

## **Dwelling Contractor Qualifier Continuing Ed**

**The following test is for continuing Education for Dwelling Contractor Qualifiers; all answers are found in the text or in the Wisconsin Uniform Dwelling Code Book in comm. 21. Please call Brett at (920) 740-4348 with any questions or concerns with this or any other issue you may have.**

**The end of the test has an answer sheet, print this off and circle the correct answer, mail the answer sheet and form at the bottom of the page along with the correct fees. There is no reason to mail the whole test.**

**Code questions have a correct answer that can be found in the codebook, when your test is completed read the information at the bottom of the page and send the proper items in to obtain your credit.**

# **Dwelling Contractor Qualifier Cont. Ed. Test 24**

## **Construction**

### **Worker Safety Series**

#### **Construction**

OSHA Pocket Guide  
OSHA 3252-05N 2005

#### **Construction**

Nearly 6.5 million people work at approximately 252,000 construction sites across the nation on any given day. The fatal injury rate for the construction industry is higher than the national average in this category for all industries.

Potential hazards for workers in construction include:

- Falls (from heights);
- Trench collapse;
- Scaffold collapse;
- Electric shock and arc flash/arc blast;
- Failure to use proper personal protective equipment; and
- Repetitive motion injuries.

#### **Hazards & Solutions**

For construction, the 10 OSHA standards most frequently included in the agency's citations in FY 2004 were:

1. Scaffolding
2. Fall protection (scope, application, definitions)
3. Excavations (general requirements)
4. Ladders
5. Head protection
6. Excavations (requirements for protective systems)
7. Hazard communication
8. Fall protection (training requirements)
9. Construction (general safety and health provisions)
10. Electrical (wiring methods, design and protection)

#### **Scaffolding**

Hazard: When scaffolds are not erected or used properly, fall hazards can occur. About 2.3 million construction workers frequently work on scaffolds. Protecting these workers from scaffold-related accidents would prevent an estimated 4,500 injuries and 50 fatalities each year.

#### **Solutions:**

- Scaffold must be sound, rigid and sufficient to carry its own weight plus four times the maximum intended load without settling or displacement. It must be erected on solid footing.

- Unstable objects, such as barrels, boxes, loose bricks or concrete blocks must not be used to support scaffolds or planks.
- Scaffold must not be erected, moved, dismantled or altered except under the supervision of a competent person.
- Scaffold must be equipped with guardrails, midrails and toeboards.
- Scaffold accessories such as braces, brackets, trusses, screw legs or ladders that are damaged or weakened from any cause must be immediately repaired or replaced.
- Scaffold platforms must be tightly planked with scaffold plank grade material or equivalent.
- A “competent person” must inspect the scaffolding and, at designated intervals, reinspect it.
- Rigging on suspension scaffolds must be inspected by a competent person before each shift and after any occurrence that could affect structural integrity to ensure that all connections are tight and that no damage to the rigging has occurred since its last use.
- Synthetic and natural rope used in suspension scaffolding must be protected from heat-producing sources.
- Employees must be instructed about the hazards of using diagonal braces as fall protection.
- Scaffold can be accessed by using ladders and stairwells.
- Scaffolds must be at least 10 feet from electric power lines at all times.

### **Fall Protection**

**Hazard:** Each year, falls consistently account for the greatest number of fatalities in the construction industry. A number of factors are often involved in falls, including unstable working surfaces, misuse or failure to use fall protection equipment and human error. Studies have shown that using guardrails, fall arrest systems, safety nets, covers and restraint systems can prevent many deaths and injuries from falls.

#### **Solutions:**

- Consider using aerial lifts or elevated platforms to provide safer elevated working surfaces;
- Erect guardrail systems with toeboards and warning lines or install control line systems to protect workers near the edges of floors and roofs;
- Cover floor holes; and/or
- Use safety net systems or personal fall arrest systems (body harnesses).

### **Ladders**

**Hazard:** Ladders and stairways are another source of injuries and fatalities among construction workers. OSHA estimates that there are 24,882 injuries and as many as 36 fatalities per year due to falls on stairways and ladders used in construction. Nearly half of these injuries were serious enough to require time off the job.

#### **Solutions:**

- Use the correct ladder for the task.
- Have a competent person visually inspect a ladder before use for any defects such as:
  - Structural damage, split/bent side rails, broken or missing rungs/steps/cleats and missing or damaged safety devices;
  - Grease, dirt or other contaminants that could cause slips or falls;
  - Paint or stickers (except warning labels) that could hide possible defects.
- Make sure that ladders are long enough to safely reach the work area.
- Mark or tag (“Do Not Use”) damaged or defective ladders for repair or replacement, or destroy them immediately.
- Never load ladders beyond the maximum intended load or beyond the manufacturer's rated capacity.
- Be sure the load rating can support the weight of the user, including materials and tools.
- Avoid using ladders with metallic components near electrical work and overhead power lines.

### **Stairways**

**Hazard:** Slips, trips and falls on stairways are a major source of injuries and fatalities among construction workers.

#### **Solutions:**

- Stairway treads and walkways must be free of dangerous objects, debris and materials.
- Slippery conditions on stairways and walkways must be corrected immediately.
- Make sure that treads cover the entire step and landing.
- Stairways having four or more risers or rising more than 30 inches must have at least one handrail.

### **Trenching**

**Hazard:** Trench collapses cause dozens of fatalities and hundreds of injuries each year. Trenching deaths rose in 2003.

#### **Solutions:**

- Never enter an unprotected trench.
- Always use a protective system for trenches feet deep or greater.
- Employ a registered professional engineer to design a protective system for trenches 20 feet deep or greater.
- Protective Systems:
  - Sloping to protect workers by cutting back the trench wall at an angle inclined away from the excavation not steeper than a height/depth ratio of 1 2 :1, according to the sloping requirements for the type of soil.
  - Shoring to protect workers by installing supports to prevent soil movement for trenches that do not exceed 20 feet in depth.
  - Shielding to protect workers by using trench boxes or other types of supports to prevent soil cave-ins.

- Always provide a way to exit a trench--such as a ladder, stairway or ramp--no more than 25 feet of lateral travel for employees in the trench.
- Keep spoils at least two feet back from the edge of a trench.
- Make sure that trenches are inspected by a competent person prior to entry and after any hazard-increasing event such as a rainstorm, vibrations or excessive surcharge loads.

**SLOPING.** Maximum allowable slopes for excavations less than 20 ft. (6.09 m) based on soil type and angle to the horizontal are as follows:

TABLE V:2-1. ALLOWABLE SLOPES

Soil type	Height/Depth ratio	Slope angle
Stable Rock (granite or sandstone)	Vertical	90°
Type A (clay)	3/4 :1	53°
Type B (gravel, silt)	1:1	45°
Type C (sand)	1 1/2 :1	34°
Type A (short-term) (For a maximum excavation depth of 12 ft.)	1 1/2 :1	63°

Source: OSHA Technical Manual, Section V, Chap. 2, Excavations: Hazard Recognition in Trenching and Shoring (Jan. 1999).

### Cranes

**Hazard:** Significant and serious injuries may occur if cranes are not inspected before use and if they are not used properly. Often these injuries occur when a worker is struck by an overhead load or caught within the crane's swing radius. Many crane fatalities occur when the boom of a crane or its load line contact an overhead power line.

**Solutions:**

- Check all crane controls to insure proper operation before use.
- Inspect wire rope, chains and hook for any damage.
- Know the weight of the load that the crane is to lift.
- Ensure that the load does not exceed the crane's rated capacity.
- Raise the load a few inches to verify balance and the effectiveness of the brake system.
- Check all rigging prior to use; do not wrap hoist ropes or chains around the load.
- Fully extend outriggers.
- Do not move a load over workers.
- Barricade accessible areas within the crane's swing radius.

- Watch for overhead electrical distribution and transmission lines and maintain a safe working clearance of at least 10 feet from energized electrical lines.

### **Hazard Communication**

**Hazard:** Failure to recognize the hazards associated with chemicals can cause chemical burns, respiratory problems, fires and explosions.

#### **Solutions:**

- Maintain a Material Safety Data Sheet (MSDS) for each chemical in the facility.
- Make this information accessible to employees at all times in a language or formats that are clearly understood by all affected personnel.
- Train employees on how to read and use the MSDS.
- Follow manufacturer's MSDS instructions for handling hazardous chemicals.
- Train employees about the risks of each hazardous chemical being used.
- Provide spill clean-up kits in areas where chemicals are stored.
- Have a written spill control plan.
- Train employees to clean up spills, protect themselves and properly dispose of used materials.
- Provide proper personal protective equipment and enforce its use.
- Store chemicals safely and securely.

### **Forklifts**

**Hazard:** Approximately 100 employees are fatally injured and approximately 95,000 employees are injured every year while operating powered industrial trucks. Forklift turnover accounts for a significant number of these fatalities.

#### **Solutions:**

- Train and certify all operators to ensure that they operate forklifts safely.
- Do not allow any employee under 18 years old to operate a forklift.
- Properly maintain haulage equipment, including tires.
- Do not modify or make attachments that affect the capacity and safe operation of the forklift without written approval from the forklift's manufacturer.
- Examine forklift truck for defects before using.
- Follow safe operating procedures for picking up, moving, putting down and stacking loads.
- Drive safely--never exceed 5 mph and slow down in congested or slippery surface areas.
- Prohibit stunt driving and horseplay.
- Do not handle loads that are heavier than the capacity of the industrial truck.
- Remove unsafe or defective forklift trucks from service.
- Operators shall always wear seatbelts.
- Avoid traveling with elevated loads.
- Assure that rollover protective structure is in place.
- Make certain that the reverse signal alarm is operational and audible above the surrounding noise level.

### **Head Protection**

**Hazard:** Serious head injuries can result from blows to the head.

**Solution:**

- Be sure that workers wear hard hats where there is a potential for objects falling from above, bumps to their heads from fixed objects, or accidental head contact with electrical hazards.

**Safety Checklists**

The following checklists may help you take steps to avoid hazards that cause injuries, illnesses and fatalities. As always, be cautious and seek help if you are concerned about a potential hazard.

**Personal Protective  
Equipment (PPE)**

**Eye and Face Protection**

- Safety glasses or face shields are worn anytime work operations can cause foreign objects getting into the eye such as during welding, cutting, grinding, nailing (or when working with concrete and/or harmful chemicals or when exposed to flying particles).
- Eye and face protectors are selected based on anticipated hazards.
- Safety glasses or face shields are worn when exposed to any electrical hazards including work on energized electrical systems.

**Foot Protection**

- Construction workers should wear work shoes or boots with slip-resistant and puncture-resistant soles.
- Safety-toed footwear is worn to prevent crushed toes when working around heavy equipment or falling objects.

**Hand Protection**

- Gloves should fit snugly.
- Workers wear the right gloves for the job (for example, heavy-duty rubber gloves for concrete work, welding gloves for welding, insulated gloves and sleeves when exposed to electrical hazards).

**Head Protection**

- Workers shall wear hard hats where there is a potential for objects falling from above, bumps to their heads from fixed objects, or of accidental head contact with electrical hazards.
- Hard hats are routinely inspected for dents, cracks or deterioration.
- Hard hats are replaced after a heavy blow or electrical shock.
- Hard hats are maintained in good condition.

## **Scaffolding**

- Scaffolds should be set on sound footing.
- Damaged parts that affect the strength of the scaffold are taken out of service.
- Scaffolds are not altered.
- All scaffolds should be fully planked.
- Scaffolds are not moved horizontally while workers are on them unless they are designed to be mobile and workers have been trained in the proper procedures.
- Employees are not permitted to work on scaffolds when covered with snow, ice, or other slippery materials.
- Scaffolds are not erected or moved within 10 feet of power lines.
- Employees are not permitted to work on scaffolds in bad weather or high winds unless a competent person has determined that it is safe to do so.
- Ladders, boxes, barrels, buckets or other makeshift platforms are not used to raise work height.
- Extra material is not allowed to build up on scaffold platforms.
- Scaffolds should not be loaded with more weight than they were designed to support.

## **Electrical Safety**

- Work on new and existing energized (hot) electrical circuits is prohibited until all power is shut off and grounds are attached.
- An effective Lockout/Tagout system is in place.
- Frayed, damaged or worn electrical cords or cables are promptly replaced.
- All extension cords have grounding prongs.
- Protect flexible cords and cables from damage. Sharp corners and projections should be avoided.
- Use extension cord sets used with portable electric tools and appliances that are the three-wire type and designed for hard or extra-hard service. (Look for some of the following letters imprinted on the casing: S, ST, SO, STO.)
- All electrical tools and equipment are maintained in safe condition and checked regularly for defects and taken out of service if a defect is found.
- Do not bypass any protective system or device designed to protect employees from contact with electrical energy.
- Overhead electrical power lines are located and identified.
- Ensure that ladders, scaffolds, equipment or materials never come within 10 feet of electrical power lines.
- All electrical tools must be properly grounded unless they are of the double insulated type.
- Multiple plug adapters are prohibited.

## **Floor and Wall Openings**

- Floor openings (12 inches or more) are guarded by a secured cover, a guardrail or equivalent on all sides (except at entrances to stairways).
- Toeboards are installed around the edges of permanent floor openings (where persons may pass below the opening).

## **Elevated Surfaces**

- Signs are posted, when appropriate, showing the elevated surface load capacity. Surfaces elevated more than 48 inches above the floor or ground have standard guardrails
- All elevated surfaces (beneath which people or machinery could be exposed to falling objects) have standard 4-inch toeboards.
- A permanent means of entry and exit with handrails is provided to elevated storage and work surfaces.
- Material is piled, stacked or racked in a way that prevents it from tipping, falling, collapsing, rolling or spreading.

### **Hazard Communication**

- A list of hazardous substances used in the workplace is maintained and readily available at the worksite.
- There is a written hazard communication program addressing Material Safety Data Sheets (MSDS), labeling and employee training.
- Each container of a hazardous substance (vats, bottles, storage tanks) is labeled with product identity and a hazard warning(s) (communicating the specific health hazards and physical hazards).
- Material Safety Data Sheets are readily available at all times for each hazardous substance used.
- There is an effective employee training program for hazardous substances.

### **Crane Safety**

- Cranes and derricks are restricted from operating within 10 feet of any electrical power line.
- The upper rotating structure supporting the boom and materials being handled is provided with an electrical ground while working near energized transmitter towers.
- Rated load capacities, operating speed and instructions are posted and visible to the operator.
- Cranes are equipped with a load chart.
- The operator understands and uses the load chart.
- The operator can determine the angle and length of the crane boom at all times.
- Crane machinery and other rigging equipment is inspected daily prior to use to make sure that it is in good condition.
- Accessible areas within the crane's swing radius are barricaded.
- Tag lines are used to prevent dangerous swing or spin of materials when raised or lowered by a crane or derrick.
- Illustrations of hand signals to crane and derrick operators are posted on the job site.
- The signal person uses correct signals for the crane operator to follow.
- Crane outriggers are extended when required.
- Crane platforms and walkways have antiskid surfaces.
- Broken, worn or damaged wire rope is removed from service.
- Guardrails, hand holds and steps are provided for safe and easy access to and from all areas of the crane.
- Load testing reports/certifications are available.
- Tower crane mast bolts are properly torqued to the manufacturer's specifications.

