



BLUEPRINTS

Your Newsletter for Quality Workers' Compensation Information

What to Do if Immigration Comes to Your Workplace

New Federal Initiatives on Immigration: What Employers Need to Know

Recent federal initiatives on immigration are having a significant impact on both immigrant workers and employers. To help you navigate these changes, Builders Trust has compiled the following, complete with helpful resources.

What Employers Should Do If Immigration and Customs Enforcement (ICE) Comes to the Workplace

Immigration agents may visit your workplace for a variety of reasons, including a Form I-9 audit, a raid, or to detain specific individuals. Here's what you need to know:

What is a Form I-9 Audit

A **Form I-9 audit** occurs when ICE visits your business to ensure compliance with Form I-9 regulations. Form I-9 is used to verify a worker's identity and authorization to work in the United States. You can also access free electronic copies of the form <https://pdfguru.com/app/form-i9>

Note: You are not required to keep copies of employees' identification or work authorization documents.

How to Correct Errors or Omissions on a Form I-9

Review your existing I-9's in preparations to a possible audit. Below, under **Additional Resources**, you can find more detailed instructions on how to handle corrections.

What If the Audit Doesn't Go Well

If ICE determines that you haven't complied with Form I-9 regulations, you could face penalties, including orders to stop hiring individuals without valid work authorization, as well as civil and criminal fines.

The **Handbook for Employers**, which provides in-depth guidance on Form I-9 compliance. Access it here:

<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>

What is an ICE Raid

An **ICE raid** is an enforcement action in which Immigration and Customs Enforcement (ICE) agents work to apprehend and deport undocumented immigrants. ICE must present a judicial warrant signed by a federal judge to enter nonpublic areas of a workplace. ICE has the authority to execute the warrant and that may include detaining persons not specifically named in the warrant.

Develop a Written Response Plan in Preparation for ICE Actions

Prepare a plan for how your business will respond if ICE agents show up. All employees should remain calm and composed. Only the designated points of contact should interact with ICE agents. These individuals should be well-versed in the organization's policies and the legal rights of employees.

After the ICE visit, document the event by immediately identifying the names and badge numbers of ICE agents who were present, the time and duration of their presence, and any actions taken by the agents.

Summary

ICE raids can have far-reaching consequences for businesses, workers, and immigrant communities. It's essential to understand the nature of these enforcement actions, the legal rights involved, and your responsibilities as an employer. By staying informed and prepared, you can better handle the challenges that immigration enforcement may present.

Additional Resources

For further reading and detailed guidance, consult the following resource:

<https://www.justice.gov/crt/file/798276/dl?inline>

For more information, questions or concerns, contact Todd Sanchez, VP of Risk Management, Builders Trust, we will be happy to help with your efforts.

Please note that this article is intended to be general information and is not intended to replace legal advice from a licensed attorney.

Getting Smart About Workers Compensation Claims

Uninsured Sub Contractors: Claim Exposure

At Builders Trust of New Mexico we have seen many claims involving subcontractors. A savvy business owner will ask the subcontractor to provide a certificate of insurance to show that they have current workers compensation coverage. There may even be a written agreement between the parties stating who is responsible for providing coverage of the subcontractor's employees.

If an employee of a subcontractor is injured on the job, who covers that injury and provides benefits? If the injured worker is a direct employee of the subcontractor and the subcontractor has workers compensation coverage, then the subcontractor's carrier would cover that claim.

What happens when the subcontractor does not have workers compensation coverage and the subcontractor's employee is injured on the job? The appellate courts have ruled on this issue a number of times with a very consistent answer. If you hire a subcontractor and that subcontractor does not have workers compensation coverage, then the court look for coverage for that injured worker. That search for coverage goes up hill. In other words, if your sub does not have coverage, and one of their workers is injured on your job, the liability for workers compensation coverage will fall to your coverage with Builders Trust. **No written agreement can overcome statute or case law.**

Our recommendation is obtain certificates of insurance from your subcontractor at least annually. It is not an iron clad guarantee that you will not be stuck with providing coverage for that sub's employees, but at least it is a reasonable indicator that the sub has coverage. It is always a good idea to verify that the sub has coverage before making payment.

If you have any questions regarding this or any other workers compensation claims matter, feel free to contact our claims department at 505-332-9867.

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| PRODUCER | INSURED | | POLICY NUMBER | | ENDORSEMENT | |
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| | NAME | ADDRESS | NUMBER | DATE | DESCRIPTION | DATE |
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| | INSURER B | | INSURER B | | INSURER B | |
| | INSURER C | | INSURER C | | INSURER C | |
| | INSURER D | | INSURER D | | INSURER D | |
| | INSURER E | | INSURER E | | INSURER E | |

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| THIS IS TO CERTIFY THAT THE POLICY OF INSURANCE LISTED BELOW HAS BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION ON ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. | | |

| TYPE | COMMERCIAL GENERAL LIABILITY | | LIMITS |
|--------------------------------|------------------------------|-------------|----------------------------|
| | CLAIMS MADE | OCCLER | |
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| | OTHER | LOC | PER AGGREGATE \$ |
| AUTOMOBILE LIABILITY | TYPE OF AUTOMOBILE | RATED VALUE | PER OCCURRENCE \$ |
| | ONLY AUTO | SCHEDULED | BODILY INJURY (the person) |
| | AUTO ONLY | UNRATED | PROPERTY DAMAGE |
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Field Safety Services

Workplace Violence

What is workplace violence?

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors. Acts of violence and other injuries is currently the third-leading cause of fatal occupational injuries in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), of the 5,147 fatal workplace injuries that occurred in the United States in 2017, 458 were cases of intentional injury by another person. However, it manifests itself, workplace violence is a major concern for employers and employees nationwide.

Who is at risk of workplace violence?

Many American workers report having been victims of workplace violence each year. Unfortunately, many more cases go unreported. Research has identified factors that may increase the risk of violence for some workers at certain worksites. Such factors include exchanging money with the public and working with volatile, unstable people. Working alone or in isolated areas may also contribute to the potential for violence. Providing services and care, and working where alcohol is served may also impact the likelihood of violence. Additionally, time of day and location of work, such as working late at night or in areas with high crime rates, are also risk factors that should be considered when addressing issues of workplace violence. Among those with higher-risk are workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.

How can workplace violence hazards be reduced?

In most workplaces where risk factors can be identified, the risk of assault can be prevented or minimized if employers take appropriate precautions. One of the best protections employers can offer their workers is to establish a zero-tolerance policy toward workplace violence. This policy should cover all workers, patients, clients, visitors, contractors, and anyone else who may come in contact with company personnel.

By assessing their worksites, employers can identify methods for reducing the likelihood of incidents occurring. OSHA believes that a well-written and implemented workplace violence prevention program, combined with engineering controls, administrative controls and training can reduce the incidence of workplace violence in both the private sector and federal workplaces.

This can be a separate workplace violence prevention program or can be incorporated into a safety and health program, employee handbook, or manual of standard operating procedures. It is critical to ensure that all workers know the policy and understand that all claims of workplace violence will be investigated and remedied promptly. In addition, OSHA encourages employers to develop additional methods as necessary to protect employees in high risk industries.

Video training on this topic is available on the BT app.

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 contractors, please contact us at PH: (505) 345-3477, (800) 640-3369 or www.builderstrust.com

