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Your Business

## What your business needs to know about New Jersey's civil-union law

On Feb. 19, 2007, New Jersey became the third state to recognize same-sex civil unions legally. With legal recognition of civil unions comes various protections and benefits for civil-union partners that involve both insurance and employment practices.

### Legal benefits and protections

Parties to a civil union are entitled to all the same benefits, protections and responsibilities under the law as those given to spouses in a marriage. This is true, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law.

Some of the rights available to parties of a civil union include: 1. the right to pursue litigation based upon spousal status, including an action for wrongful death, emotional distress, loss of consortium or other torts or actions under contracts dependent upon spousal status; 2. insurance, health and pension benefits; 3. protection against discrimination based upon marital status; 4. workers' compensation benefits, including survivors' benefits and payment of back wages; and 5. family leave benefits.

Therefore, insurance companies whose policies provide coverage and benefits to a policyholder's spouse, now will have to provide them to civil-union partners as well. Employers likewise will be required to include civil-union partners in the benefits currently provided to their employees. For example, employers subject to family leave laws will have to allow an employee to take family leave to care for a civil partner who has a serious health condition. Employers that offer health insurance to their employee's spouses also will have to offer it to civil-union partners.

### Federal law

While New Jersey now recognizes civil unions, the federal government does not. This means that civil-union partners will not be entitled to federal Social Security benefits, veteran's benefits or federal workplace protections for pensions and family leave. They also won't be able to file federal tax returns jointly.

### Rules on civil unions

A person wishing to enter a civil union must: 1. not be a party to another civil union, domestic partnership or marriage in any other state; 2. be of the same sex; and 3. be at least 18 years or older, except if the minor has parental consent to enter into a civil union.

The same requirements and restrictions that currently apply to the issuance of a marriage license would apply to the issuance of a civil-union license. For example, before a civil union can be performed lawfully, the parties to the proposed civil union must obtain a civil-union license from the licensing officer and deliver it to the person officiating. Once a civil union is established, a civil-union certificate then is issued.

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## Does it really matter?

Our agency takes pride in our relationship with you. And, we know you are bombarded with promises and offers of cheap insurance coverage elsewhere. We want to thank you for your business and let you know your protection is paramount to us. Please call us if you have questions about ads or solicitations that promise savings that seem incredible. Remember, if it sounds too good to be true, it probably is. In our experience, when we compare quotes from those companies, the rates are cheaper because important coverage is omitted and they reflect lower limits of liability. Remember, there is a difference between professional independent insurance agents and those 1-800-numbers that just don't know you like we do.

### As your professional independent insurance agent

- We are licensed professionals with strong customer and community ties;
- We give you excellent service and competitive prices because as we can access the insurance coverage from more than one company;

- We are not bound to any one company so you don't need to change agencies as your insurance and service needs change;
- We work with you as you determine your needs and are available to assist you if you have a claim;
- We look after your bottom line by finding the best combination of price, coverage and service; and
- We offer one-stop shopping for a full range of products for your business, including life and health, disability and long-term care.

Many times, direct writers don't compare coverages to coverages. To lower the cost, they may lower or eliminate completely coverages you may need. Customer satisfaction is the key to your livelihood. It also is the key to ours. Serving you as your professional independent agent is our most important concern.