- Overload limits are tested and correctly set.
- The maximum acceptable load and the last test results are posted on the crane.
- Initial and annual inspections of all hoisting and rigging equipment are performed and reports are maintained.

Only properly trained and qualified operators are allowed to work with hoisting and rigging equipment.

### **Forklifts**

- Forklift truck operators are competent to operate these vehicles safely as demonstrated by their successful completion of training and evaluation.
- No employee under 18 years old is allowed to operate a forklift.
- Forklifts are inspected daily for proper condition of brakes, horns, steering, forks and tires.
- Powered industrial trucks (forklifts) meet the design and construction requirements established in American National Standards Institute (ANSI) for Powered Industrial Trucks, Part II ANSI B56.1-1969.
- Written approval from the truck manufacturer is obtained for any modification or additions which affect capacity and safe operation of the vehicle.
- Capacity, operation and maintenance instruction plates, tags or decals are changed to indicate any modifications or additions to the vehicle.
- Battery charging is conducted in areas specifically designated for that purpose.
- Material handling equipment is provided for handling batteries, including conveyors, overhead hoists or equivalent devices.
- Reinstalled batteries are properly positioned and secured in the truck.
- Smoking is prohibited in battery charging areas.
- Precautions are taken to prevent open flames, sparks or electric arcs in battery charging areas.
- Refresher training is provided and an evaluation is conducted whenever a forklift operator has been observed operating the vehicle in an unsafe manner and when an operator is assigned to drive a different type of truck.
- Load and forks are fully lowered, controls neutralized, power shut off and brakes set when a powered industrial truck is left unattended.
- There is sufficient headroom for the forklift and operator under overhead installations, lights, pipes, sprinkler systems, etc.
- Overhead guards are in place to protect the operator against falling objects.
- Trucks are operated at a safe speed.
- All loads are kept stable, safely arranged and fit within the rated capacity of the truck.
- Unsafe and defective trucks are removed from service.

### **Construction Safety & Health Resources**

Most resource materials can be found on the OSHA website: [www.osha.gov](http://www.osha.gov)

#### **Publications**

Publications can be downloaded or ordered at:

<http://www.osha.gov/pls/publications/publication.html>

#### **A Guide to Scaffold Use in the Construction Industry**

OSHA Publication 3150 (Revised 2002), 2.1 MB PDF, 73 pages.  
*Booklet in question-and-answer format highlights information about scaffold safety.*  
<http://www.osha.gov/Publications/osha3150.pdf>

### **Concrete and Masonry Construction**

OSHA Publication 3106 (Revised 1998), 414 KB PDF, 32 pages.  
*Details information on OSHA's Concrete and Masonry standard.*  
<http://www.osha.gov/Publications/osha3106.pdf>

### **Crystalline Silica Exposure Card for Construction**

OSHA Publication 3177 (Revised 2002), 2 pages.  
*Discusses silica hazards, and what employers and employees can do to protect against exposures to silica.*

A Spanish version is also available. OSHA Publication 3179 (Revised 2003), 2 pages.

### **Excavations**

OSHA Publication 2226 (Revised 2002), 533 KB PDF, 44 pages.  
*A detailed explanation of all aspects of excavation and trenching.*  
<http://www.osha.gov/Publications/osha2226.pdf>

### **Fall Protection in Construction**

OSHA Publication 3146 (Revised 1998), 177 KB PDF, 43 pages.  
<http://www.osha.gov/Publications/osha3146.pdf>

### **Ground-Fault Protection on Construction Sites**

OSHA Publication 3007 (Revised 1998), 100 KB PDF, 31 pages.  
*Booklet on ground-fault circuit interrupters for safe use of portable tools.*  
<http://www.osha.gov/Publications/osha3007.pdf>

### **Lead in Construction**

OSHA Publication 3142 (Revised 2003), 610 KB PDF, 38 pages.  
*Describes hazards and safe work practices concerning lead.*  
<http://www.osha.gov/Publications/osha3142.pdf>

### **OSHA Assistance for the Residential Construction Industry**

*Many OSHA standards apply to residential construction for the prevention of possible fatalities. This web page provides information about those standards and the hazards present in residential construction. It was developed in cooperation with the National Association of Home Builders (NAHB) as part of the OSHA-NAHB Alliance.*  
<http://www.osha.gov/SLTC/residential/index.html>

### **Selected Construction Regulations (SCOR) for the Home Building Industry (29 CFR 1926)**

OSHA Publication (Revised 1997), 1.2 MB PDF, 224 pages.  
*Provides information on safe and healthful work practices for residential construction employers; identifies OSHA standards applicable to hazards found at worksites in the residential construction industry.*  
<http://www.osha.gov/Publications/scor1926.pdf>

### **Stairways and Ladders**

OSHA Publication 3124 (Revised 2003), 155 KB PDF, 15 pages.

*Explains OSHA requirements for stairways and ladders.*  
<http://www.osha.gov/Publications/osha3124.pdf>

### **Working Safely in Trenches**

OSHA Publication 3243 (2005), 2 pages.

*Provides safety tips for workers in trenches. A Spanish version is on the reverse side.*  
[http://www.osha.gov/Publications/trench/trench\\_safety\\_tips\\_card.pdf](http://www.osha.gov/Publications/trench/trench_safety_tips_card.pdf)

### **Crane Safety**

Safety and Health Topics: Crane, Derrick and Hoist Safety -- Hazards and Possible Solutions

December 2003. One page.

*OSHA website index provides references to aid in identifying crane, derrick and hoist hazards in the workplace.*

<http://www.osha.gov/SLTC/cranehoistsafety/recognition.html>

### **Electrical Hazards**

#### **Control of Hazardous Energy (Lockout/Tagout)**

OSHA Publication 3120 (Revised 2002), 174 KB PDF, 45 pages.

*This booklet presents OSHA's general requirements for controlling hazardous energy during service or maintenance of machines or equipment.*

<http://www.osha.gov/Publications/osha3120.pdf>

#### **Controlling Electrical Hazards**

OSHA Publication 3075 (Revised 2002), 349 KB PDF, 71 pages.

*This publication provides an overview of basic electrical safety on the job.*

<http://www.osha.gov/Publications/osha3075.pdf>

#### **Safety and Health Topics: Lockout/Tagout**

*OSHA website index to information about lockout/ tagout, including hazard recognition, compliance, standards and directives, Review Commission and Administrative Law Judge Decisions, standard interpretations and compliance letters, compliance assistance and training.*

<http://www.osha.gov/SLTC/controlhazardousenergy/index.html>

### **Hazard Communication**

#### **Hazard Communication: Foundation of Workplace Chemical Safety Programs**

OSHA website index for resources on hazard communication.

<http://www.osha.gov/SLTC/hazardcommunications/index.html>

#### **Frequently Asked Questions for Hazard Communication**

OSHA, 6 pages.

*Website questions and answers on hazard communication.*

<http://www.osha.gov/html/faq-hazcom.html>

### **Hazard Communication Standard**

OSHA Fact Sheet No. 93-26 (1993), 3 pages.

*Highlights protections under OSHA's Hazard Communication standard.*

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FACT\\_SHEETS&p\\_id=151](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FACT_SHEETS&p_id=151)

### **Hazard Communication Guidelines for Compliance**

OSHA Publication 3111 (2000), 112 KB PDF, 33 pages.

*This document aids employers in understanding the Hazard Communication standard and in implementing a hazard communication program.*

<http://www.osha.gov/Publications/osha3111.pdf>

### **Chemical Hazard Communication**

OSHA Publication 3084 (1998), 248 KB PDF, 31 pages.

*This booklet answers several basic questions about chemical hazard communication.*

<http://www.osha.gov/Publications/osha3084.pdf>

### **NIOSH Pocket Guide to Chemical Hazards**

*Handy source of general industrial hygiene information on several hundred chemicals/classes for workers, employers and occupational health professionals.*

<http://www.cdc.gov/niosh/npg/npg.html>

## **Material Handling**

### **Materials Handling and Storage**

OSHA Publication 2236 (Revised 2002), 559 KB PDF, 40 pages.

*A comprehensive guide to hazards and safe work practices in handling materials.*

<http://www.osha.gov/Publications/osha2236.pdf>

## **Personal Protective Equipment**

### **Personal Protective Equipment**

OSHA Publication 3155 (2003), 305 KB PDF, 44 pages.

*Discusses equipment most commonly used for protection for the head, including eyes and face and the torso, arms, hands, and feet. The use of equipment to protect against life-threatening hazards is also discussed.*

<http://www.osha.gov/Publications/osha3151.pdf>

### **Safety and Health Topics: Personal Protective Equipment**

*OSHA website index to hazard recognition, control and training related to personal protective equipment.*

<http://www.osha.gov/SLTC/personalprotectiveequipment/index.html>

## **Toxic Metals: Cadmium**

### **Safety and Health Topics: Cadmium**

*OSHA website index to recognition, evaluation, control, compliance and training related to Cadmium.*

<http://www.osha.gov/SLTC/cadmium/index.html>

## Electronic Construction Resources

OSHA eTools and Expert Advisors can be found on OSHA's website:  
<http://www.osha.gov>

### eTools

**Construction: Preventing Fatalities.** Construction can be a safe occupation when workers are aware of the hazards, and an effective safety and health program is used. This eTool will help workers identify and control the hazards that commonly cause the most serious construction injuries. A Spanish translation of this eTool is also available.

**Scaffolding: Supported Scaffolds and Suspended Scaffolds.** These eTools provide illustrated examples of safe scaffolding use. Hazards are identified as well as the controls that keep those hazards from becoming tragedies.

**Solutions for Electrical Contractors.** This eTool describes common hazards that electrical contractors may encounter and possible solutions for these hazards. The Tool was developed in co Independent Electrical Contractors (IEC) as part of the OSHA-IEC Alliance.

**Steel Erection.** America's 56,000 steel erectors suffer 35 fatal accidents per year, a rate of one death per 1,600 workers. OSHA estimates that 30 of those deaths as well as nearly 1,150 annual lost-workday injuries can be averted by compliance with provisions of the Steel Erection standard, developed with industry and labor through negotiated rulemaking. To that end, this eTool has been created to educate employers and workers.

### OSHA's Expert Advisors

**The Asbestos Advisor:** This computer program provides an introduction to the scope and logic of the regulations for general industry, construction and maritime.

**Lead in Construction Advisor:** This computer program provides an introduction to the scope and logic of the regulations regarding occupational exposure to lead and summary guidance to facilitate compliance.

### Construction Industry Cooperative and State Programs

#### Voluntary Protection Programs

OSHA recognizes Voluntary Protection Programs (VPP) worksites for their excellent safety and health management systems.

### OSHA Construction

OSHA has announced an OSHA Construction program to address the unique needs of the industry. The goal of this program is to make VPP more accessible to construction employers, especially small construction employers and to maintain the high standards of VPP while expanding participation to broad construction industry categories such as

short-term projects, mobile workforces, general contractors and subcontractors. Pilot programs in these categories have shown beneficial results for participants.

### **OSHA Challenge**

OSHA has created the Challenge Pilot to provide greater opportunities to eligible employers interested in working with OSHA to create safer and healthier workplaces. The pilot is designed to reach and guide employers and companies in all major industry groups who are strongly committed to improving their safety and health management systems and interested in pursuing recognition in VPP. OSHA Challenge provides participants a guide or roadmap to improve performance and ultimately the opportunity to take part in the VPP Merit or Star programs.

### **Alliance Program**

Alliances enable organizations committed to workplace safety and health to collaborate with OSHA to prevent injuries and illnesses in the workplace.

OSHA has a number of national and regional or area office alliances that impact the construction industries. The details of these alliances can be found on [www.osha.gov](http://www.osha.gov) under Alliances.

img src="images/3252\_13.jpg" width="226" height="53" alt="Partnership Logo">

### **OSHA Strategic Partnership Program**

Partnerships are voluntary, cooperative relationships between OSHA and groups of employers, employees and employee representatives (sometimes including other stakeholders and sometimes involving only one employer) that encourage, assist and recognize efforts to eliminate serious hazards and achieve a high level of worker safety and health. National construction partnerships include AMEC Construction, Associated Builders and Contractors (ABC) and the National Ready-Mixed Concrete Association. In addition to the national partnerships, OSHA has had nearly 170 regional strategic partnerships with the construction industry since the program's start in 1998.

### **State Programs**

Twenty-six States and territories operate their own occupational safety and health programs under plans approved by Federal OSHA. Twentytwo of these programs cover both private sector and public (State and local government) employees; four cover public employees only. States may have somewhat different requirements and procedures for the construction industry, but they are required to be at least as effective as Federal OSHA. All State Plans offer a VPP program and have additional cooperative programs parallel to OSHA's Alliance and Strategic Partnership programs. A list of States with approved plans may be found at [www.osha.gov](http://www.osha.gov)

### **Consultation**

Every state offers a free, on-site consultation program to help small employers find and fix hazards and establish effective safety and health management systems. Funded

primarily by OSHA, consultation is provided at no cost to small employers and is delivered by state authorities through professional safety and health consultants. More information on OSHA's Consultation Program appears on the agency's website at [www.osha.gov](http://www.osha.gov)

### **Success Stories**

#### **Partnership Reduced Injuries During Art Museum Renovation**

In 2002, OSHA and AMEC Construction developed a partnership to prevent injuries at the \$425 million rebuilding/renovation construction project for New York City's renowned Museum of Modern Art (MoMA).

The partnership covered some 220 employees and 17 employers who worked to more than double MoMA's space and expand facilities for special exhibitions, public programs, educational outreach and scholarly research.

AMEC employees completed more than 800,000 hours in 2003 and racked up two impressive safety and health statistics: the number of Days Away Restricted and Transferred (DART) percentage was 90 percent below the national average for their standard industrial classification (SIC) code and the Total Case Incident Rate (TCIR) was 92 percent below the national average for their SIC.

Best practices used included daily safety inspections conducted at the site and any hazards identified were corrected immediately. Inspection results were discussed at safety committee meetings. Each employee knew that a safety issue would be dealt with promptly when it came to management's attention. Additionally, an on-site incentive encouraged safe workplace practices.

The right combination of best safety management practices, partnering between OSHA and AMEC Construction, and a DART percentage 90 percent below the national average are fitting achievements for a new and better home for the world's leading collection of modern and contemporary art.

