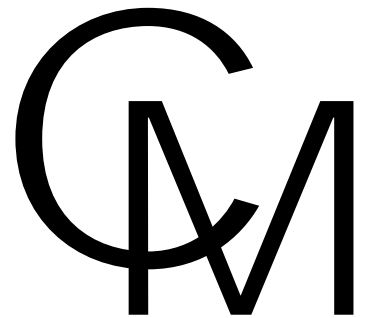


The California Merchant



July/August, 2008

Vol. 20, No 7

Great rates for 2008!

As you probably know, your association, California Merchants Safety Association (C.M.S.A.), is no longer working with the State Compensation Insurance Fund. We have partnered with Heffernan Insurance Brokers to bring our members a new workers' compensation insurance program with **AMAZING** rates.

Check out the 2008 base rates comparison below and make sure to get a quote for your company A.S.A.P!!!

Workers' Comp Class Code	New Heffernan 2008 base rate*	Compare	SCIF 2008 base rate	Class Code Description
8017	\$4.52	vs.	\$6.52	Stores- Retail- N.O.C.
8018	\$7.61	vs.	\$10.98	Stores- Wholesale- N.O.C.
8387	\$5.44	vs.	\$7.86	Auto Service Stations
8389	\$5.92	vs.	\$8.54	Auto Repair Shops
8392	\$9.21	vs.	\$13.30	Auto or Truck Storage Garages
8061	\$5.69	vs.	\$8.21	Store, Groceries
8391	\$4.24	vs.	\$6.12	Auto Truck Dealers- employees
8324	\$6.08	vs.	\$8.77	Auto Gas Stations
9516	\$5.25	vs.	\$7.58	Television, Video, Audio Equip. - service/repair
9519	\$8.03	vs.	\$11.59	Household Appliance- service/repair
7198	\$11.28	vs.	\$16.28	Parcel Delivery Companies
7232	\$10.86	vs.	\$15.67	Mail Delivery Service Companies

* All 2008 rates are the filed base rates and do not include any individually earned merits or credits. Actual rates may be lower.

Our new workers' compensation program through Heffernan Insurance Brokers offers a substantial savings over the State Fund rates. To participate in this new program, be sure to get your quote today!!!

Call **Heffernan Insurance Brokers** at: **(866) 500-6359** and let them know you are a member of Western Regional Master Builders Association. If you currently use a broker for your insurance needs, you may have your broker call **Tangram Insurance** to get the same program and rates, at **(800) 676-2213 ext. 662** and speak to **Riley Binford**.

Don't miss out on these savings! Call today for a quote!!!



HEFFERNAN INSURANCE BROKERS

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The environment: Are we doing all we can?

According to the results of a new nationwide Harris Poll of 2,602 U.S. adults surveyed online between May 5 and 12, 2008 by Harris Interactive:

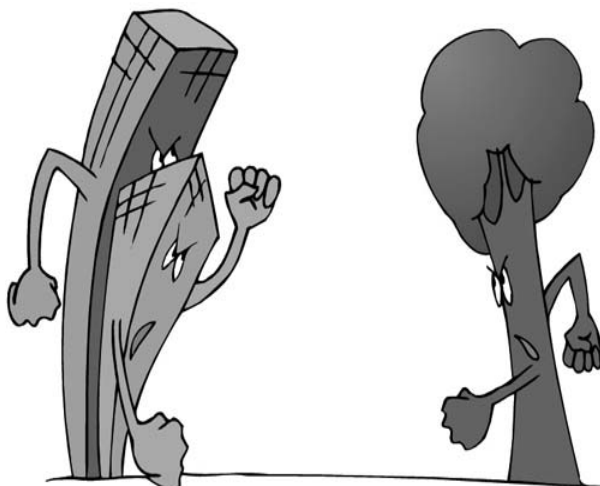
Almost three-quarters (72%) of U.S. adults believe their personal actions are significant on the environment while just over one in five adults (22%) believe their actions are not significant;

Women are much more likely than men (77% versus 67%) to believe that their actions are significant. In fact over one-third (35%) of women believe their actions are very significant on the environment compared to 21 percent of men who believe the same;

Republicans are less likely to say their personal actions on the environment are significant (63% vs. 78% for Democrats and 77% for Independents);

More than half of U.S. adults have made changes in their lives that they believe will help sustain the environment;

When it comes to making changes, Independents are the most likely to have done so (63%), followed by



(those aged 32-43) have heard the phrase used (46% and 47% respectively), while just three in ten (30%) Matures (those aged 63 and older) have heard it used.

