



## August Newsletter

### Meeting Recap

This month we had Brittany Harris from G&A Partners present on ADA, HIPAA, and FMLA. This is a topic that affects every business and Brittany was kind enough to summarize her speech for everyone who wasn't able to make the meeting.

Privacy of medical information in the workplace is regulated by three important laws: Americans with Disabilities Act, Family Medical Leave Act and HIPAA (Health Insurance Portability and Accountability Act). Knowing how each of these laws come into play in your workplace will help ensure that you, as an employer, are complying with the privacy expectations of medical information in the workplace.

If your company has at least 15 employees, then ADA applies. It not only applies to employees, but also to applicants. ADA protects qualified individuals with disabilities from employment discrimination. An individual with a disability must be qualified to perform the essential functions of the job in order to be protected by the ADA. Employers may not ask job applicants about the existence, nature, or severity of a disability, but can ask about their ability to perform specific job functions. All employee medical information is to be kept confidential and separate from general personnel files.

If you're a private-sector employers who employed 50 or more employees within a 75 mile radius in 20 or more workweeks in the current or preceding calendar year or a public agency, FMLA applies. The Family and Medical Leave Act entitles eligible employees to take up to 12 weeks (26 weeks for care for an injured/ill covered service member) of unpaid, job-protected leave in a 12-month period for specified family, medical, and military-related reasons. However, employees must meet certain eligibility requirements. Employers must post a notice to employees approved by the Secretary of Labor explaining rights and responsibilities under FMLA: <http://www.dol.gov/whd/fmla/finalrule/FMLAPoster.pdf>. Again, all employee medical information, including information obtained for FMLA certification, is to be kept confidential and separate from general personnel files. FMLA records are to be kept for at least three years.

In the workplace, HIPAA applies only to individually identifiable health information created or received to administer a HIPAA-covered plan. HIPAA requires that authorization is received prior to releasing any Protected Health Information. Employers are required to abide by HIPAA privacy rule when they are self-insured or when they have entered into an insurance agreement but they receive, manage, or disclose protected health information as a group health plan. An employer that performs certain record-keeping functions is also subject to HIPAA rule.

Being aware of what laws govern you is the easiest step in beginning the process of compliance. Take time to research the information and privacy restrictions as well as train your staff and managers about what you've learned.

If you have any questions about these topics, please feel free to contact Brittany Harris at (979)690-6448 or you can contact John Stratemann at (512)342-9280.

### Monthly Safety Tip

In an effort to keep you educated we have started a safety tip section of the newsletter with information provided by board member Parker Holt, Certified Insurance Counselor, VP of Construction for Higginbotham & Associates.

#### EYE PROTECTION IN THE WORKPLACE

Every day an estimated 1,000 eye injuries occur in American workplaces. The financial cost of these injuries is enormous--more than \$300 million per year in lost production time, medical expenses, and workers compensation. No dollar figure can adequately reflect the personal toll these accidents take on the injured workers.

Take a moment to think about possible eye hazards at your workplace.

#### WHAT CONTRIBUTES TO EYE INJURIES AT WORK?

- Not wearing eye protection. BLS reports that nearly three out of every five workers injured were not wearing eye protection at the time of the accident.
- Wearing the wrong kind of eye protection for the job. About 40 of the injured workers were wearing some form of eye protection when the accident occurred. These workers were most likely to be wearing eyeglasses with no side shields, though injuries among employees wearing full-cup or flat-fold side shields occurred, as well.

#### WHAT CAUSES EYE INJURIES?

- Flying particles. BLS found that almost 70% of the accidents studied resulted from flying or falling objects or sparks striking the eye. Injured workers estimated that nearly three-fifths of the objects were smaller than a pin head. Most of the particles were said to be traveling faster than a hand-thrown object when the accident occurred.
- Contact with chemicals caused one-fifth of the injuries. Other accidents were caused by objects swinging from a fixed or attached position, like tree limbs, ropes, chains, or tools which were pulled into the eye while the worker was using them

So when you're working in the field or you are on a job site, remember to wear safety glasses along with the rest of your safety gear and apparel to insure that you don't sustain an eye injury or any other kind of injury that might have been prevented.