#### **Fatalities Prevented, Injuries Minor, Workers' Comp Costs Slashed Turner Construction and OSHA Teamed Up on Wisconsin Stadium Project**

Teamwork at the Green Bay Packers' Lambeau Field is not just for professional football players. A partnership between Turner Construction and OSHA made teamwork in achieving health and safety a top priority for construction workers building and expanding the stadium.

In 2003, the \$295 million renovation of the Lambeau Field stadium was completed, more than doubling the size of the previous stadium. Seating capacity was increased from 60,890 to over 72,000.

Partnering with OSHA paid off. There were fewer serious injuries for workers and a more than 20 percent cut in workers' compensation costs for the contractor.

The partnership had three goals:

- All contractors have an effective safety and health program;
- All hazards corrected daily after daily audits are conducted; and
- Increase the level of training for supervisors and employees.

The work was more hazardous than typical steel erections because stadiums are curved and angular in shape. Also, construction and demolition activities were taking place simultaneously, often within a few feet of each other.

Several potential serious accidents were avoided by requiring all contractors' safety and health programs to establish a requirement of 100 percent fall protection at or above six feet.

One worker on the project slipped off a steel beam located six stories above ground. Thanks to his use of full fall protection, serious injury -- or possible death -- was avoided. He was back at work shortly after his rescue. Less than two months later, a second worker slipped from a beam, but also escaped injury because of his fall protection equipment. Like his coworker, he returned to work the same day. An ironworker and a carpenter also fell and were saved by their harnesses.

A significant achievement included 4,300 workers completing OSHA's 10-hour construction training. An added benefit for the industry is that these employees are bringing their safety training to other sites where they are now working. Employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.

This informational booklet provides a general overview of a particular topic related to OSHA standards. It does not alter or determine compliance responsibilities in OSHA standards or the Occupational Safety and Health Act of 1970. Because interpretations and enforcement policy may change over time, you should consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the Courts for additional guidance on OSHA compliance requirements.

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## Questions

1. Nearly 6.5 million people work at approximately 252,000 construction sites across the nation on any given day. The fatal injury rate for the construction industry is higher than the national average in this category for all industries. Which of the following are potential hazards for workers:

- a. Falls (from heights)
- b. Trench or scaffold collapse
- c. Electric shock and arc flash/arc blast
- d. All of the above

2. Additional potential hazards for construction workers include which of the following:

- a. Failure to use proper personal protective equipment
- b. Repetitive motion injuries
- c. a AND b
- d. Neither a or b

3. For construction, the 10 OSHA standards most frequently included in the agency's citations in FY 2004 were:

- a. Scaffolding
- b. Fall protection (scope, application, definitions)
- c. Excavations (general requirements)
- d. All of the above

4. For construction, other OSHA standards most frequently included in the agency's citations in FY 2004 were:

- a. Ladders and Head protection
- b. Excavations and Electrical
- c. Hazard communication and Fall protection
- d. All of the above

**For Questions 5-12, match the solutions with the appropriate hazard.**

5. The following solutions belong to which hazard:

- Stairway treads and walkways must be free of dangerous objects, debris and materials.
- Slippery conditions on stairways and walkways must be corrected immediately.
- Make sure that treads cover the entire step and landing.
- Stairways having four or more risers or rising more than 30 inches must have at least one handrail.

- a. Stairway
- b. Fall Protection
- c. Ladder
- d. Scaffold

**6. The following solutions belong to which hazard:**

- Scaffold must be sound, rigid and sufficient to carry its own weight plus four times the maximum intended load without settling or displacement. It must be erected on solid footing.
- Unstable objects, such as barrels, boxes, loose bricks or concrete blocks must not be used to support scaffolds or planks.
- Scaffold must not be erected, moved, dismantled or altered except under the supervision of a competent person.
- Scaffold must be equipped with guardrails, midrails and toeboards.
- Scaffold accessories such as braces, brackets, trusses, screw legs or ladders that are damaged or weakened from any cause must be immediately repaired or replaced.
- Scaffold platforms must be tightly planked with scaffold plank grade material or equivalent.
- A “competent person” must inspect the scaffolding and, at designated intervals, reinspect it.
- Rigging on suspension scaffolds must be inspected by a competent person before each shift and after any occurrence that could affect structural integrity to ensure that all connections are tight and that no damage to the rigging has occurred since its last use.
- Synthetic and natural rope used in suspension scaffolding must be protected from heat-producing sources.
- Employees must be instructed about the hazards of using diagonal braces as fall protection.
- Scaffold can be accessed by using ladders and stairwells.

- a. Trenching
- b. Fall Protection
- c. Ladder
- d. Scaffold

**7. The following solutions belong to which hazard:**

- Consider using aerial lifts or elevated platforms to provide safer elevated working surfaces;
- Erect guardrail systems with toeboards and warning lines or install control line systems to protect workers near the edges of floors and roofs;
- Cover floor holes; and/or
- Use safety net systems or personal fall arrest systems (body harnesses).

- a. Stairway
- b. Fall Protection
- c. Ladder
- d. Scaffold

**8. The following solutions belong to which hazard:**

- Use the correct ladder for the task.
- Have a competent person visually inspect a ladder before use for any defects such as:

- Structural damage, split/bent side rails, broken or missing rungs/steps/cleats and missing or damaged safety devices;
- Grease, dirt or other contaminants that could cause slips or falls;
- Paint or stickers (except warning labels) that could hide possible defects.
- Make sure that ladders are long enough to safely reach the work area.
- Mark or tag (“Do Not Use”) damaged or defective ladders for repair or replacement, or destroy them immediately.
- Never load ladders beyond the maximum intended load or beyond the manufacturer's rated capacity.
- Be sure the load rating can support the weight of the user, including materials and tools.
- Avoid using ladders with metallic components near electrical work and overhead power lines.

- a. Stairway
- b. Fall Protection
- c. Ladder
- d. Scaffold

**9.** The following solutions belong to which hazard:

- Never enter an unprotected trench.
- Always use a protective system for trenches feet deep or greater.
- Employ a registered professional engineer to design a protective system for trenches 20 feet deep or greater.
- Protective Systems:
  - Sloping to protect workers by cutting back the trench wall at an angle inclined away from the excavation not steeper than a height/depth ratio of 1 1/2 :1, according to the sloping requirements for the type of soil.
  - Shoring to protect workers by installing supports to prevent soil movement for trenches that do not exceed 20 feet in depth.
  - Shielding to protect workers by using trench boxes or other types of supports to prevent soil cave-ins.
- Always provide a way to exit a trench--such as a ladder, stairway or ramp--no more than 25 feet of lateral travel for employees in the trench.
- Keep spoils at least two feet back from the edge of a trench.
- Make sure that trenches are inspected by a competent person prior to entry and after any hazard-increasing event such as a rainstorm, vibrations or excessive surcharge loads.

- a. Stairway
- b. Trenching
- c. Ladder
- d. Scaffold

**10.** The following solutions belong to which hazard:

- Check all crane controls to insure proper operation before use.
- Inspect wire rope, chains and hook for any damage.
- Know the weight of the load that the crane is to lift.
- Ensure that the load does not exceed the crane's rated capacity.

- Raise the load a few inches to verify balance and the effectiveness of the brake system.
- Check all rigging prior to use; do not wrap hoist ropes or chains around the load.
- Fully extend outriggers.
- Do not move a load over workers.
- Barricade accessible areas within the crane's swing radius.

- Trenching
- Cranes
- Hazard Communication
- Forklifts

**11.** The following solutions belong to which hazard:

- Maintain a Material Safety Data Sheet (MSDS) for each chemical in the facility.
- Make this information accessible to employees at all times in a language or formats that are clearly understood by all affected personnel.
- Train employees on how to read and use the MSDS.
- Follow manufacturer's MSDS instructions for handling hazardous chemicals.
- Train employees about the risks of each hazardous chemical being used.
- Provide spill clean-up kits in areas where chemicals are stored.
- Have a written spill control plan.
- Train employees to clean up spills, protect themselves and properly dispose of used materials.
- Provide proper personal protective equipment and enforce its use.
- Store chemicals safely and securely.

- Trenching
- Cranes
- Hazard Communication
- Forklifts

**12.** The following solutions belong to which hazard:

- Train and certify all operators to ensure that they operate forklifts safely.
- Do not allow any employee under 18 years old to operate a forklift.
- Properly maintain haulage equipment, including tires.
- Do not modify or make attachments that affect the capacity and safe operation of the forklift without written approval from the forklift's manufacturer.
- Examine forklift truck for defects before using.
- Follow safe operating procedures for picking up, moving, putting down and stacking loads.  
Drive safely--never exceed 5 mph and slow down in congested or slippery surface areas.
- Prohibit stunt driving and horseplay.
- Do not handle loads that are heavier than the capacity of the industrial truck.
- Remove unsafe or defective forklift trucks from service.
- Operators shall always wear seatbelts.
- Avoid traveling with elevated loads.
- Assure that rollover protective structure is in place.

- Make certain that the reverse signal alarm is operational and audible above the surrounding noise level.

- Trenching
- Cranes
- Hazard Communication
- Forklifts

**Refer to the following chart for Questions 13-17**

**SLOPING.** Maximum allowable slopes for excavations less than 20 ft. (6.09 m) based on soil type and angle to the horizontal are as follows:

TABLE V:2-1. ALLOWABLE SLOPES

Soil type	Height/Depth ratio	Slope angle
Stable Rock (granite or sandstone)	Vertical	90°
Type A (clay)	3/4 :1	53°
Type B (gravel, silt)	1:1	45°
Type C (sand)	1 1/ 2:1	34°
Type A (short-term) (For a maximum excavation depth of 12 ft.)	1/ 2:1	63°

Source: OSHA Technical Manual, Section V, Chap. 2, Excavations: Hazard Recognition in Trenching and Shoring (Jan. 1999).

**13.** Match the appropriate height/depth ratio and slope angle with the soil type:

1 1/ 2:1	34°
----------	-----

- Type C (sand)
- Stable Rock
- Type A (short term)
- Type B (gravel, silt)

14. Match the appropriate height/depth ratio and slope angle with the soil type:

Vertical	90°
----------	-----

- a. Type C (sand)
- b. Stable Rock
- c. Type A (short term)
- d. Type B (gravel, silt)

15. Match the appropriate height/depth ratio and slope angle with the soil type:

1/ 2:1	63°
--------	-----

- a. Type C (sand)
- b. Stable Rock
- c. Type A (short term)
- d. Type B (gravel, silt)

16. Match the appropriate height/depth ratio and slope angle with the soil type:

3/4 :1	53°
--------	-----

- a. Type C (sand)
- b. Type A (clay)
- c. Type A (short term)
- d. Type B (gravel, silt)

17. Match the appropriate height/depth ratio and slope angle with the soil type:

1:1	45°
-----	-----

- a. Type C (sand)
- b. Type A (clay)
- c. Type A (short term)
- d. Type B (gravel, silt)

**For Questions 18-21, match the correct guidelines with the appropriate personal protection equipment.**

18. The following guidelines belong with which personal protection equipment:

- Construction workers should wear work shoes or boots with slip-resistant and puncture-resistant soles.
- Safety-toed footwear is worn to prevent crushed toes when working around heavy equipment or falling objects.

- a. Eye and face protection
- b. Foot protection
- c. Hand protection
- d. Head protection

**19.** The following guidelines belong with which personal protection equipment:

- Safety glasses or face shields are worn anytime work operations can cause foreign objects getting into the eye such as during welding, cutting, grinding, nailing (or when working with concrete and/or harmful chemicals or when exposed to flying particles).
- Eye and face protectors are selected based on anticipated hazards.
- Safety glasses or face shields are worn when exposed to any electrical hazards including work on energized electrical systems.

- a. Eye and face protection
- b. Foot protection
- c. Hand protection
- d. Head protection

**20.** The following guidelines belong with which personal protection equipment:

- Workers shall wear hard hats where there is a potential for objects falling from above, bumps to their heads from fixed objects, or of accidental head contact with electrical hazards.
- Hard hats are routinely inspected for dents, cracks or deterioration.
- Hard hats are replaced after a heavy blow or electrical shock.
- Hard hats are maintained in good condition.

- a. Eye and face protection
- b. Foot protection
- c. Hand protection
- d. Head protection

**21.** The following guidelines belong with which personal protection equipment:

- Gloves should fit snugly.
- Workers wear the right gloves for the job (for example, heavy-duty rubber gloves for concrete work, welding gloves for welding, insulated gloves and sleeves when exposed to electrical hazards).

- a. Eye and face protection
- b. Foot protection
- c. Hand protection
- d. Head protection

**For Questions 22-28, match the appropriate guidelines with the correct safety category.**

**22.** The following guidelines belong with which safety category:

- Scaffolds should be set on sound footing.
- Damaged parts that affect the strength of the scaffold are taken out of service.
- Scaffolds are not altered.
- All scaffolds should be fully planked.
- Scaffolds are not moved horizontally while workers are on them unless they are designed to be mobile and workers have been trained in the proper procedures.
- Employees are not permitted to work on scaffolds when covered with snow, ice, or other slippery materials.
- Scaffolds are not erected or moved within 10 feet of power lines.
- Employees are not permitted to work on scaffolds in bad weather or high winds unless a competent person has determined that it is safe to do so.
- Ladders, boxes, barrels, buckets or other makeshift platforms are not used to raise work height.
- Extra material is not allowed to build up on scaffold platforms. .

- a. Scaffolding
- b. Electrical Safety
- c. Elevated Surfaces
- d. Floor and Wall Openings

**23.** The following guidelines belong with which safety category:

- Signs are posted, when appropriate, showing the elevated surface load capacity.
- Surfaces elevated more than 48 inches above the floor or ground have standard guardrails.
- All elevated surfaces (beneath which people or machinery could be exposed to falling objects) have standard 4-inch toeboards.
- A permanent means of entry and exit with handrails is provided to elevated storage and work surfaces.
- Material is piled, stacked or racked in a way that prevents it from tipping, falling, collapsing, rolling or spreading.

- a. Scaffolding
- b. Electrical Safety
- c. Elevated Surfaces
- d. Floor and Wall Openings

**24.** The following guidelines belong with which safety category:

- Floor openings (12 inches or more) are guarded by a secured cover, a guardrail or equivalent on all sides (except at entrances to stairways).
- Toeboards are installed around the edges of permanent floor openings (where persons may pass below the opening).

