirts; (5) I will replace any items issued to me that are damaged or lost - at my expense; and (6) I authorize a payroll deduction to cover the replacement cost of any item issued to me that is not returned for whatever reason, or is not returned in good working order or condition.
8. Discipline Policy – Use a written discipline policy for violation of work rules and safety rules. It follows progressive discipline but gives the company discretion to discipline according to the facts and events. Employees should sign off on the discipline policy and keep it in the employee's personnel file. Use warning forms and provide copies to your onsite foreman and

superintendents. Write up employees for failing to follow work rules, safety rules and not wearing proper safety equipment. Keep disciplinary warnings on file.

9. Implement a Florida Drug Free Workplace – Florida Statutes 440.102 has the rules for creating a drug free workplace that gives contractors the ability to receive a 5% workers' compensation premium credit. A sample plan is available from Summit <https://www.summitholdings.com/wc/.../SubstanceAbuseProgramFL.doc>. The premium credit form is available from your insurance carrier or agent. Follow the rules to set up the program, conduct pre-employment drug testing and train employees about your drug free standards. Intoxicated employees that get hurt may lose 100% of workers compensation benefits if they test positive at a post-accident drug test. Provide information to employees about substance abuse programs your local area, and train your foremen and supervisors on how spot employees that may show signs of impairment.
10. Consider an Employee Handbook – Put company policies in writing and have employees sign an acknowledgement form. Some of the policies that protect contractors include: equal employment opportunity, 90 day probationary period (discussed above), non-harassment, at will employment, safety, work rules, attendance rules and complaint procedures. Save unemployment costs by having work rules in writing (no fighting, horseplay, drug use, no call/no show) in writing. An injured employee that commits misconduct may be fired and lose temporary partial disability benefits from the work comp carrier.
11. Company Vehicle Use rules - If you provide company trucks for employee use, create written rules for acceptable use and have a written driver approval process (MVR checking). Rules may include: proper drivers' license, reporting traffic infractions and accidents (including non-work events), evidence of insurance coverage, phone use and texting, distracting driving, no alcohol use, accidents, personal use (if allowed) and truck maintenance.
12. Work Injury Accident Reporting procedure – Have a written policy for reporting accidents/injuries immediately to foreman, accident investigation, First Report of Injury form and directions to urgent care/walk in clinic. Your site specific safety plan for each jobsite should provide the toll free telephone number for work comp claims reporting. Identify approved medical clinics when starting the job, and have address accessible to site personnel. Designate a management person who will follow up with each injured employee for the duration of the claim. Do not assume everything is being handled properly by the claims adjuster or the insurance carrier – it's your money, stay involved and take personal responsibility for the employee.
13. Post the Florida Work Comp poster – The Florida Work comp poster must be posted in a conspicuous place for employees and it should identify the insurance carrier providing coverage and where to call to report an accident or injury.
14. OSHA and Florida Reporting – Under Florida statute, employee injuries must be reported to your work comp carrier within 7 days of knowledge. In Florida, worksite deaths must be reported to Work Comp Division at 1-800-219-8953, within 24 hours (in addition to first report of injury to the carrier). OSHA requires reporting of workplace death within 8 hours to 1-800-321-6742. In addition, OSHA requires reporting within 24 hours for all work related hospitalizations, amputations and losses of an eye cases. After reporting by telephone, document the reporting process for your records. Non-first aid injuries must also be added to the company's OSHA 300 log within 7 days of knowledge. <https://www.osha.gov/recordkeeping/tutorial/508.html>
15. Sub-contactor Agreements and Checking the Policy Database– A construction contractor that subcontracts all or part of their work must obtain proof of workers' compensation or a Certificate of Election to be Exempt from all subcontractors **prior** to work being done. Work comp is required for construction employers with 1 or more full (or part) time employees. Verify subcontractor work comp coverage (Florida database) at <http://www.myfloridacfo.com/Division/WC/Databases/Default.htm> Use a written subcontractor agreement covering at least 4 of 6 independent contractor factors outlined in the Florida statute 440.02(15)(d)(1), including: separate business with facility/trucks/equipment; federal EIN; compensation paid to business; holds a business bank account; performs work for other entities; services rendered on competitive bid or contractual basis.
16. Implement a Return to Work/Modified Work policy – Bringing an injured employee back to work as quickly as possible saves money. Use a written modified work policy and share it with medical providers and injured employees. By paying your employees for work within their restrictions, the company will not pay lost wages for an employee that sits at home. If an employee declines light duty work, lost wages are stopped. By paying at least 80% of regular wages, you will help your injured employee, save money and encourage their return to work quicker. Work can be performed where available.
17. Educate Medical Providers with Job Descriptions – When sending an injured worker to a medical clinic, send a copy of the employee's job description so the doctor knows the physical and environmental demands of their job and can more accurately write up physical restrictions. Sample job descriptions are available from Americas Job Exchange, an online resource at - <http://www.americasjobexchange.com/job-descriptions/construction-and-extraction-jobs> More information about specific occupations, sample job duties and wage information is accessible from the Employ Florida Marketplace website <https://www.employflorida.com/vosnet/Default.aspx>, click on Employer – Labor Market Information, then click on Occupational Profile. By clicking the Occupational Listing, you can review job duties for all construction & extraction jobs.
18. Know your Rights and Responsibilities – Print the Employers Guide to workers compensation in Florida by clicking on the following link: http://www.myfloridacfo.com/Division/WC/pdf/information_brochure_for_employers_ENG_print.pdf