After assessing initial familiarity, Harris Interactive provided a definition of “environmental sustainability” (i.e., taking from the earth only what it can provide indefinitely, thus leaving future generations as much as we have access to ourselves). In this

case:
Democrats (57%) and Republicans (44%).

This non-commissioned survey, conceived and developed by Harris Interactive with valuable input from The Nature Conservancy, also found that:

Although the phrase “environmental sustainability” appears to be popular, it may not be registering with all Americans. Over half (58%) say they have not heard the phrase “environmental sustainability” used while 42 percent have heard it;

Just under half of Echo Boomers (those aged 18-31) and Gen Xers

say they have done something to change their lifestyle to make it more environmentally sustainable, while one-quarter (25%) say they have not;

Education seems to play a role in whether people have made a change. Just under half of those with a high school education or less (46%) have changed their lifestyle compared to two-thirds (65%) of those with a post graduate degree.

What Lifestyle Changes are People Making?

Almost everyone who has made a change to their lifestyle is recycling (91%);

Seventy-three percent are paying bills online and/or receiving paperless statements;

Just about half (49%) are buying more locally produced food and/or goods;

Many are buying green household products (47%) and installing resource friendly appliances (46%);

Some are no longer purchasing plastic water bottles (30%), commuting to work in ways other than by car (16%), carpooling (16%), changing light bulbs (4%) and buying a hybrid (3%).

But not everyone is doing some-

Please see ENVIRONMENT, page 6

Please visit your association,
California Merchants Safety Association,
at its new website.

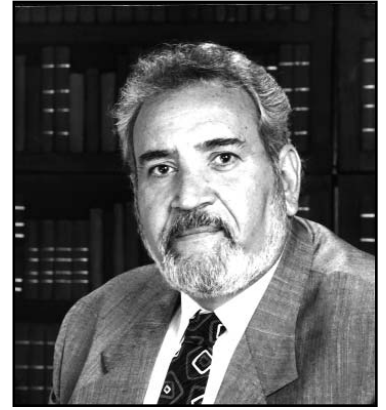
www.califmerchants.com





LAW TALK

By Sam K. Abdulaziz
Law Offices of Abdulaziz, Grossbart & Rudman



Property owner has duty to warn of hazards on adjacent property

The California Supreme Court recently decided a case that could have a wide impact on many property owners in California. It is not uncommon for there to be a strip of land either bordering the street or the side of one's property. A property owner may maintain that strip him or herself if he or she is not happy with the way the other property owner cares for that strip.

In the case of *Alcaraz vs. Vece*, a tenant tripped over a poorly maintained water meter box located on a two foot wide strip of land bordering the landlord's property. The tenant broke his leg and sued the landlord for failing to warn him of that hazard. The landlord neither owned that strip of land nor did anything to maintain the utility boxes. However, being a good neighbor, the landlord did mow the grass on the strip of land. The Court held that a property owner who exercised control over another's property may be liable to persons injured on the other's property if he fails to warn those persons of known hazards.

The Court examined the control that the owner exercised over the neighbor's piece of land. In this case, the strip of land was actually owned by the city. The city owned a ten foot wide strip of land, including a grassy strip on one side of the sidewalk, and the two foot wide portion on the other side of the sidewalk which bordered the landlord's property.

If one looked at the lawn, it was not apparent that there was any difference in ownership between the landlord's

When you become a good neighbor ... you may become liable for injuries to others.

land, and the two foot wide strip that was owned by the city. In looking at the control exercised by the landlord, the Court placed a great deal of importance on the fact that the landlord maintained the entire lawn in front of the apartment building, including the entire portion of the lawn that was owned by the city. There was proof that the landlord had previous knowledge that the covers on these utility boxes had sometimes been broken, and the landlord had warned some tenants of that problem.

The Court raised the following hypothetical to try to explain its reasoning in establishing potential liability to the landlord in this case:

"If a live power transmission line falls, creating a hazard, the possessor of the property on which the power line has fallen, who knows of that hazard, cannot escape liability for injuries to persons who enter the land and encounter the power lines simply because the land possessor does not own the power line and lacks the authority to disconnect the line or

remove it. A possessor of land who knows of the hazard would have a duty to erect a barrier or warn persons entering the land of danger, whether or not the possessor of the land has the authority to eliminate the hazard."