- a. Scaffolding
- b. Electrical Safety
- c. Elevated Surfaces
- d. Floor and Wall Openings

**25.** The following guidelines belong with which safety category:

- Work on new and existing energized (hot) electrical circuits is prohibited until all power is shut off and grounds are attached.
- An effective Lockout/Tagout system is in place.
- Frayed, damaged or worn electrical cords or cables are promptly replaced.
- All extension cords have grounding prongs.
- Protect flexible cords and cables from damage. Sharp corners and projections should be avoided.
- Use extension cord sets used with portable electric tools and appliances that are the three-wire type and designed for hard or extra-hard service. (Look for some of the following letters imprinted on the casing: S, ST, SO, STO.)
- All electrical tools and equipment are maintained in safe condition and checked regularly for defects and taken out of service if a defect is found.
- Do not bypass any protective system or device designed to protect employees from contact with electrical energy.
- Overhead electrical power lines are located and identified.
- Ensure that ladders, scaffolds, equipment or materials never come within 10 feet of electrical power lines.
- All electrical tools must be properly grounded unless they are of the double insulated type.

- a. Scaffolding
- b. Electrical Safety
- c. Elevated Surfaces
- d. Floor and Wall Openings

**26.** The following guidelines belong with which safety category:

- A list of hazardous substances used in the workplace is maintained and readily available at the worksite.
- There is a written hazard communication program addressing Material Safety Data Sheets (MSDS), labeling and employee training.
- Each container of a hazardous substance (vats, bottles, storage tanks) is labeled with product identity and a hazard warning(s) (communicating the specific health hazards and physical hazards).
- Material Safety Data Sheets are readily available at all times for each hazardous substance used.

- There is an effective employee training program for hazardous substances.

- a. Scaffolding
- b. Hazard Communication
- c. Elevated Surfaces
- d. Floor and Wall Openings

**27.** The following guidelines belong with which safety category:

- Cranes and derricks are restricted from operating within 10 feet of any electrical power line.
- The upper rotating structure supporting the boom and materials being handled is provided with an electrical ground while working near energized transmitter towers.
- Rated load capacities, operating speed and instructions are posted and visible to the operator.
- Cranes are equipped with a load chart.
- The operator understands and uses the load chart.
- The operator can determine the angle and length of the crane boom at all times.
- Crane machinery and other rigging equipment is inspected daily prior to use to make sure that it is in good condition.
- Accessible areas within the crane's swing radius are barricaded.
- Tag lines are used to prevent dangerous swing or spin of materials when raised or lowered by a crane or derrick.
- Illustrations of hand signals to crane and derrick operators are posted on the job site.
- The signal person uses correct signals for the crane operator to follow.
- Crane outriggers are extended when required.
- Crane platforms and walkways have antiskid surfaces.
- Broken, worn or damaged wire rope is removed from service.
- Guardrails, hand holds and steps are provided for safe and easy access to and from all areas of the crane.
- Load testing reports/certifications are available.
- Tower crane mast bolts are properly torqued to the manufacturer's specifications.
- Overload limits are tested and correctly set.
- The maximum acceptable load and the last test results are posted on the crane.
- Initial and annual inspections of all hoisting and rigging equipment are performed and reports are maintained.
- Only properly trained and qualified operators are allowed to work with hoisting and rigging equipment.

- a. Crane Safety
- b. Hazard Communication
- c. Elevated Surfaces
- d. Floor and Wall Openings

**28.** The following guidelines belong with which safety category:

- Forklift truck operators are competent to operate these vehicles safely as demonstrated by their successful completion of training and evaluation.
- No employee under 18 years old is allowed to operate a forklift.

- Forklifts are inspected daily for proper condition of brakes, horns, steering, forks and tires.
- Powered industrial trucks (forklifts) meet the design and construction requirements established in American National Standards Institute (ANSI) for Powered Industrial Trucks, Part II ANSI B56.1-1969.
- Written approval from the truck manufacturer is obtained for any modification or additions which affect capacity and safe operation of the vehicle.
- Capacity, operation and maintenance instruction plates, tags or decals are changed to indicate any modifications or additions to the vehicle.
- Battery charging is conducted in areas specifically designated for that purpose.
- Material handling equipment is provided for handling batteries, including conveyors, overhead hoists or equivalent devices.
- Reinstalled batteries are properly positioned and secured in the truck.
- Smoking is prohibited in battery charging areas.
- Precautions are taken to prevent open flames, sparks or electric arcs in battery charging areas.
- Refresher training is provided and an evaluation is conducted whenever a forklift operator has been observed operating the vehicle in an unsafe manner and when an operator is assigned to drive a different type of truck.
- Load and forks are fully lowered, controls neutralized, power shut off and brakes set when a powered industrial truck is left unattended.
- There is sufficient headroom for the forklift and operator under overhead installations, lights, pipes, sprinkler systems, etc.
- Overhead guards are in place to protect the operator against falling objects.
- Trucks are operated at a safe speed.
- All loads are kept stable, safely arranged and fit within the rated capacity of the truck.
- Unsafe and defective trucks are removed from service.

- a. Forklift Safety
- b. Hazard Communication
- c. Elevated Surfaces
- d. Floor and Wall Openings

## **Construction Craft Laborer Apprenticeship**

What Does a Construction Laborer Do?  
 What Are the Working Conditions?  
 How is the Training Structured?  
 What are the Application Requirements?  
 What Skills Should I Possess?  
 Who Do I Contact?  
 Additional Resources

### **Did you know?**

- \* Many construction laborer jobs require a variety of basic skills, but others require specialized training and experience.
- \* Most construction laborers learn on the job, but formal apprenticeship programs provide the most thorough preparation.

- \* Job opportunities vary by locality, but in many areas there will be competition, especially for jobs requiring limited skills.
- \* Laborers who have specialized skills or who can relocate near new construction projects should have the best opportunities.
- \* Statistics retrieved from the U.S. Bureau of Labor Statistics.

### **What Does a Construction Laborer Do?**

Construction craft laborers perform a wide range of non-special trade construction work including semi-skilled and unskilled tasks. Work performed is often physical and manual in nature, such as digging, loading, unloading, lifting, carrying, lugging, tending, stockpiling, sweeping and cleaning. Laborers are employed in all areas of construction, including commercial and residential new building; highway, bridge, tunnel, and shaft construction; large industrial and environmental restoration projects; and various restoration and demolition jobs.

In highway and road construction, laborers work to clear and prepare sites for construction; help to check site preparations against blueprint specifications regarding locations and grades; complete finish work after the paving material has been spread; perform necessary site clean-up of debris and waste materials and perform traffic control functions. Construction craft laborers do demolition work on existing buildings and structures and perform environmental clean-up on job sites containing hazardous waste, asbestos, lead-based paint and low-level radiation. Laborers operate hand and power tools of all types: air hammers, earth tampers, cement mixers, small mechanical hoists, surveying and measuring equipment, and a variety of other equipment and instruments. They also clean and prepare sites, dig trenches, set braces to support the sides of excavations, erect scaffolding, and clean up rubble and debris. They may also assist other craft workers.

### **Tasks:**

- \* Site/Project Preparation and Maintenance including: clearing, bucking and falling, transportation, erecting, dismantling, and stockpiling of scaffolding and work platforms, grading and compaction, layout and staking protocols, rigging and signaling, site preparation, clean-up and security, soil retention, and soil nailing and steeting.
- \* Tools, equipment and materials including: tool, equipment and material recognition and preparation, electric, gas pneumatic and tool/equipment, and material storage and security, including forklift, skid steer and hydro mobile.
- \* Safety, including confined space safety, flagging, signing and traffic safety awareness, tools and equipment and fall protection hazard material recognition.
- \* Environmental Remediation, including asbestos abatement, hazardous waste abatement, lead abatement, petro-chemical abatement, radiation, and soil remediation.
- \* Building construction, including concrete (tending placement, removal), landscaping, mason/plasterer tending, pipe laying, decking, stripping, including final clean up of construction site.
- \* Heavy/highway construction, including asphalt, drilling and blasting, aggregate, pipe laying tunnel and shaft, concrete (tending, placement, removal), bridges, landscaping, and traffic control.
- \* Install sewer, water, and storm drain pipes, using pipe-laying machinery and laser guidance equipment.

## **What Are the Working Conditions?**

Most laborers perform physically demanding work. They may lift and carry heavy objects, and stoop, kneel, crouch or crawl in awkward positions. Some work at great heights, confined spaces, and outdoors in all weather conditions. Some jobs may expose workers to hazardous materials or chemicals, fumes, odors, loud noise or dangerous machinery. Laborers wear appropriate safety clothing including gloves, hard hats, protective chemical suits and devices to protect their eyes, respiratory system and hearing. Travel maybe required, including overnight.

## **How is the Training Structured?**

- \* 3 year training program
- \* 4,000 hours on-the-job training
- \* 400 hours paid related instruction
- \* Must participate in the Transition to Trainer Course during final 1,000 hours

## **What are the Application Requirements?**

- \* Applicants must be at least 18 years of age
- \* Meet required norms on aptitude test (if required)
- \* Reading, writing, comprehension and communication skills
- \* Physically able to perform trade
- \* Valid driver's license or reliable transportation

## **What Skills Should I Possess?**

- \* Mathematics- Knowledge of arithmetic and its application.
- \* Mechanical- Knowledge of machines and tools, including their designs, uses, repair, and maintenance.
- \* Equipment selection- Determining the kind of tools and equipment needed to do a job.
- \* Reading- the ability to read at a sixth grade level
- \* Communication- Ability to follow oral and written instructions, policies, and procedures.
- \* Static/Dynamic Strength- The ability to exert maximum muscle force to lift, push, pull, or carry objects. The ability to use your abdominal and lower back muscles to support part of the body repeatedly or continuously over time. The ability to use short bursts of muscle force to propel oneself (as in jumping or sprinting), or to throw an object. The ability to exert muscle force repeatedly or continuously over time. This involves muscular endurance and resistance to muscle fatigue. Bending legs on knees to come to rest on knee or knees.
- \* Coordination/Flexibility- The ability to coordinate two or more limbs (for example, two arms, two legs, or one leg and one arm) while sitting, standing, or lying down. It does not involve performing the activities while the whole body is in motion. The ability to bend, stretch, twist, or reach with your body, arms, and/or legs. The ability to quickly move your hand, your hand together with your arm, or your two hands to grasp, manipulate, or assemble objects. The ability to make fast, simple, repeated movements of the extremities. Maintaining body equilibrium to prevent falling when walking, standing, crouching or running on narrow, slippery, or moving surface.
- \* Stamina- The ability to exert yourself physically over long periods of time and the ability to lift up to 100 lbs occasionally.

## **Who Should I Contact In My Area?**

### **Northeast**

Committee Name

Contact This Committee:

OR Contact Your BAS Representative:

ABC of Wisconsin

5330 Wall St.

Madison, WI 53718

Phone: (608) 244-6056

Fax: (608) 244-2401

Kathy O'Sullivan

Jane Kramer

Fox Valley Area Laborer JAC

4633 LIUNA Way STE 100

De Forest, WI 53532

Phone: (608) 846-5768

Fax: (608) 846-3862

Burt Harding

### **Northwest**

Committee Name

Contact This Committee:

OR Contact Your BAS Representative:

ABC of Wisconsin

5330 Wall St.

Madison, WI 53718

Phone: (608) 244-6056

Fax: (608) 244-2401

Kathy O'Sullivan

Northwest WI Construction Craft Laborer JAC

4633 LIUNA Way STE 100

De Forest, WI 53532

Phone: (608) 846-5768

Fax: (608) 846-3862

Myra Stachowicz

### **Southeast**

Committee Name

Contact This Committee:

OR Contact Your BAS Representative:

ABC of Wisconsin

5330 Wall St.

Madison, WI 53718

Phone: (608) 244-6056

Fax: (608) 244-2401

Jane Kramer

Mary Harrington  
South Central Construction Craft Laborers JAC  
4633 LIUNA Way STE 100  
De Forest, WI 53532  
Phone: (608) 846-5768  
Fax: (608) 846-3862

Mary Pierce  
SE WI Construction Craft Laborers JAC  
4633 LIUNA Way STE 100  
De Forest, WI 53532  
Phone: (608) 846-5768  
Fax: (608) 846-3862

Bob Scheldroup

### **Southwest**

Committee Name

Contact This Committee:

OR Contact Your BAS Representative:

ABC of Wisconsin

5330 Wall St.

Madison, WI 53718

Phone: (608) 244-6056

Fax: (608) 244-2401

Kathy O'Sullivan

SW WI Area Construction Craft Laborers JAC

4633 LIUNA Way STE 100

De Forest, WI 53532

Phone: (608) 846-5768

Fax: (608) 846-3862

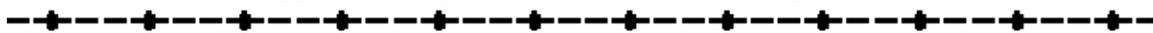
Kathy O'Sullivan

### **Additional Resources**

The United States Bureau of Labor Statistics maintains information on all occupations. For more information on the Construction Craft Laborer trade in the United States, visit:

<http://www.bls.gov/oco/ocos248.htm>

Sources: Bureau of Apprenticeship Standards Position Descriptions,



### **Questions**

29. Which of the following facts is NOT true:

- a. Many construction laborer jobs require a variety of basic skills, but others require specialized training and experience.
- b. Most construction laborers learn on the job, but formal apprenticeship programs provide the most thorough preparation.
- c. Job opportunities vary by locality, but in many areas there will be competition, especially for jobs requiring limited skills.
- d. Laborers who have specialized skills or who can relocate near new construction projects may have limited opportunities.

30. Construction craft laborers perform a wide range of \_\_\_\_\_ trade construction work including semi-skilled and unskilled tasks.

- a. Non-quoted
- b. Non-residential
- c. Non-special
- d. Special

31. Work performed is often physical and manual in nature, such as:

- a. Digging, loading, unloading
- b. Lifting, carrying, lugging
- c. Tending, stockpiling, sweeping, and cleaning
- d. All of the above

32. Laborers are employed in all areas of construction, including:

- a. Commercial and residential new building
- b. Highway, bridge, tunnel, and shaft construction
- c. Large industrial and environmental restoration projects, and various restoration and demolition jobs
- d. All of the above

33. In highway and road construction, laborers:

- a. Work to clear and prepare sites for construction and help to check site preparations against blueprint specifications regarding locations and grades
- b. Complete finish work after the paving material has been spread
- c. Perform necessary site clean-up of debris and waste materials and perform traffic control functions
- d. All of the above

34. Which of the following is INCORRECT: Construction craft laborers (do):

- a. Demolition work on existing buildings and structures
- b. Perform environmental clean-up on job sites containing hazardous waste
- c. Perform environmental clean-up on job sites containing high level radiation
- d. Perform environmental clean-up on jobs sites containing asbestos and lead-based paint

35. Laborers operate hand and power tools of all types: air hammers, earth tampers, cement mixers, small \_\_\_\_\_ hoists, surveying and measuring equipment, and a variety of other equipment and instruments.

- a. Manual
- b. Mechanical
- c. Electric
- d. Air-driven

36. They also \_\_\_\_\_ sites, dig trenches, set braces to support the sides of excavations, erect scaffolding, and clean up rubble and debris. They may also assist other craft workers.

