

THE COMMUNITY BUILDER

Policy... Safety Standard... Good Business Practice

This week I was inspired by a letter from a Board of Directors as a result of a termination survey. I know that sounds odd, but we learn a lot by asking what it was that caused a client to leave us and look elsewhere for management. The main reason for this community looking elsewhere was that we (Sentry) had a policy that prohibits our maintenance people from doing anything on a ladder that exceeds 12 feet. They felt this restriction was unreasonable. I first asked myself what could a maintenance person possibly be doing above 12 feet anyway and what is the reason for this restriction?

The first word that came out of this was policy. Merriam-Webster defines policy as:

- Prudence or wisdom in the management of affair
- Management or procedure based primarily on material interest
- A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions
- A high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body

These definitions sum up all of the reasons why Sentry and your associations should have policies for operational purposes.

These policies or good business practices are based on experience, sound principles, OSHA requirements (in this particular instance) and insurance requirements. Not only does safety in the workplace come into this issue, but our requirement as an employer and your association as well, is subject to OSHA requirements.

OSHA is the Occupational Safety and Health Administration that was created by the Occupational Safety and Health Act passed in 1970. It was created to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. OSHA sets and enforces protective workplace safety and health

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standards and provides information, training and assistance to workers and employers.

In addition to OSHA, insurance and insurability play a huge role. The 12-ft rule comes into play as a result of our Worker's Compensation coverage. Obviously, there are many employees who work in very dangerous occupations such as iron workers on tall buildings, heavy equipment operators, window washers, etc. Most, if not all, are covered by their employer's worker's comp insurance, but at an extremely high rate based on the exposure these employees have to dangerous working conditions. However, a general maintenance person classification has different requirements that limit what they can and should be doing.

The above reasons are also the foundation for Association to use "the good business judgment rule" in determining to hire only licensed, insured (both liability and worker's compensation) vendors to provide services to their community. Our experience provides the basis for our promotion of this good business practice. When using unlicensed workers, there is a huge exposure to liability on the part of the Association. If something were to go wrong, and an unlicensed worker is injured or worse, the Association's liability insurance will not cover this event. Therefore, the liability would fall fully on the shoulders of every owner in the Association.

OSHA has a part of their website titled "Weekly Fatality/Catastrophe Report". I looked at three weeks' worth of these reports and found the following. These are not examples - they happened.

For the week ending January 5, 2013

Employee died when a storage tank he was cutting exploded.

Employee died after falling from a truck.

Employee died from head injuries when a concrete block fell from a ceiling being repaired

Construction worker died after falling 12 feet from a ladder

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Cable service worker died after falling from a ladder

Worker died after falling 10 feet through the floor while performing residential framing operation

For the week ending February 2, 2013

Worker died after falling 20 feet while working on the steps of a second floor landing

Worker died from injuries sustained after being pinned between trove and an elevator bar

Worker dies after falling from a roof

Worker dies after falling 15 feet from a ladder while painting

For the week ending February 23, 2013

Dairy farm worker crushed and killed by auger

Worker installing sheetrock killed after falling from ladder

Employee died after falling in a parking lot

Worker struck and killed by an excavator arm while trimming trees

Employee struck and killed by falling tree limb while trimming trees

Employee crushed and killed by excavator bucket

Employee died from head injuries after falling from scaffolding

Employee was struck and killed by vehicle while making a delivery

While the above may seem extreme to make a point, it does make the best point. We do not exaggerate the liability and the exposure to the Association or to ourselves, as a very large employer, when recommendations are made to our communities. Accidents can happen to almost anyone doing anything.

It is our sole objective to ensure that board members and members of the community are given as much good information as possible to enable the safe and effective management of their association business. Our business practices have been arrived at through tried and true experience. These practices are not

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intended to make operational procedures more difficult. In the case of the community above, the simple option is for the manager to obtain bids for whatever the project was from a licensed, experienced, insured vendor who could have done the job and protected the assets of the community.