

Workers' Compensation Excellence Since 1987



AFFILIATED WITH NEW MEXICO HOME BUILDERS ASSOCIATION

BLUEPRINTS

Your Newsletter for Quality Worker's Compensation Information

First Quarter Edition 2021

THE CAPITOL IS CLOSED TO VISITORS UNTIL FURTHER NOTICE

This is the message posted on a chain link fence circling the Roundhouse

There was a call to remove the fencing at one point, but ultimately it stayed. A year ago, a fence to keep our state's citizens out of the Round House would have been met with mutiny, but as we all know, times have changed.

As always, Builders Trust was actively involved in the legislative process this year, fence or no fence.

We were heavily involved with House Bill 98. This tax bill covered a multitude of issues including rural job taxes, oil and gas taxes, insurance premiums tax and much more, all rolled into one long bill covering 90 pages. This bill was very important to us, as it preserved the premium tax rate for Builders Trust and all New Mexico group self-insurance funds.

Any increase in our tax rate could affect the cost of our Participant's premiums. Therefore, Builders Trust CEO Randy Akin worked closely with the staff at the New Mexico Taxation and Revenue Department (TRD), explaining what we do, how we are funded and how we are taxed. Now that the session is over, we hope to work further with our fellow groups and TRD to craft rules regarding group self-insurance.

Builders Trust was also very involved in House Bill 268. This bill is known as the workers' compensation "presumptive causation bill." What is presumptive causation? The "presumptive causation" as worded in the bill, would mean that if a worker contracted the COVID-19 coronavirus, it would automatically be presumed that the worker contracted the virus at the workplace. We all know, and what the data shows, is that the spread of the virus has mostly come from mass gatherings, long term care facilities housing patients with compromised immune systems, and from those that chose not to follow state and CDC guidelines.

Can you imagine, as an employer, that one of your employees could contract the virus and all medical treatment and disability benefits would go right to the employer's loss history, because it would be almost impossible for an employer to investigate and prove that an employee's contraction of the virus did not happen at work.

Further, this bill also completely ignored New Mexico's existing workers' compensation statutes, mediation process, adjudication system, and the New Mexico Occupational Disease Disablement Law.

HB268 was a poorly drafted piece of legislation that died in the Senate Judiciary Committee, and we are glad it did.

We are proud to collaborate with our workers' compensation business coalition partners to defeat legislation that harms New Mexico businesses.

OSHA IS RAMPING UP — EMPLOYERS BEWARE

Under President Trump's administration, mostly through attrition, the number of OSHA Compliance Safety and Health Officers dropped off roughly 15%.

The Biden administration plans to turn that around, and the newly elected president has moved quickly. On January 21st President Biden chose James S. Frederick to head OSHA. Prior to his new position, Frederick spent more than two decades as a safety advocate in the Pittsburgh area steel industry, and he was a safety consultant for a Washington D.C. firm, as an advisor specializing in safety compliance.

It will take time, but many believe the Biden administration would like to double the number of inspectors in the coming years. At first you might feel like OSHA's goal is bad for business, but the goal should be embraced. The fact is more inspectors on jobsites means more assistance and suggestions an inspector can share with an employer.

Based on annual injury and fatality numbers, it would be hard to argue that more inspectors are not needed. The U.S. recorded 5,333 work related fatalities in 2019. This was the highest fatality rate reported in the last twelve years. If your business is following proper safety protocols a visit from OSHA should go well.

Like them or not, OSHA Inspectors save lives.

Increasing the number of inspectors is not the only measure expected in the coming months. Anticipate OSHA rolling out new standards over the next 2-4 years, that will be more specific than prior rules and guidelines. Rules that formally have been vague or confusing may have allowed employers to argue some wiggle room. It will take some time for OSHA to review all current rules and guidelines, so do not look for changes overnight.

Under Frederick, in addition to reviewing and updating current OSHA rules and guidelines, more new rules and guidelines are expected. If all this is not enough, inspectors will still be focusing on COVID-19 protocols, so do not relax as we slowly continue to move out of the pandemic.