- a. Clean
- b. Identify
- c. Prepare
- d. a AND c

**Tasks:**

37. Site/Project Preparation and Maintenance including: clearing, bucking and falling, transportation, erecting, dismantling, and stockpiling of scaffolding and work platforms, grading and compaction, layout and staking protocols, rigging and signaling, site preparation, clean-up and security, soil \_\_\_\_\_ and steeting.

- a. Retention
- b. Nailing
- c. a AND b
- d. None of the above

38. Tools, equipment and materials including: tool, equipment and material recognition and preparation, electric, gas pneumatic and tool/equipment, and material \_\_\_\_\_, including forklift, skid steer and hydro mobile.

- a. Storage
- b. Transfer
- c. Security
- d. a AND c

39. Safety, including, \_\_\_\_\_ and traffic safety awareness, tools and equipment and fall protection hazard material recognition.

- a. Confined space safety
- b. Flagging
- c. Signing
- d. All of the above

40. Environmental Remediation, including \_\_\_\_\_ abatement, radiation, and soil remediation.

- a. Asbestos, hazardous waste, lead, and petro-chemical
- b. Asbestos and lead
- c. Hazardous waste and lead
- d. Petro-chemical

41. Building construction, including concrete (tending placement, removal), landscaping, mason/plasterer tending, pipe laying, decking, stripping, including final \_\_\_\_ of construction site.

- a. Inspection
- b. Payment
- c. Lock up
- d. Clean up

42. Heavy/highway construction, including asphalt, drilling and blasting, aggregate, pipe laying tunnel and shaft, concrete(\_\_\_\_), bridges, landscaping, and traffic control.

- a. Tending
- b. Placement
- c. Removal
- d. All of the above

43. Install \_\_\_\_ drain pipes, using pipe-laying machinery and laser guidance equipment.

- a. Sewer, water, storm
- b. Clay, concrete, plastic
- c. Open, buried, deep
- d. None of the above

### **What Are the Working Conditions?**

44. Most laborers perform physically demanding work. They may lift and carry heavy objects, and stoop, kneel, crouch or crawl in \_\_\_\_ positions.

- a. Supernatural
- b. Awkward
- c. Unnatural
- d. Vicarious

45. Some work at great heights, confined spaces, and outdoors in \_\_\_\_ weather conditions.

- a. Controlled
- b. Life-threatening
- c. All
- d. Enviably

46. Some jobs may expose workers to hazardous materials or chemicals, fumes, odors, \_\_\_\_ noise or dangerous machinery.

- a. Loud
- b. Intermittent
- c. Variable
- d. White

47. Laborers wear appropriate safety clothing including gloves, hard hats, protective \_\_\_\_\_ suits and devices to protect their eyes, respiratory system and hearing. Travel maybe required, including overnight.

- a. Leisure
- b. Law
- c. Bathing
- d. Chemical

### **How is the Training Structured?**

48. Which of the following training requirements is INCORRECT:

- a. 5 year training program
- b. 4,000 hours on-the-job training
- c. Must participate in the Transition to Trainer Course during final 1,000 hours
- d. 400 hours paid related instruction

### **What are the Application Requirements?**

49. Which of the following application requirement is INCORRECT:

- a. Applicants must be at least 21 years of age
- b. Meet required norms on aptitude test (if required)
- c. Reading, writing, comprehension and communication skills
- d. Physically able to perform trade and Valid driver's license or reliable transportation

### **What Skills Should I Possess?**

50. Which of the following necessary skills is INCORRECT:

- a. Mathematics and Mechanical Knowledge
- b. Equipment selection and reading at a fifth grade level.
- c. Communication and Coordination/Flexibility
- d. Static/Dynamic Strength and Stamina

## **Unemployment Act 185**

Summary of s. 102.315, Wis. Stats., Worker's compensation insurance; employee leasing companies

Effective April 1, 2008, under s. 102.315, Wis. Stats., multiple coordinated policies will be required for clients of employee leasing companies except for small clients whose premium is not large enough for experience rating who may continue to be insured under a master policy.

### **New Required DWD Forms**

#### **Employee Leasing Company**

Under s. 102.315(5)(b), Wis. Stats., employee leasing companies are required to file the following form with the Department:

1. Form WKC-15784-E, Employee Leasing Company Notification of a client covered under a master policy for small clients under s. 102.315(5)(b), Wis. Stats.

### **Insurance carrier**

Under s. 102.315(5)(c), Wis. Stats., insurance carriers are required to file the following form with the Department:

2. Form WKC-15785-E, Wisconsin Proof of Coverage Notice under a master policy for small clients under s. 102.315(5)(c), Wis. Stats.

### **Client that has a “divided workforce”**

Under s. 102.315(6)(b)&(e) Wis. Stats., clients with a “divided workforce” (“Divided workforce” means a workforce in which some of the employees of a client are leased employees and some of the employees of the client are not leased employees.) are required to file the following forms with the Department:

3. Form WKC-15783-E, Employer Notice of Divided-Workforce under s. 102.315(6)(b), Wis. Stats.
4. Form WKC-15782-E, Termination Notice of Divided-Workforce under s. 102.315(6)(e), Wis. Stats.

### **New Law Summary**

Under s. 102.315 (2), Wis. Stats., a person that contracts to provide the nontemporary, ongoing employee workforce of a client under an employee leasing agreement (employee leasing company) is liable for any worker’s compensation payable to the leased employee and may not seek or receive reimbursement from the client for any payments made as a result of that liability.

Subject to certain exceptions, s. 102.315 (3), Wis. Stats requires an employee leasing company to insure its worker’s compensation liability by obtaining a contract of insurance under which the insurer issues separate worker’s compensation policies to the employee leasing company for each of its clients that are insured by the insurer (multiple coordinated policy). A multiple coordinated policy must name both the employee leasing company and the client as named insureds and must designate either the employee leasing company or the client, but not both, as the first named insured. An insurer may issue a multiple coordinated policy for a client only if all of the employees of the client are leased employees and are covered under the policy, except that an insurer may issue a multiple coordinated policy for a client that has a workforce in which some of the employees are leased employees and some are not leased employees (divided workforce) if the client notifies the Department of Workforce Development (DWD) of its intent to have a plan under which two policies are issued to cover the employees of the client, one covering the leased employees of the client and the other covering the employees of the client who are not leased employees (divided workforce plan).

Under section 102.315 (4), Wis. Stats., an employee leasing company may also insure its worker’s compensation liability by obtaining a single policy in its name covering more

than one client of the employee leasing company (master policy) that has been approved by the commissioner of insurance (commissioner). The commissioner may approve the issuance of a master policy if the insurer shows that it has the technological capacity and operational capability to provide to the Wisconsin Compensation Rating Bureau (bureau) certain information at the client level, including unit statistical data, information concerning proof of coverage and cancellation termination, and nonrenewal of coverage, and any other information that the bureau may require. A master policy must also establish rules governing the issuance of an insurance policy covering the leased employees of a divided workforce and the cancellation, termination, and nonrenewal of policies.

Under s. 102.315 (5), Wis. Stats., regardless of whether the commissioner has approved the issuance of a master policy, the new law permits an employee leasing company to insure its worker's compensation liability with respect to a group of clients, each of which has an unmodified annual premium that is equal to or less than the threshold below which employers are not experience rated under the standards and criteria of the bureau (small clients) by obtaining a master policy in the voluntary market (as opposed to under the state mandatory risk-sharing plan, which is a plan established or approved by the commissioner under which risks that are unable to obtain coverage in the voluntary market may obtain coverage) insuring that liability. An insurer may issue a master policy covering a group of small clients regardless of whether any of those small clients has a divided workforce. If at any time the unmodified annual premium of a small client that is covered under a master policy exceeds the threshold below which employers are not experience rated, the employee leasing company must notify the insurer and obtain coverage for the small client under a multiple coordinated policy or a master policy that has been approved by the commissioner. The premium threshold for experience rating eligibility in effect on April 1, 2008 is \$6,000 annually.

In addition, s. 102.315 (6), Wis. Stats., permits an insurer to issue a policy covering only the leased employees of a client that has a divided workforce if the client notifies DWD of its intent to have a divided workforce. Under the law, a client that has a divided workforce must insure its employees who are not leased employees in the voluntary market and may not insure those employees under the state mandatory risk-sharing plan, unless the leased employees of the client are covered under that mandatory plan. A client that has a divided workforce must also agree to assume full responsibility to immediately pay any worker's compensation payable as may be required by DWD should a dispute arise between two or more insurers as to liability for an injury sustained while a divided workforce plan is in effect, pending final resolution of the dispute.

Under s. 102.315 (9), for a multiple coordinated policy in which an employee leasing company is the first named insured and for a master policy, the law permits an insurer to obligate only the employee leasing company to pay premiums due for a client's coverage and prohibits an insurer from recovering any unpaid premiums due for that coverage from the client. The law, however, does not prohibit an insurer from collecting premiums and charges due with respect to a client by means of list billing through the employee leasing company; requiring an employee leasing company to maintain a letter of credit or other form of security to ensure payment of premiums; issuing policies that have a common renewal date to all, or a class of all, clients of an employee leasing company; grouping together the clients of an employee leasing company for the purpose of offering dividend eligibility and paying dividends to those clients; applying a discount to the

premium charged with respect to a client; or applying a retrospective rating option for determining the premium charged with respect to a client.

Under s. 102.315 (10), Wis. Stats., provides as follows with respect to the cancellation, termination, or nonrenewal of a multiple coordinated policy or a master policy:<sup>[1]</sup>

1. That the insureds under the policy may cancel the policy during the policy period only if both the employee leasing company and the client agree to the cancellation, the cancellation is confirmed by the employee leasing company promptly providing written confirmation of the cancellation to the client in writing or by the client agreeing to the cancellation in writing, and the insurer provides written notice of the cancellation to DWD.
2. That the insurer may cancel, terminate, or nonrenew the policy by providing written notice of the cancellation, or nonrenewal to the insured employee leasing company, the insured client, and DWD. Cancellation or termination of a policy by an insurer during a policy period is not effective until 30 days after that notice is provided. Nonrenewal of a policy is not effective until 60 days after that notice is provided.
3. That, if an employee leasing company that is the first named insured on the policy terminates the employee leasing agreement with a client in its entirety, the insurer may cancel or terminate the policy during the policy period by providing written notice of the cancellation or termination to the insured employee leasing company, the insured client, and DWD. Cancellation or termination of a policy by an insurer during a policy period for reason of termination of an employee leasing agreement is not effective until 30 days after that notice is provided.
4. That, if an employee leasing agreement is terminated during the policy period of a policy in which the client is the first named insured, the insurer must cancel the employee leasing company's coverage by an endorsement to the policy, and coverage of the client under the policy continues, unless the policy providing continued coverage is cancelled for failure of the client to pay premiums or for other grounds stated in the policy.

Under section 102.29 (6m) (a), Wis. Stats., prohibits a leased employee of an employee leasing company who makes a claim for worker's compensation against the employee leasing company from making a claim or bringing an action in tort against the client that accepted the services of the leased employee, against any other employee leasing company that provides the services of another leased employee to the client, or against any employee of the client or of that other employee leasing company. Section 102.29 (6m) (b) Wis. Stats., similarly prohibits an employee who makes a claim for worker's compensation against a client of an employee leasing company from making a claim or bringing an action in tort against an employee leasing company that provides the services

of a leased employee to the client or against any leased employee of that employee leasing company.

Finally, prior to April 1, 2008, under section 102.31 (2m), Wis. Stats., a professional employer organization or an employee leasing organization that entered into an employee leasing agreement with a client was required to submit to DWD, within ten working days after the effective date of the agreement, a report disclosing the identity of the client, the effective date of

the agreement, and such other information as DWD prescribes and an employee leasing organization that intends to terminate an employee leasing agreement must notify DWD of that termination no later than 30 days prior to the termination date of the agreement. In addition, when an employee leasing agreement was terminated, termination of the client's coverage under the worker's compensation insurance policy of the employee leasing organization was not effective until 30 days after the employee leasing organization has given notice of the termination of that agreement to DWD.

Effective April 1, 2008, s. 102.31 (2m), Wis. Stats., is repealed.

Obsolete DWD forms effective April 1, 2008:

1. WKC-15242-E, Wisconsin Employee Leasing Company Client Report under s. 102.31(2m)(a), Wis. Stats.
2. WKC-15243-E, Wisconsin Employee Leasing Company Client Termination Notification under s. 102.31(2m)(b), Wis. Stats.

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### Questions

51. Effective \_\_\_\_\_, under s. 102.315, Wis. Stats., multiple coordinated policies will be required for clients of employee leasing companies except for small clients whose premium is not large enough for experience rating who may continue to be insured under a master policy.

- a. February 19, 2009
- b. April 1, 2008
- c. April 15, 2008
- d. April 1, 2009

52. \_\_\_\_\_ workforce means a workforce in which some of the employees of a client are leased employees and some of the employees of the client are not leased employees.

- a. Active
- b. Divided
- c. Aging
- d. Webbased

53. Under s. 102.315 (2), Wis. Stats., a person that contracts to provide the \_\_\_\_\_ employee workforce of a client under an employee leasing agreement (employee leasing company) is liable for any worker's compensation payable to the leased employee and may not seek or receive reimbursement from the client for any payments made as a result of that liability.

- a. Nontemporary
- b. Ongoing
- c. Temporary
- d. a and b

54. Wis. Stats requires an employee leasing company to insure its worker's compensation liability by obtaining a contract of insurance under which the insurer issues \_\_\_\_\_ worker's compensation policies to the employee leasing company for each of its clients that are insured by the insurer (multiple coordinated policy).

- a. Individual
- b. Group
- c. Separate
- d. Multiple

55. A multiple coordinated policy must name \_\_\_\_\_ as named insureds and must designate either the employee leasing company or the client, but not both, as the first named insured.

- a. The employee leasing company
- b. The client
- c. Both a and b
- d. Neither a and b

56. An insurer may issue a multiple coordinated policy for a client only if \_\_\_\_\_ of the employees of the client are leased employees and are covered under the policy except that an insurer may issue a multiple coordinated policy for a client that has a workforce in which some of the employees are leased employees and some are not leased employees (divided workforce) if the client notifies the Department of Workforce Development (DWD) of its intent to have a plan under which two policies are issued to cover the employees of the client, one covering the leased employees of the client and the other covering the employees of the client who are not leased employees (divided workforce plan).

- a. All
- b. A majority
- c. 25 %
- d. Some

57. Under section 102.315 (4), Wis. Stats., an employee leasing company may also insure its worker's compensation liability by obtaining a single policy in its name covering more than one client of the employee leasing company (master policy) that has been approved by the \_\_\_\_\_.