Therefore, when you become a good neighbor, and maintain a strip of land owned by the city or a strip of land bordering your property where your neighbor may be haphazard in his or her maintenance of the property, you may become liable for injuries to others. If you know of a hazard on that property, you should take whatever steps are reasonably necessary to either warn persons of that hazard, or remove the hazard. As an example, the landowner should have called the city immediately.

Abdulaziz, Grossbart & Rudman provides this information as a service to its friends & clients. The documents are of a general nature and are intended to highlight areas of the subject matter and should not be used as a substitute for specific legal advice. You should seek the aid and advice of a competent attorney and/or accountant instead of relying on the presentation and/or documents. Sam Abdulaziz can be reached at Abdulaziz, Grossbart & Rudman, P.O. Box 15458, North Hollywood, CA 91615-5458; (818) 760-2000, Facsimile (818) 760-3908; or by E-Mail at info@agrlaw.net.

On the Internet, visit our Website at www.agrlaw.net.



SAFETY MATTERS



Safety concerns of training illiterate workers

An often-overlooked area of safety is the training of workers who can't understand or read English or can't even read at all. If workers can't read and understand instructions, they may be missing your safety message and end up doing a job unsafely, handling dangerous chemicals or operating machinery incorrectly, putting themselves or other workers at risk. As their employer or supervisor, you must ensure that all your workers understand any safety information that's given.

Besides risking worker health and safety, illiteracy can also affect work production or compliance. Illiteracy may not always be readily noticed because workers may not want to admit their difficulties or they may be so eager to work that they'll bluff their way through training sessions in order to please the boss.

Next time you review your company's training material, try doing it without reading a word. You may find that your training programs are causing your workers who cannot read to completely miss your safety message. Don't assume because workers attend-



ed training and were nodding their heads that the hazards, safety rules or practices presented were understood. Expand your training methods so that they satisfy both literate and illiterate workers' needs. Here are suggestions on how this can be done:

- Present the material to match the steps they'll take on the job. Make sure workers understand why the training material is important to their health and safety.
- Workers should be able to immedi-

ately practice and apply new knowledge and skills. If workers don't understand safety training information well enough to use it on the job, the training has not been effective.

- Vary your training program using different methods. Along with any written material, show pictures and include demonstrations, role-playing, repeat-back or show-me techniques.

- Workers who are not English-literate, may learn by visuals so use videos, drawings or graphics. However, make sure the visual demonstrates the correct action you want them to take. You don't want workers to mimic an incorrect visual.

- When speaking, use short, simple words and sentences or have someone available to translate into the workers' native language.

- Insist on questions from trainees after a session to let you know what should be reviewed.

After any training has been given, supervisors should continue watch workers do their jobs to identify if additional training is necessary. There should be immediate feedback if workers are doing their job safely or incorrectly.

Most of these tips are relatively simple and inexpensive solutions, but the safety payoff can be enormous. Remember, training is only effective when workers understand and use what they've learned.



OSHA CORNER

Cal/OSHA Safety Publications

Please visit the following address on the web to download helpful safety posters, guides and pamphlets for a safer workplace.

<http://www.dir.ca.gov/dosh/PubOrder.asp>

Reach for ladder safety

There is absolutely no reason for anybody to get hurt, disabled or killed while using a ladder. Yet it happens every single day. Somebody steps on the safety sticker that says "This is not a step!" and ends up with a broken leg. Another worker puts a rock under one of the legs because the ladder is "just not quite stable enough." On the way to the hospital, it occurs to her, through the pain of her broken arm, that maybe that was not such a good idea after all.

Virtually every single ladder accident could and should have been prevented. It only takes a little bit of common sense, LADDER SAFETY SENSE, to prevent an accident from occurring while using ladders. Stick to the following simple rules to ensure that you or your fellow workers are never injured while using a ladder.

1. CHOOSE THE RIGHT LADDER: Always select a ladder which is the correct length to safely reach the working height. Also ensure that the ladder is of the correct duty, or weight rating. The combined weight of the user, their tools and materials should NEVER exceed the rating of the ladder. Most ladders are available with weight ratings of 200, 225, 250 and 300 lbs. Select the right one or GET the right one. The proper sizes can be found in the relevant safety meeting.