There is good news! Builders Trust continuously focuses on Construction Safety.

Our Safety Consultants are providing training now.

**If you would like to schedule a safety consultation or training class,
please call the Builders Trust Service Center today.**

1-800-640-3369 or 505-345-3477

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**Keep following Covid-19
Safety Protocols**

Keep wearing Masks

Be Safe Out There

TOOLBOX TALKS

BUILDERS TRUST TOOLBOX TALKS PERFECT FOR QUICK PRE - WORK MEETINGS

The Builders Trust Field Safety Services Department has developed, in house, dozens of Toolbox Talks. Each “talk” covers a very specific construction topic.

Ladder Safety – there’s a Toolbox Talk for that. Nail guns – we’ve got you covered. Confined spaces, yes, we have a Toolbox talk for that too, and so much more! To receive a Builders Trust Toolbox Talk each week, all you have to do is sign up.

Kicking off your workday with an emphasis on safety reinforces to employees that you want them to go home safely to their families and loved ones after every shift. Builders Trust Toolbox Talks are emailed out weekly, on Fridays. The Toolbox talks are accessible on smartphones, tablets, laptops, or any place you can receive email. The weekly email puts a Toolbox Talk into the hands of your field supervisors, who in turn can share these very current and topical safety subjects with all workers in the field, across all jobsites. Toolbox Talks are also translated into Spanish which is helpful for many of our Participants.

A subscription to our Toolbox Talks is only \$100 annually.

Keep in mind it does not matter if you send your weekly Toolbox Talk to one supervisor or 10, or 15, the price is the same. To sign up for the service simply call the Builders Trust Service Center at the phone number below. The annual fee is charged on the first of every year, so your subscription for 2021 will be pro-rated through December 31st .

**To sign up, simply call the Builders Trust Service Center, and have
a safety meeting at your fingertips every week of the year!**



1-800-640-3369

505-345-3477

www.builderstrust.com

**Our Goal Should Be Your Goal:
Everyone Goes Home
Safely Every Day!**

NOTE: Prior to your call, please have ready the names and e-mail addresses of the persons in your organization who should receive the Toolbox Talks e-mail. The annual fee is charged on the first of every year, so your subscription will be pro-rated through December 31st.

PLEASE ENJOY THIS COMPLIMENTARY ISSUE OF BT BLUEPRINTS

To find out how you can join Builders Trust of New Mexico AND receive the best value in workers' compensation coverage for New Mexico Home Builders Association members, please contact us at
PH: 505-345-3477 or 1-800-640-3369 or www.builderstrust.com

MONDAY BLUES

Even during a tough COVID year, both residential and commercial construction in New Mexico has been booming. Spring has arrived, and with warmer weather we will see more and more workers out on construction sites. That is great news for our industry. However, what we also know is that more construction workers on job sites will eventually lead to more workplace injuries.

Of the five workdays each week, construction injuries, as with most industries, are most likely to occur on a Monday. There are a few thoughts on the Monday phenomenon, one being that workers who are active on weekends may be reporting non-workplace injuries on Monday, perhaps to receive workers' compensation benefits, especially if the injured worker does not have medical coverage. Another theory is that workers arrive to work on Monday ill-equipped to meet the physical demands of their job. This could be due to lack of rest on the weekend, or even a hangover situation from a little too much weekend fun. Although we do not hear much about Biorhythms these days, some believe that a lack of activity and too much relaxation on Saturdays and Sundays can skew the recurring, cyclic patterns of our body's physiology.

What can employers do to combat the Monday blues? Exercise! Yes, exercise. Upon arriving at the job site the person in charge should conduct five-to-ten-minute period of light stretching. The exercises will get the blood flowing, starting the body's engine so to speak. Through observation of the employees, the exercises also allow the supervisor a chance to see who showed up ready to work, and maybe, who did not. Get your body ready each day, just like you get your tools ready.