- a. Municipal commissioner
- b. High Commissioner
- c. County Commissioner
- d. Commissioner of insurance

58. The commissioner may approve the issuance of a master policy if the insurer shows that it has the \_\_\_\_\_ to provide to the Wisconsin Compensation Rating Bureau (bureau) certain information at the client level, including unit statistical data, information concerning proof of coverage and cancellation termination, and nonrenewal of coverage, and any other information that the bureau may require

- a. Technological capacity
- b. Operational capability
- c. Fiscal capacity
- d. Both a and b

59. If at any time the unmodified annual premium of a small client that is covered under a master policy exceeds the threshold below which employers are not experience rated, the employee leasing company \_\_\_\_\_ for the small client under a multiple coordinated policy or a master policy that has been approved by the commissioner.

- a. Must notify the insurer
- b. Must notify the commissioner
- c. Obtain coverage
- d. a and c

60. The premium threshold for experience rating eligibility in effect on April 1, 2008 is \_\_\_\_\_ annually.

- a. \$5000
- b. \$6,000
- c. \$4000
- d. \$2500

61. A client that has a divided workforce must also agree to assume \_\_\_\_\_ responsibility to immediately pay any worker's compensation payable as may be required by DWD should a dispute arise between two or more insurers as to liability for an injury sustained while a divided workforce plan is in effect, pending final resolution of the dispute.

- a. Partial
- b. Legal
- c. Full
- d. Appropriate

62. The law, however, \_\_\_\_\_ prohibit(s) an insurer from collecting premiums and charges due with respect to a client by means of list billing through the employee leasing company; requiring an employee leasing company to maintain a letter of credit or other form of security to ensure payment of premiums; issuing policies that have a common renewal date to all, or a class of all, clients of an employee leasing company; grouping together the clients of an employee leasing company for the purpose of offering dividend eligibility and paying dividends to those clients; applying a discount to the premium charged with respect to a client; or applying a retrospective rating option for determining the premium charged with respect to a client.

- a. Does not
- b. Does
- c. Strictly
- d. Specifically

63. Under s. 102.315 (10), Wis. Stats., provides as follows with respect to the cancellation, termination, or nonrenewal of a multiple coordinated policy or a master policy:[1]

That the insureds under the policy may \_\_\_\_ the policy during the policy period only if both the employee leasing company and the client agree to the cancellation, the cancellation is confirmed by the employee leasing company promptly providing written confirmation of the cancellation to the client in writing or by the client agreeing to the cancellation in writing, and the insurer provides written notice of the cancellation to DWD.

- a. Change
- b. Continue
- c. Cancel
- d. None of the above

64. That the insurer may \_\_\_\_\_ the policy by providing written notice of the cancellation, or nonrenewal to the insured employee leasing company, the insured client, and DWD. Cancellation or termination of a policy by an insurer during a policy period is not effective until 30 days after that notice is provided. Nonrenewal of a policy is not effective until 60 days after that notice is provided.

- a. Cancel
- b. Terminate
- c. Nonrenew
- d..a, b, OR c

65. Under section 102.29 (6m) (a), Wis. Stats., prohibits a leased employee of an employee leasing company who makes a claim for worker's compensation against the employee leasing company from \_\_\_\_\_ against the client that accepted the services of the leased employee, against any other employee leasing company that provides the services of another leased employee to the client, or against any employee of the client or of that other employee leasing company.

- a. Making a claim
- b. Bringing an action in tort
- c. a OR b
- d. Neither a or b

66. Finally, prior to April 1, 2008, under section 102.31 (2m), Wis. Stats., a professional employer organization or an employee leasing organization that entered into an employee leasing agreement with a client was required to submit to DWD, within \_\_\_\_ working days after the effective date of the agreement, a report disclosing the identity of the client, the effective date of the agreement, and such other information as DWD prescribes and an employee leasing organization that intends to terminate an employee leasing agreement must notify DWD of that termination no later than 30 days prior to the termination date of the agreement.

- a. five
- b. seven
- c. ten
- d. fourteen

## **Wisconsin Consumer Protection Laws**

### **Home Improvement**

#### **Basement Waterproofing Transactions**

The Wisconsin Department of Agriculture, Trade and Consumer Protection regulates unfair and deceptive business practices. DATCP has adopted a rule to protect consumers against fraudulent basement waterproofing practices. This rule is found in Wisconsin Administrative Code chapter ATCP 111. Rule violators may be prosecuted, and there is a private remedy for consumers. ATCP 111 includes the following provisions:

#### **Waterproofing Guarantees**

- A seller may not state or imply that a basement waterproofing service is guaranteed unless all the following apply:
  - The service is in fact guaranteed.
  - The seller makes the guarantee in writing.
  - The seller gives the consumer a copy of the guarantee before the parties enter into a basement-waterproofing contract.
  - The guarantee clearly and explicitly states that the waterproofing service will effectively prevent or control the basement water problem it was designed or intended to prevent or control, for the period of time specified in the guarantee.
  - The guarantee includes the name and address of the person responsible for performance under the guarantee.
  - The guarantee states that the responsible person will begin any remedial work required under the guarantee within 45 days after the consumer gives notice of a waterproofing failure, and will complete the work within 6 months after the consumer gives notice
  - A guarantee may not exclude basement dampness unless the consumer agrees and the guarantee conspicuously states:

**“THE GUARANTEE PROVIDED HEREIN DOES NOT COVER DAMPNES ON THE**

**BASEMENT WALLS – IT DOES COVER ANY WATER LEAKAGE OR FLOW.”**

- If a seller fails to honor a guarantee, the consumer is entitled to a full refund less the value of benefits actually derived from the services performed. The seller has the burden of establishing the benefits.
- If basement waterproofing services are *not* guaranteed, the contract must contain the following conspicuous disclosure on the face of the contract:

**“THE BASEMENT WATERPROOFING SERVICES PROVIDED BY THIS CONTRACT ARE NOT GUARANTEED.”**

- A seller may not claim that basement waterproofing services will be effective unless the seller is experienced in, and uses, practices that are generally recognized as being effective.
- A seller may not make a guarantee if the seller knows or reasonably ought to know that the guarantee cannot be honored.

**Seller’s Analysis**

- A seller must provide a consumer with a written *seller’s analysis* before the parties enter into a basement waterproofing contract. The seller must sign the analysis.
- The *seller’s analysis* must describe the causes and conditions responsible for the consumer’s basement waterproofing problem, and the specific processes and materials that will be used to correct the problem.
- The seller may not misrepresent the facts or conclusions contained in a seller’s analysis.

***Pressure Pumping Process; Engineer’s Analysis***

In Wisconsin, there have been widespread problems with basement waterproofing services that use the *pressure pumping process*. A seller may not use the *pressure pumping process* unless all the following apply:

- The seller establishes its value or effectiveness in a written seller’s analysis verified by a written engineer’s analysis. A registered professional engineer must prepare the engineer’s analysis.
- The seller discloses, in every advertisement for the pressure pumping process, that an engineer’s analysis is required.
- The seller guarantees the results.
- The seller gives the consumer the seller’s analysis, the engineer’s analysis, and the guarantee before the parties enter into a basement waterproofing contract.

***Rule Background***

DATCP adopted ATCP 111 as a *general order* (rule) under Wisconsin’s Unfair Business Practices Law, Wisconsin Statutes section 100.20.

- DATCP adopted ATCP 111 effective April 1, 1975 (DATCP Docket No. 1148).
- DATCP amended ATCP 111 effective April 1, 1976 (DATCP Docket No. 1201).

## ***Rule Enforcement***

### **Private Remedy**

A person who suffers a monetary loss because of a seller's violation of ATCP 111 may sue the seller under Wisconsin Statutes section 100.20(5), and may recover twice the amount of the loss, together with costs and attorneys fees.

### **Injunction and Restitution**

DATCP may seek a court order under Wisconsin Statutes section 100.20(6), enjoining violations of ATCP 111 and ordering a seller to pay restitution to consumers. The Department of Justice or a district attorney may represent DATCP in court.

### **Civil Forfeiture**

DATCP or any district attorney may start a court action under Wisconsin Statutes section 100.26(6), to recover a civil forfeiture from a seller who violates ATCP 111. The court may impose a civil forfeiture of up to \$10,000 per violation. The Department of Justice or a district attorney may represent DATCP in court.

### ***Criminal***

A district attorney may start a criminal prosecution, under Wisconsin Statutes section 100.26(3), against a seller who violates ATCP 111. A seller may be fined up to \$5,000 or sentenced to as much as a year in jail, or both.

.....

67. The Wisconsin Department of Agriculture, Trade and Consumer Protection regulates unfair and deceptive business practices. DATCP has adopted a rule to protect consumers against \_\_\_\_\_ basement waterproofing practices.

- a. Common
- b. Confusing
- c. Fraudulent
- d. Approved

68. A seller may not state or imply that a basement waterproofing service is guaranteed unless which of the following apply:

- a. The service is in fact guaranteed.
- b. The seller makes the guarantee in writing. The seller gives the consumer a copy of the guarantee before the parties enter into a basement-waterproofing contract.
- c. The guarantee clearly and explicitly states that the waterproofing service will effectively prevent or control the basement water problem it was designed or intended to prevent or control, for the period of time specified in the guarantee.
- d. All of the above

69. There are also additional requirements before a waterproofing service can be guaranteed. Which one of the following is NOT correct as it applies to these guarantee requirements:

- a. The guarantee includes the name and address of the person responsible for performance under the guarantee.
- b. The guarantee states that the responsible person will begin any remedial work required under the guarantee within 30 days after the consumer gives notice of a waterproofing failure, and will complete the work within 6 months after the consumer gives notice
- c. A guarantee may not exclude basement dampness unless the consumer agrees and the guarantee conspicuously states: **“THE GUARANTEE PROVIDED HEREIN DOES NOT COVER DAMPNESS ON THE BASEMENT WALLS – IT DOES COVER ANY WATER LEAKAGE OR FLOW.”**
- d. None of the above

70. If a seller fails to honor a guarantee, the consumer is entitled to a \_\_\_\_\_ refund less the value of benefits actually derived from the services performed. The seller has the burden of establishing the benefits.

- a. Full
- b. Partial
- c. Taxable
- d. Guaranteed

71. A seller may not claim that basement waterproofing services will be effective unless the seller is experienced in, and uses, practices that are \_\_\_\_\_ recognized as being effective.

- a. Universally
- b. Generally
- c. Commonly
- d. Legally

### **Seller’s Analysis.**

72. A seller must provide a consumer with a written *seller’s analysis* before the parties enter into a basement waterproofing contract. The seller must \_\_\_\_\_ the analysis.

- a. Approve
- b. Understand
- c. Sign
- d. Support

73. The *seller’s analysis* must describe the \_\_\_\_\_ responsible for the consumer’s basement waterproofing problem, and the specific processes and materials that will be used to correct the problem.

- a. Causes
- b. Conditions
- c. Neither a or b
- d. Both a and b

74. In Wisconsin, there have been widespread problems with basement waterproofing services that use the *pressure pumping process*. A seller may not use the *pressure pumping process* unless which of all the following apply:

- a. The seller establishes its value or effectiveness in a written seller's analysis verified by a written engineer's analysis. A registered professional engineer must prepare the engineer's analysis.
- b. The seller discloses, in every advertisement for the pressure pumping process, that an engineer's analysis is required. The seller guarantees the results.
- c. The seller gives the consumer the seller's analysis, the engineer's analysis, and the guarantee before the parties enter into a basement waterproofing contract.
- d. All of the above

75. A person who suffers a monetary loss because of a seller's violation of ATCP 111 may sue the seller under Wisconsin Statutes section 100.20(5), and may recover \_\_\_\_\_ the amount of the loss, together with costs and attorneys fees.

- a. Only
- b. Twice
- c. Triple
- d. None of the above

76. DATCP or any district attorney may start a court action under Wisconsin Statutes section 100.26(6), to recover a civil forfeiture from a seller who violates ATCP 111. The court may impose a civil forfeiture of up to \_\_\_\_\_ per violation.

- a. \$10,000
- b. \$5000
- c. \$1000
- d. \$500

77. A district attorney may start a criminal prosecution, under Wisconsin Statutes section 100.26(3), against a seller who violates ATCP 111. A seller may be fined up to \_\_\_\_\_ or sentenced to as much as a year in jail, or both.

- a. \$10,000
- b. \$5,000
- c. \$1000
- d. \$500

## **Wisconsin Department of Workforce Development**

### **Am I Covered?**

Nearly all employees in Wisconsin are covered. In fact, when talking about worker's compensation, it is easier to discuss the exceptions.

The only employee exceptions to the Wisconsin Worker's Compensation Act insurance coverage requirement are:

- domestic servants

- some farm employees
- volunteers including volunteers of non-profit organizations that receive money or other things of value totaling not more than \$10.00 per week
- religious sect members that qualify and are certified

Other exceptions from the Wisconsin Worker's Compensation Law include:

- Employees of the federal government such as postal workers, employees at a veterans administration hospital employees, or members of the armed forces are covered by federal workers' compensation laws
- People who work on interstate railroads are covered by the Federal Employers Liability Act
- Seamen on navigable waters are covered by the Merchant Marine Act of 1920, and people loading and unloading vessels are covered by the Longshoremen's and Harbor Worker's Compensation Act

### **When Does Coverage Begin?**

- Regardless of how long an employee has been working for an employer, or whether or not he/she is in a probationary or training status, coverage for Workers Compensation purposes begins on the first day of work.
- However, in order to expedite the processing of your claim, you should immediately report your injury or ailment to your supervisor.
- It is your employer's responsibility to report your injury to their worker's compensation insurance carrier (or claims handling office).
- In most cases, the first payment will be made by the insurance company within 14 days of your last day worked. If payment takes longer, you should contact your employer or their insurance carrier to find out the reason for delay.
- There is a three-day waiting period. The first 3 days of lost time after the injury are not compensable. Compensation is payable beginning on your 4th day of lost time. If your disability extends beyond 7 calendar days, the 1st 3 days of lost time would be picked up and paid retroactively.

### **What Basic Benefits Are Included?**

Basic benefits may include:

1. Coverage of all reasonable and necessary medical expenses.
2. Benefits for temporary wage loss during the healing period - temporary partial disability (TPD) or temporary total disability (TTD) are provided to sustain an employee while recovering from an injury. Eligibility for temporary disability benefits is determined and must be documented by a doctor. Benefits for TTD due to disability are based on two-thirds of the employee's wage up to a specified maximum amount for the year of injury.
3. Benefits for permanent partial disability (PPD) or permanent total disability (PTD) are paid if the employee does not fully recover from the injury. Permanent disability is awarded for the potential or actual loss of earning capacity. The amount of benefit payment for permanent disability depends on the severity of the permanent disability.
4. Vocational rehabilitation and retraining.
5. If a death occurs, death benefits and burial expense will be paid to qualified beneficiaries up to specified limits.