~ Parker Holt, CIC

### Upcoming Events

\*\*\*\*\*

Our September 14th monthly meeting has been cancelled to free up the night for the TCA PAC fundraiser. Please see the article in the newsletter for more details. We will also post details on our website.

\*\*\*\*\*

#### October 12th

Ann Riddel

Monthly Meeting

5:30 - 8:00 pm

Embassy Suites Austin North

5901 North IH-35 (290 & IH-35)

\*\*\*\*\*

#### November 9th

Chris Griesel

The First 48 Hours:

7 "MUST DO" Actions Every Company Should Take as Soon as They Have Been Threatened with a Lawsuit

Monthly Meeting

5:30 - 8:00 pm

Embassy Suites Austin North

5901 North IH-35 (290 & IH-35)

\*\*\*\*\*

#### December 14th

Monthly Meeting/Holiday Celebration

5:30 - 8:00 pm

Embassy Suites Austin North

5901 North IH-35 (290 & IH-35)

\*\*\*\*\*

#### January 11th

Raymond Risk

TCA/Legislation Update

Monthly Meeting

5:30 - 8:00 pm

Embassy Suites Austin North

5901 North IH-35 (290 & IH-35)

\*\*\*\*\*

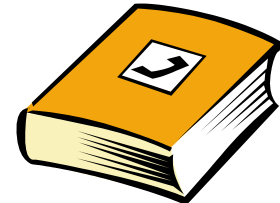
### New Member

In June, we welcomed Blazier, Christensen, Bigelow & Virr, P.C. to the organization. Please take a moment to look for Trevor Green or Justin Welch at our next meeting. In the meantime, here is a little bit about them:

Justin Welch and Trevor Green are members of Blazier, Christensen, Bigelow & Virr, P.C., a full service law firm that can service all your business and personal needs, including forming a business, drafting a will, creating family trusts, preparing business and personal tax returns, and representing in litigation. Mr. Welch and Mr. Green's practices focus on commercial litigation, which includes a broad range of disputes such as collections, construction defects, mechanic's and materialman's liens, employee/employer relations, trademarks, noncompete agreements, state and federal taxes, and contract disputes.

### Member Directory

We are currently working on putting together the 2010-2011 membership directory. If any information for your company has changed, please let Wendy know ASAP so that we can have your correct information printed.



### PAC Fundraiser

## Night at the Bob Bullock State History Museum

VIP Reception, Dinner and PAC Fundraiser



The Bob Bullock State History Museum

1800 N. Congress Ave. (Congress & MLK) Austin, Texas

September 14, 2010

6:30 to 7:30 VIP Reception

7:30 to 8:30 Dinner

8:30-10:00 Entertainment by Members of Esther's Follies & Fundraiser

Sponsored by

- Central Texas Subcontractors Association
- Plumbing-Heating-Cooling Contractors of Texas
- Precast Concrete Manufacturers Association
- National Electrical Contractors Association
- Texas Construction Association

Individual Company Sponsorships Available

Register the following individuals to attend the TCA-PAC event. Payment for dinner is requested to be from personal funds, as these can be used for PAC funding, however company checks will be accepted. Business casual (jackets suggested). Free Parking in the underground garage at the Bullock Museum.

\_\_\_\_\_ at \$75 per person (open seating)

\_\_\_\_\_ Reserved table of eight for \$600

Company: \_\_\_\_\_ Phone: \_\_\_\_\_

Attendee: \_\_\_\_\_ Attendee: \_\_\_\_\_

Attendee: \_\_\_\_\_ Attendee: \_\_\_\_\_

Attendee: \_\_\_\_\_ Attendee: \_\_\_\_\_

Attendee: \_\_\_\_\_ Attendee: \_\_\_\_\_

Please return to Harold Freeman at Texas Construction Association,

1011 San Jacinto Blvd., Suite 330, Austin, Texas 78701.

Phone: 512-473-3773, Fax 512-473-3777, or [hfreeman@texcon.org](mailto:hfreeman@texcon.org).

PO Box 143533 Austin, TX 78714  
(512)255-6373 fax(512)535-6202  
[www.ctsaonline.org](http://www.ctsaonline.org)