2. CHECK THE CONDITION OF THE LADDER: Read all the labels on the ladder then check for split or cracked side rails, missing or broken rungs, loose rungs or other weaknesses. Also check for splinters and sharp edges.

3. PLACE THE LADDER WITH YOUR SAFETY IN MIND: Use your head and think safety before you setup the ladder. Make sure the ladder has firm footing and that its feet are one-quarter the



length of the ladder away from the upright surface to be climbed. Don't use a step ladder as a single ladder. If you are using a step ladder, make sure it is fully open with the spreaders properly locked.

4. CLIMB THE LADDER CAREFULLY. Keep your mind on where you are and what you're doing. Wear the proper shoes with good soles and that are free of grease or mud. Always face the ladder and use both hands when climbing up or down. Don't carry your tools or materials: raise and lower them with a hand line: don't have someone toss them up to you or just drop them when you are finished. If you don't feel well, DON'T climb the ladder. Always climb and work from the center of the ladder. Don't climb up the "back" side of a step ladder and never stand on the top of it.

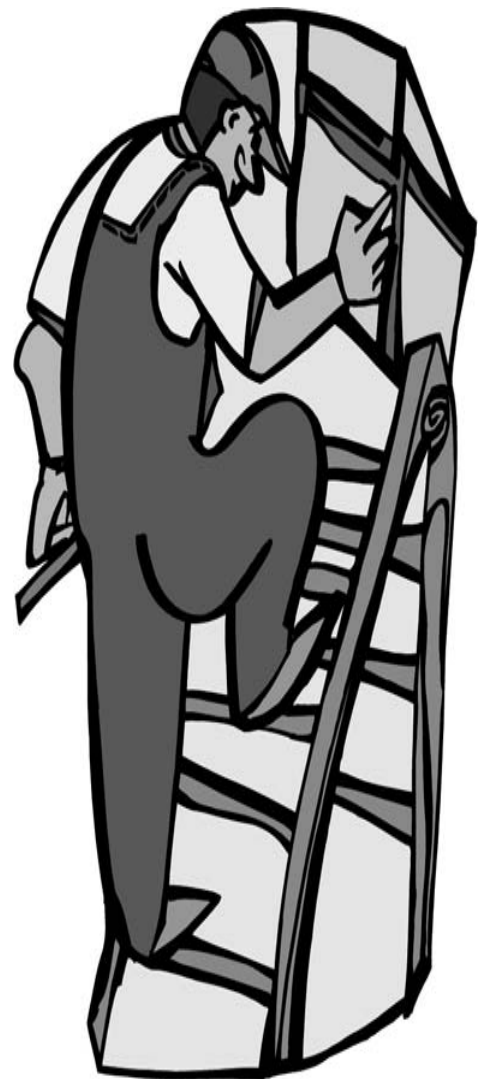
5. NEVER OVERREACH! MOVE THE LADDER INSTEAD: Breaking this one simple rule causes more accidents than you can possibly imagine.

6. TIE OFF THE LADDER: Once you have climbed to your working height, tie-off the ladder and use a safety belt.

7. TAKE CARE OF YOUR LADDERS: When you are finished

with your ladder, put it back where it belongs. Always keep them clean and free of excess material. Store them in a safe and dry place, out of direct exposure to the sun and the elements. Make sure your ladders are tied down during transit. Never paint a wooden ladder. You can however use clear wood preservatives.

Your ladder is one of your most important tools. It is also is one of your most unforgiving if misused or mistreated; so use it safely and wisely. Always read the documentation from your safety training and/or safety manual.



Environment: 'People are getting lost in the maze of information' on lessening environmental impact

Continued from page 2

thing to change their lifestyle. The top reason cited by one-third (34%) of those who have not changed their lifestyle is that they do not know what to do. Three in ten (29%) say that they haven't changed their lifestyle as it won't make any difference followed by 22 percent who say they just tend to forget until afterwards to do something differently. One in five (19%) have not done anything as it is too expensive while one in ten (10%) say they don't have the time.

"This poll shows that green living is certainly at the forefront of our minds," said Stephanie Meeks, acting president and CEO of The Nature Conservancy, which advised Harris Interactive on the development of this latest poll. "Yet people are getting lost in the maze of information on how to lessen our environmental impact. The bottom line is that even the smallest lifestyle change can have significant impact in the long-run."