## **How Do I File a Claim?**

You are entitled to worker's compensation benefits if you are injured on the job or became ill as a result of the job. You, your employer and the worker's compensation insurance carrier have various responsibilities for the work-related injury/illness.

In the event you are hurt at work or become ill, it is your responsibility to:

- Tell your supervisor that you are hurt immediately, even if you think your injury is minor and will heal without medical attention.
- Obtain any necessary medical attention. Which may be getting first aid, seeing a doctor or going to the emergency room.
- Maintain all relevant medical and payment records for possible future use.

You should act to notify your employer and get medical attention without delay. A delay may negatively affect your health and may even jeopardize your potential workers compensation benefits. Failure to report your injury/illness to your employer within two years could result in your claim for worker's compensation benefits being barred.

It is your employer's responsibility to report your injury/illness to his/her insurance carrier or claims administrator. The insurance carrier will then report your injury/illness to the Wisconsin Worker's Compensation Division.

The insurance carrier will pay for reasonable and necessary medical expenses. If your doctor authorizes you off of work for more than three days, you will receive compensation for lost wages.

If you are due compensation for your injury or illness:

- You should receive a check from your employer's insurance carrier (some large employers are self-insured) generally within 14 days after your injury/illness.
- There is a three-day waiting period for compensation, excluding Sundays. No compensation is paid for these first three days unless you are off work for more than seven days. In that case, the first three days are paid for retroactively.
- Once your claim is established, it will usually remain open for 12 years from the date of injury or the last payment to you, whichever is later. Therefore, it is important to save your medical and payment records for 12 years in the event your condition changes during this time.

## **Worker's Compensation Claim Flow**

### **REGULAR CLAIMS**

#### **1. Report of Injury by the Employee**

An employee reports a work related injury or illness to the employer as soon as possible after the accident, or after becoming aware of the injury. In most situations this report should be made within 30 days. However, the employee must report the injury to the employer within two years in order to qualify for worker's compensation. If, however, the employer knew or should have known about the injury, the statute of limitations for making a claim is 12 years. In the case of occupational disease and certain traumatic injuries, there is no statute of limitations.

## 2. Report of Injury to the Worker's Compensation Insurance Carrier

An employer is required to report all work injuries or illnesses to its worker's compensation insurance carrier within 7 days after actual knowledge of the injury. If the injury is a fatality, however, the report must be made to the insurance carrier within 24 hours. The employer must also report medical only claims to its insurance carrier.

## 3. Report of Injury to the WC Division

Insurance carriers must electronically report all lost-time, compensable injury claims to the WC Division within 14 days after the date of injury. If the injury is a fatality, however, the employer must make this report--on paper--to the WC Division as well as the insurance carrier within 24 hours.

## 4. Payment and Other Related Information Reported to the WC Division

Within 30 days following the date of injury the insurance carrier must electronically report both the WKC-13 Supplemental Report and the WKC-13A Wage Information Supplement to the WC Division. The WKC-13 is a record of all payments (TTD, TPD, Salary Continued., PPD, etc.) made to the injured employee. If there is more than three weeks of lost time, an amputation, surgery or PPD a final medical report must also be reported (via fax or mail) to the WC Division.

## **DISPUTED CLAIMS**

### 1. Injured Worker Files Application for a Hearing

An injured worker has twelve years from the date of injury or the date of last compensation payment to file with the WC Division an application for a formal hearing before an Administrative Law Judge (ALJ). Litigated claims whereby the applicant is not represented by an attorney (pro se) are identified by Dispute Resolution Staff (DSR) and an attempt is made to avoid a formal hearing through informal mediation. If a formal hearing cannot be avoided, DSR staff ensures the file is complete and ready for hearing. A pre-hearing conference with an ALJ will also be held for certain pro se claims, in order to narrow the issues and explain the hearing process.

### 2. Hearings are Scheduled

Applications for hearing are normally assigned to an ALJ on a first-in, first-out basis. Hearings are generally held in the municipality of the applicant's residence. Once assigned, all parties involved in the case are notified in writing of the date, time and location of the hearing.

### 3. Formal WC Hearing Held

The ALJ hears evidence presented by both the respondent and claimant at one or more hearings. Most disputes are resolved with one hearing. About two-thirds of all requests for a hearing are settled without a formal hearing actually being held. Many of these are compromised or stipulated.

### 4. Decision Rendered

The ALJ issues a decision within 90 days after the close of the record, which usually means 90 days after the hearing. The typical decision is issued in less than 50 days.

### 5. Appeal to Labor Industry Review Commission (LIRC)

Within 21 days after the ALJ issues a decision either party may file a petition for review with LIRC.

## 6. Appeal to Circuit Court

Within 30 days after the LIRC decision either party may start an action in the circuit court of the county in which he or she resides.

## 7. Court of Appeals

Within 45 or 90 days depending on when the notice of entry of judgment is served, either party may appeal to the Court of Appeals.

## 8. Wisconsin Supreme Court

Within 30 days after the Court of Appeals decision either party may file a petition for review with the Supreme Court.

### **Can I Return to Work?**

Studies show that the longer workers are off work after an injury, the harder it is for them to return to work.

If you have been advised by the doctor to return to work, an attempt should be made to return to the job even if you may not feel 100% up to it. By returning to work as directed by your doctor, you will be in a stronger position to obtain additional benefits if you attempted to return than if you refused an offer of work.

Your doctor may advise you to return to lighter, restricted work during your healing period. This work is generally different from what you were doing before your injury. It often is to your advantage to return to work early within the limitations set by your doctor.

You can work with your employer and doctor to develop a customized plan for returning to work. An effective return to work plan should include:

- An on-going relationship among the worker, employer and the doctor to ensure that all parties are familiar with the nature and extent of the injury/illness as well as worker's compensation rules.
- Reasonable accommodation guidelines for placement in restricted or limited work
- A main contact person to work with the insurance carrier
- Regular reviews and updates from the worker, employer and doctor.

### **WHAT HAPPENS IF MY EMPLOYER DOES NOT REHIRE ME ONCE I CAN RETURN TO WORK?**

There is no legal guarantee that a job will be available for you after an injury. The employer is not required to hold a position open or create a new position once you are released to return to work.

However, when suitable employment with your employer is available and within your physical and mental limitations, your employer should offer you the employment. If your employer, without reasonable cause, refuses to rehire you when suitable employment is available, you may be eligible for compensation of wages lost during the period of refusal, up to one year of wages.

You may file an application for a formal hearing for the compensation of lost wages if you believe that your employer did not have a good reason for not rehiring you.

Through the hearing process, a determination will be made on the availability of suitable employment. However, any written rules or policies issued by the employer and/or provisions of collective bargaining agreements with respect to seniority will impact the availability of suitable employment.

## **How Do I Get Vocational Rehabilitation Services**

If you are unable to return to your previous employment because of a permanent disability or restriction, you may be eligible for vocational rehabilitation services that may include job placement assistance or retraining.

To be eligible for vocational rehabilitation services you must:

- Have a compensable work related injury for which vocational retraining benefits have not been settled through a compromise agreement
- Submit to the employer, at time of injury, documentation of the work restrictions so that the employer may determine if work is available within the permanent restrictions and make an offer of "suitable" employment. The employer should determine if work is available within 60 days
- NOTE: A "suitable" position is one that pays at least 90% of the wage at time of injury and meets the permanent work restrictions established at the end of the healing period
- Be unemployed or employed in a less than "suitable" position
- Have a determination of your eligibility for vocational services by the Division of Vocational Rehabilitation

You will receive vocational rehabilitation services from either a public or private vocational rehabilitation program. The DVR is the public program and will provide you with services if your disability is very severe and is consistent with the order in which it is providing services. If the Division of Vocational Rehabilitation cannot provide the needed services, you will be served within a private vocational rehabilitation network.

To obtain vocational rehabilitation services from the public or the private program:

First, contact DVR for a determination of eligibility. A VR counselor will work with you to assess your functional limitations and determine if you need services in order to be employed. You will then receive a statement indicating that you are either eligible or ineligible.

Second, the DVR will inform you that it will provide services directly or will refer you to the Worker's Compensation Division's Vocational Rehabilitation Unit that will provide a list of certified private vocational rehabilitation specialists from which you may choose to obtain your services.

If there is no dispute regarding vocational rehabilitation services, the worker's compensation insurer is responsible for paying the costs for the private specialist, the retraining program and temporary disability benefits during retraining.

## **What Happens If My Claim is Denied?**

If your claim is denied, either in part or in full, and you believe that you should receive further benefits, your dispute may be handled through a formal hearing or through an informal alternative dispute resolution process.

If you have not retained an attorney or if your injury was not previously reported to the Worker's Compensation Division, your claim will initially follow the informal process. Your claim will be referred to a specialist in the Division's Alternative Dispute Resolution (ADR) Unit. The ADR staff will review your claim to determine the issues in dispute and assure that the medical information submitted supports your claim for benefits. If the ADR staff believe that the issues can be resolved without a formal hearing, you and the insurer will be contacted in an attempt to resolve your dispute.

If the issues can not be resolved through the informal alternative dispute process, you may request a formal hearing with an Administrative Law Judge (ALJ). To request a hearing, you will need to complete an application for hearing form and provide medical information to support your claim. While it is not a requirement, many people believe that it is beneficial to have an attorney involved in the hearing since it is a legal proceeding.

As a legally binding procedure, the ALJ is required to obtain information from all parties during the hearing. The ALJ reviews all pertinent information related to the hearing and issues a decision based on his/her findings. This decision by the ALJ becomes a formal "order" to which the parties of the hearing must adhere. The order specifies the conditions under which the dispute will be resolved.

You may appeal a decision by an ALJ if you believe the decision was incorrect. Your appeal would be made to the Labor and Industry Review Commission (LIRC). Your case would be reviewed by LIRC and they will provide you with a decision. If you disagree with the decision from LIRC, you may appeal to circuit court.

### **What Happens at a Worker's Compensation Hearing?**

A hearing may be necessary to resolve a disputed claim. Most hearings are set after an employee, surviving spouse or dependant files an application for hearing (WKC-7). This form can be obtained from the Worker's Compensation Division. Some hearings are also scheduled on the Division's own motion in situations where there is reason to believe payment of compensation has not been made.

Hearings are scheduled at various locations throughout the state. The geographical location for the hearing is determined by the location of the employee's residence, where the injury occurred and the location of the employee's treating practitioner. After a hearing date is set, all parties are notified by a written notice. The notice of hearing is usually mailed to the parties eight to ten weeks in advance, but hearings may be scheduled on as little as a ten day prior notice.

Any party may be represented by an attorney. However, a party is not required to have an attorney at a hearing. An attorney representing an injured employee is entitled to fees of up to 20 percent of the amount of compensation in dispute or, if there is no net gain over the amount offered by the employer or insurance carrier, the attorney is entitled to fees of 10 percent to a maximum of \$250. Attorney fees and necessary costs will be deducted from payments to the employee or the dependants. The Administrative Law Judge (ALJ) will determine the amount of attorney fees.

If an employee is not represented by an attorney, the Division will schedule a pre-hearing conference after an application for hearing is filed. The purpose of this conference is to permit the parties to discuss the claim informally with an ALJ. The ALJ will attempt to have the parties identify conceded and disputed issues and to encourage the parties to agree on exhibits which may be introduced at a hearing. At a pre-hearing conference it is often possible for the parties to come to an agreement that will eliminate the need for a hearing. A formal hearing will be scheduled at a later date if the parties cannot resolve the case at a pre-hearing conference.

Formal hearings are held with an ALJ. These are semi-judicial proceedings. Witnesses are sworn in before testifying as in a court room. The parties have a right to present their own witnesses and cross-examine witnesses presented by other parties. Exhibits of documents and reports are entered into the formal hearing record. A court reporter records all testimony. Hearings generally result in payment of some or all of a claim or dismissal of the application.

All parties should be aware of the following in preparing for a hearing:

- As soon as possible after the notice of hearing is received contact necessary witnesses and arrange to have them attend the hearing .
- The Division may not receive evidence about an employee's loss of earning capacity unless notice of the intention to present this evidence and the name of the expert witness is given at least 60 days before the hearing.
- Employees must file with the Division and the insurance carrier's attorney certified medical reports (WKC-16B) and a medical treatment statement (WKC-3-E) at least 15 days before the hearing.
- The employee has the burden to present evidence of facts necessary to establish compensability of the claim in all cases including those in which the hearing was scheduled on the Division's own motion.
- Postponement requests must be submitted in writing to the Division within seven days after the notice was issued with copies to all other parties.
- Postponements will be approved by the Division because of extraordinary circumstances and will not be allowed for the convenience of the parties.
- Failure to appear at a hearing as scheduled may result in a dismissal of the application or a decision by default.

The ALJ will gather all the facts at the hearing. After the hearing the ALJ will issue an order (decision) that either allows or denies the claim. If the claim is allowed, an order will be issued stating the amount of disability and how much compensation and/or medical expense is to be paid.

Any party has the right to appeal an ALJ order. If a party wishes to appeal an order, a Petition for Commission Review (WKC-28) must be filed within 21 days of the mailing date of the ALJ order. On this form the appealing party states the points of disagreement with the order. The Labor Industry Review Commission (LIRC) will review the hearing record. LIRC can affirm, set aside or modify the ALJ order. All parties will receive a copy of the LIRC decision. Any party may also appeal the LIRC decision to the Circuit Court, Court of Appeals and, ultimately, the Wisconsin Supreme Court.

### **What Do I Do If My Employer Does Not Have Insurance?**

If your injury/illness occurred on or after July 1, 1996 you may file a claim for worker's compensation benefits through the Uninsured Employers Fund (UEF).

The UEF pays worker's compensation benefits on valid worker's compensation claims filed by employees who are injured while working for illegally uninsured Wisconsin employers.

When a compensable claim is filed, the UEF pays the injured employee worker's compensation benefits as though the uninsured employer had been insured.

To file a claim, an injured worker must:

- complete an Uninsured Employers Fund Claim Application
- provide the required documentation (such as copies of relevant payroll checks, check stubs, bank records, wage statements, tax returns) to the department or its agent in order to determine whether the employer is liable for the injury/illness
- document any medical treatment, vocational rehabilitation services and other bills or expenses

Your claim will be thoroughly investigated after it has been filed. In verifying the information submitted in support of your claim for compensation, the department or its agent may need to share information with other government agencies such as those responsible for tax collection, unemployment insurance, medical assistance, vocational rehabilitation, family support or general relief.

You will be notified of the status of your claim within 14 days after receiving your completed UEF claim application. The Worker's Compensation Division or its agent will:

- mail the first indemnity payment
- deny the claim
- provide the reason(s) that the claim is still under review

The Division or its agent will notify you of the status of your claim at least once every 30 days from the date of the first notification that the claim is under review until the first indemnity payment is made or the claim is denied.

Funds for paying benefits from the UEF are obtained from penalties assessed against employers for illegally operating a business without worker's compensation insurance. The penalties are mandatory and non-negotiable. Additionally, uninsured employers are required to reimburse for benefit payments made by the UEF. The UEF uses aggressive collection action (including warrants, levies, garnishment and execution against property) to secure penalty assessments and reimbursement of benefits payments.

### **When Is My Employer Required to Have Worker's Compensation Insurance?**

One of the bedrock principles of worker's compensation is universal coverage. That means that virtually every employee is covered. Therefore, virtually every employer has to have worker's compensation insurance. Specifically, the law defines the following as employers who must have worker's compensation insurance:

1. The state and its municipalities, including each county, city, town, village, school district, sewer district, drainage district and other public or semi-public corporation
2. Persons, except farmers, who usually employ three or more employees in one or more trades, businesses, professions or occupations in one or more locations
3. Person, excluding farmers, who usually employ fewer than three employees, effective on the tenth day of the first month after the calendar quarter in which wages of \$500 or more were paid for services
4. Farmers who employ six or more employees on 20 or more days in any calendar year, effective 10 days after twentieth day of employment.
5. Persons who purchase a worker's compensation insurance policy

Universal coverage really means universal. Even out-of-state employers with employees working in Wisconsin must have a worker's compensation policy with an insurance company licensed to write worker's compensation insurance in Wisconsin. If an out-of-state employer has a worker's compensation insurance policy with an insurance company

not licensed to write in Wisconsin, they must obtain a policy from a Wisconsin licensed insurance company.

Universal coverage also applies to those employers who are financially sound (and usually quite large) that are "self-insured". Being Self-insured means that the employer is not required to obtain worker's compensation insurance from an insurance company because they can bear the financial obligations of paying claims from their own internal resources. The Department of Workforce Development grants permission for employers to become self-insured.

## **Insurance Coverage Lookup**

The Wisconsin Compensation Rating Bureau (WCRB) has designed a worker's compensation insurance coverage lookup application to assist in the lookup of an employer's insurance carrier. The Coverage Lookup provides a means for employees, attorneys, health care providers and others to obtain insurance carrier claims processing information for a particular coverage, injury, or illness date.

Wisconsin law requires most employers to provide workers' compensation insurance. The Coverage Lookup provides information for 1) employers that have purchased a Wisconsin worker's compensation insurance policy and 2) employers (parent companies and their subsidiaries) that have obtained State of Wisconsin approval to self-insure. Employer and insurance carrier information is updated weekly.

The Coverage Lookup allows users to search by an accident date (October 1991 to present) and then by employer name or employer Federal Employer Identification Number (FEIN) or employer address to determine the insurance company that was covering the business on the date of an injury.

The Coverage Lookup can also be used to determine if an employer has a current Wisconsin worker's compensation insurance policy.

The insurance carrier name, address and telephone number is provided.

The Insurance Coverage Lookup is located on the WCRB web site.

## **Injured Worker's Rights and Responsibilities**

### **Injured worker rights**

- An injured worker may have the right to receive benefits.
- An injured worker may receive benefits regardless of who caused or helped cause the injury. An injured worker does not have a right to benefits if:
  - the worker injured himself or herself intentionally
  - the worker was injured while voluntarily participating in an off-duty activity
  - the injury occurred during horseplay or fighting initiated by the injured worker
- An injured worker has the right to receive the medical care reasonable and necessary to treat a work-related injury or illness.
- An injured worker has the right to a first and second choice of doctors licensed to practice & practicing in this state. Any out-of-state or third choice of doctors must be made by mutual agreement with the insurance carrier unless you have a referral from your doctor

- An injured worker does not need to get approval to go to a different doctor if:
- for emergency treatment
- within the same partnership or clinic
- as the original doctor selected
- upon referral from his/her original choice of doctors
- An injured worker has the right to confidentiality.

Only people who are parties to a claim or agents of these parties, have the right to information in the Division's files.

### **Injured worker responsibilities**

- An injured worker has the responsibility to tell his or her employer about a work-related injury or illness.
- An injured worker must tell his or her employer immediately of the injury, or as soon as possible after the worker first knew the illness might be work-related.
- An injured worker has the responsibility to submit to reasonable medical or surgical treatment. However, an employee may refuse surgery which might endanger life or limb.
- An injured worker has the responsibility to submit to reasonable examinations by scheduled by the insurance carrier (or self-insured employer).
- An injured worker has the responsibility to tell the insurance carrier any time the worker's income changes.
- An injured worker who is getting benefits must tell the insurance carrier paying the benefits if the worker's income changes. The injured worker must tell the insurance carrier regardless of whether income went up or down.
- An injured worker who has stopped working since the injury must tell the insurance carrier if the worker starts working again or has a job offer.
- An injured worker has the responsibility to tell the doctors how the injury occurred and if the worker believes the injury may be work-related.
- If possible, an injured worker should tell the doctor before the doctor provides treatment.
- An injured worker has the responsibility to tell the insurance carrier how to contact him or her.
- An injured worker should contact the insurance carrier if the worker's home address, work address, or phone number changes, so that they may be contacted when necessary.



## Questions

### **Wisconsin Department of Workforce Development**

#### **Am I Covered?**

78. Nearly all employees in Wisconsin are covered. In fact, when talking about worker's compensation, it is easier to discuss the exceptions. The only employee exceptions to the Wisconsin Worker's Compensation Act insurance coverage requirement are which of the following:

- a. Domestic servants and some farm employees
- b. Volunteers including volunteers of non-profit organizations that receive money or other things of value totaling not more than \$10.00 per week
- c. Religious sect members that qualify and are certified
- d. All of the above

79. Other exceptions from the Wisconsin Worker's Compensation Law include which of the following:

- a. Employees of the federal government such as postal workers, employees at a veterans administration hospital employees, or members of the armed forces are covered by federal workers' compensation laws
- b. People who work on interstate railroads are covered by the Federal Employers Liability Act  
Seamen on navigable waters are covered by the Merchant Marine Act of 1920
- c. People loading and unloading vessels are covered by the Longshoremen's and Harbor Worker's Compensation Act
- d. All of the above

### **When Does Coverage Begin?**

80. Regardless of how long an employee has been working for an employer, or whether or not he/she is in a probationary or training status, coverage for Workers Compensation purposes begins \_\_\_\_\_.

- a. After probationary period
- b. On the first day of work
- c. After training period
- d. After paperwork has been signed

81. However, in order to \_\_\_\_ the processing of your claim, you should immediately report your injury or ailment to your supervisor.

- a. Complete
- b. Begin
- c. Expedite
- d. Allow

82. It is \_\_\_\_ responsibility to report your injury to their worker's compensation insurance carrier (or claims handling office).

- a. Your
- b. Your employer's
- c. Both a AND b
- d. Spouse's

83. In most cases, the first payment will be made by the insurance company within \_\_\_\_\_ days of your last day worked. If payment takes longer, you should contact your employer or their insurance carrier to find out the reason for delay.

- a. 30
- b. 7
- c. 90
- d. 14

84. There is a three-day waiting period. The first 3 days of lost time after the injury are not \_\_\_\_\_.

- a. Counted
- b. Compensable
- c. Important
- d. Billable

85. Compensation is payable beginning on your \_\_\_\_\_ day of lost time.

- a. 5th
- b. 6th
- c. 7th
- d. 4th

86. If your disability extends beyond 7 calendar days, the 1st 3 days of lost time would be picked up and paid \_\_\_\_\_.

- a. Retroactively
- b. Accordingly
- c. Eventually
- d. Minimally

### **What Basic Benefits Are Included?**

87. Basic benefits may include:  
Coverage of all \_\_\_\_\_ medical expenses.

- a. Reasonable
- b. Necessary
- c. Major
- d. a AND b

88. Benefits for temporary wage loss during the \_\_\_\_\_ period - temporary partial disability (TPD) or temporary total disability (TTD) are provided to sustain an employee while recovering from an injury.

- a. Probationary
- b. Healing
- c. Initial
- d. Labor

89. Eligibility for temporary disability benefits is determined and must be documented by a doctor. Benefits for TTD due to disability are based on \_\_\_\_\_ of the employee's wage up to a specified maximum amount for the year of injury.

- a. One-third
- b. One-fourth
- c. Two-thirds
- d. None of the above

90. Benefits for permanent partial disability (PPD) or permanent total disability (PTD) are paid if the employee does not fully recover from the injury. Permanent disability is awarded for the \_\_\_\_\_ loss of earning capacity.

- a. Potential
- b. Actual
- c. a OR b
- d. a AND b

91. The amount of benefit payment for permanent disability depends on the \_\_\_\_\_ of the permanent disability.

- a. Relevance
- b. Significance
- c. Severity
- d. Gravity

92. Vocational rehabilitation and retraining may be an included basic benefit.

- a. True
- b. False

93. If a death occurs, death benefits and burial expense will not be paid to qualified beneficiaries.

- a. True
- b. False

### **How Do I File a Claim?**

94. You are entitled to worker's compensation benefits if \_\_\_\_\_.

- a. You are injured on the job
- b. Become ill as a result of the job
- c. a OR b
- d. You are lawfully employed

95. You, your employer and the worker's compensation insurance carrier have various responsibilities for the work-related injury/illness. In the event you are hurt at work or become ill, it is your responsibility to:  
Tell your supervisor that you are hurt immediately, even if you think your injury is minor and will heal \_\_\_\_\_.

- a. Eventually
- b. Quickly
- c. With time
- d. Without medical attention

96. Obtain any necessary medical attention. This may include:

- a. Getting first aid
- b. Seeing a doctor
- c. Going to the emergency room
- d. a, b, OR c

97. Maintain all relevant medical and payment records for possible \_\_\_\_\_.

- a. Legal reasons
- b. Future use
- c. Financial recourse
- d. Disruption in care

98. You should act to notify your employer and get medical attention without delay. A delay may negatively affect your health and may even \_\_\_\_\_ your potential workers compensation benefits.

- a. Jeopardize
- b. Affect
- c. Terminate
- d. Change

99. Failure to report your injury/illness to your employer within \_\_\_\_\_ could result in your claim for worker's compensation benefits being barred.

- a. Six months
- b. Nine months
- c. One year
- d. Two years

100. If you are due compensation for your injury or illness:  
You should receive a check from your employer's insurance carrier (some large employers are self-insured) generally within \_\_\_\_\_ days after your injury/illness.

- a. 14
- b. 7
- c. 30
- d. 45

# Dwelling Contractor Qualifier Cont. Ed. Test 22

## Answer Sheet

Circle or Mark the Correct Answer

- |     |         |     |         |      |         |
|-----|---------|-----|---------|------|---------|
| 1.  | a b c d | 49. | a b c d | 97.  | a b c d |
| 2.  | a b c d | 50. | a b c d | 98.  | a b c d |
| 3.  | a b c d | 51. | a b c d | 99.  | a b c d |
| 4.  | a b c d | 52. | a b c d | 100. | a b c d |
| 5.  | a b c d | 53. | a b c d |      |         |
| 6.  | a b c d | 54. | a b c d |      |         |
| 7.  | a b c d | 55. | a b c d |      |         |
| 8.  | a b c d | 56. | a b c d |      |         |
| 9.  | a b c d | 57. | a b c d |      |         |
| 10. | a b c d | 58. | a b c d |      |         |
| 11. | a b c d | 59. | a b c d |      |         |
| 12. | a b c d | 60. | a b c d |      |         |
| 13. | a b c d | 61. | a b c d |      |         |
| 14. | a b c d | 62. | a b c d |      |         |
| 15. | a b c d | 63. | a b c d |      |         |
| 16. | a b c d | 64. | a b c d |      |         |
| 17. | a b c d | 65. | a b c d |      |         |
| 18. | a b c d | 66. | a b c d |      |         |
| 19. | a b c d | 67. | a b c d |      |         |
| 20. | a b c d | 68. | a b c d |      |         |
| 21. | a b c d | 69. | a b c d |      |         |
| 22. | a b c d | 70. | a b c d |      |         |
| 23. | a b c d | 71. | a b c d |      |         |
| 24. | a b c d | 72. | a b c d |      |         |
| 25. | a b c d | 73. | a b c d |      |         |
| 26. | a b c d | 74. | a b c d |      |         |
| 27. | a b c d | 75. | a b c d |      |         |
| 28. | a b c d | 76. | a b c d |      |         |
| 29. | a b c d | 77. | a b c d |      |         |
| 30. | a b c d | 78. | a b c d |      |         |
| 31. | a b c d | 79. | a b c d |      |         |
| 32. | a b c d | 80. | a b c d |      |         |
| 33. | a b c d | 81. | a b c d |      |         |
| 34. | a b c d | 82. | a b c d |      |         |
| 35. | a b c d | 83. | a b c d |      |         |
| 36. | a b c d | 84. | a b c d |      |         |
| 37. | a b c d | 85. | a b c d |      |         |
| 38. | a b c d | 86. | a b c d |      |         |
| 39. | a b c d | 87. | a b c d |      |         |
| 40. | a b c d | 88. | a b c d |      |         |
| 41. | a b c d | 89. | a b c d |      |         |
| 42. | a b c d | 90. | a b c d |      |         |
| 43. | a b c d | 91. | a b c d |      |         |
| 44. | a b c d | 92. | a b c d |      |         |
| 45. | a b c d | 93. | a b c d |      |         |
| 46. | a b c d | 94. | a b c d |      |         |
| 47. | a b c d | 95. | a b c d |      |         |
| 48. | a b c d | 96. | a b c d |      |         |

Name/Credential Number/Date: \_\_\_\_\_:

To obtain your WI continuing education credits follow the below instructions.

1. If taking the same quiz more than once per cycle, fill out the forms with different dates.
2. Fill in all fields applicable.
3. Include your credential or license number.
4. We take care of registering with the state and mailing back the test results.

**FYI: The state allows a person to take the same course more than once (several times) per cycle.**

Send by mail

1. Test answer sheets, fee, and the following form.
2. Fill out this form below completely.
3. Make check or Money Order to Brett Or Kathy Ward
4. Mail to: Yourwicontinuinged.com P.O. Box 36 Kaukauna WI 54130.  
Questions call: 920-740-4348

-----Educational Course Attendance Verification Form -----

Attendee's Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date \_\_\_\_\_

Credential Number \_\_\_\_\_  
Phone# \_\_\_\_\_  
Fax# \_\_\_\_\_

Course Title and Name Dwelling Contractor Qualifier Cont. Ed. Test 24  
Credited Hours 4 hrs  
Email address \_\_\_\_\_

-----  
To be completed by Brett or Kathy Ward      yourwicontinuinged.com

Course Password \_\_\_\_\_ Course ID# 10861

Attendee passed the correspondence quiz with greater than 70% score \_\_\_\_\_  
Date

Instructor Signature \_\_\_\_\_