So What Does it All Mean for Our Future?

Thinking about the future and the possibility of living a sustainable life, two-thirds of Americans (67%) say it will be possible for people to actually live an environmentally sustainable life, while 22 percent

say it will not be possible. One thing to note is that just one in five (20%) say it definitely will be possible while almost half (47%) believe it probably will be possible. And while 64 percent of those with a high school degree or less say it will be possible, more


adults (78%) with a post graduate degree believe the same.

Regina Corso, Director of The Harris Poll, said, "In the end, the environment and sustainable living are issues that will not be going away anytime soon. As we move into the November


presidential election, it will be interesting to see how much of an impact, if any, the environment has on the campaign. And how this impacts the tone of the election may be a sign as to how it would influence either a McCain or Obama White House."

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 call the Association office at
 (800) 823-4038**

Two new cellular phone laws take effect

July 1st triggered two new cell phone laws. The laws are a result of SB 1613 and SB 33 that Gov. Arnold Schwarzenegger signed into law in September 2006. The first prohibits all drivers from using a handheld wireless telephone while operating a motor vehicle. The second forbids motorists under 18 from using either a wireless telephone, or hands-free device.

If you are an adult driver, here's what you need to know:

You may use your handheld cell phone to make emergency calls to a law enforcement agency, a medical provider, the fire department or other emergency service agencies.

You can be pulled over by a law enforcement officer just for using a handheld cell phone.

The fine for a first offense is \$20 and subsequent fines will be \$50. With the addition of penalty assessments, the fines can be more than triple the base fine amount.

The law applies to out-of-state drivers.

The violation will be reported to the DMV, but they will not assign a violation point.

The law does not prohibit you from dialing a wireless handheld telephone while driving, only talking on the phone.

The law does not prohibit you from text messaging, but a law enforcement officer can pull you over and cite you if he feels you were distracted and not operating your vehicle safely.

Bluetooth or other earpieces are legal, but you cannot have both ears covered.

You may use the speaker phone function of your wireless telephone.

The use of a "push-to-talk" feature is prohibited unless you are operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle or tow truck.

For those drivers under 18, here are the new rules:

Drivers may not use a wireless phone, pager, laptop or any other electronic communication or mobile service device to speak or text while driving. The exception is for emergency situations to call police, fire or medical authorities.

Parents may not give permission to children under 18 to use a wireless phone or other electronic communication device. This law also applies to an emancipated minor.

The minor may not use a built in "hands-free" feature if the car has one.

The law applies to drivers under 18 even if there are passengers over 25 years old in the vehicle.

Web Corner

The Internet is a growing resource for merchant industries. Web Corner is a place for you to share websites that have helped you in your business life. Please send recommendations to greleht@aol.com for inclusion in the column.



Beat the heat

http://www.bt.cdc.gov/disasters/extremeheat/heat_guide.asp

With heat waves over much of California, and the recent declaration of drought by Governor Schwarzenegger, it looks like we're gearing up for a hot, dry summer. Extreme heat is a killer - and while most of us feel we know what to do to stay out of danger, it's always good to brush up on the facts and get some tips on keeping our cool.

This article by the CDC includes a wealth of information on heat dangers, such as this advice:

"Although anyone at any time can suffer from heat-related illness, some people are at greater risk than others.

- Infants and children up to four years of age are sensitive to the effects of high temperatures and rely on others to regulate their environments and provide adequate liquids.

- People 65 years of age or older may not compensate for heat stress efficiently and are less likely to sense and respond to change in temperature.

- People who are overweight may be prone to heat sickness because of their tendency to retain more body heat.

- People who overexert during work or exercise may become dehydrated and susceptible to heat sickness.

- People who are physically ill, especially with heart disease or high blood pressure, or who take certain medications, such as for depression, insomnia, or poor circulation, may be affected by extreme heat."

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DUES REMINDER... DUES REMINDER... DUES REMINDER...

Annual C.M.S.A. membership dues are now due. To be sure that you remain a member and continue to receive this newsletter and all other membership benefits, your membership payment is due to the Association's office by July 1st, 2008. Please send in your annual fee of \$50.00 made payable to C.M.S.A.

Thank you!

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