**Remember: It does matter where you buy your protection.**

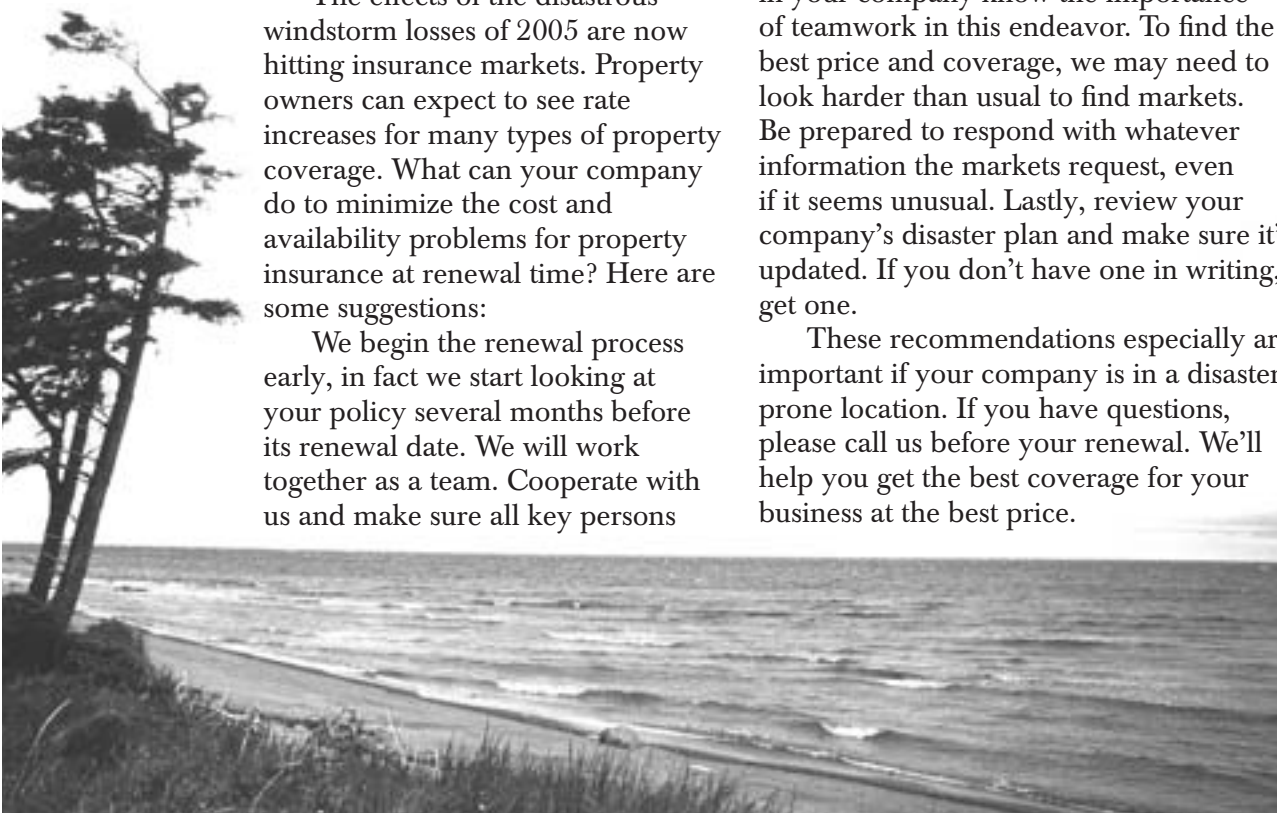
## Windstorms affect insurance costs

The effects of the disastrous windstorm losses of 2005 are now hitting insurance markets. Property owners can expect to see rate increases for many types of property coverage. What can your company do to minimize the cost and availability problems for property insurance at renewal time? Here are some suggestions:

We begin the renewal process early, in fact we start looking at your policy several months before its renewal date. We will work together as a team. Cooperate with us and make sure all key persons

in your company know the importance of teamwork in this endeavor. To find the best price and coverage, we may need to look harder than usual to find markets. Be prepared to respond with whatever information the markets request, even if it seems unusual. Lastly, review your company's disaster plan and make sure it's updated. If you don't have one in writing, get one.

These recommendations especially are important if your company is in a disaster-prone location. If you have questions, please call us before your renewal. We'll help you get the best coverage for your business at the best price.



## Insuring mobile equipment

It used to be simple, autos were autos and mobile equipment was mobile equipment. But, those days are over. The latest edition of the Insurance Services Office Inc.'s liability and auto policies, used by most commercial insurance companies, introduced more complexity in distinguishing between an auto and mobile equipment. This is important because autos are covered on a business auto policy and mobile equipment is covered on a commercial general liability policy. Sometimes, both types of policies are needed to cover the entire exposure for these vehicles.

Because many states have imposed financial responsibility law and compulsory insurance law requirements upon mobile equipment operated on public highways, the ISO decided to make this class of mobile equipment (i.e., mobile equipment subject to these laws), insurable on the BAP, instead of the CGL policy. However, not all the exposure has been moved over to the BAP; the operation of equipment attached to these vehicles remains covered on the CGL policy.

In order to have seamless coverage for mobile equipment, you may need to have a BAP and a CGL policy, preferably, written by the same insurer. That's not so bad—you likely have both policies anyway. What's bad is that you may have to pay more premium when forced to move vehicles from the general liability coverage over to the business auto coverage. Business auto policies typically charge for each vehicle, whereas CGL policies typically charge based upon payroll (rating is not vehicle-specific).

If you are affected by this change, our agency will do our best to control the costs. There is one thing worse than paying more premium, though. You don't want to find yourself uninsured because your mobile equipment no longer is covered as mobile equipment. Remember, even a forklift driven across the highway could be affected by this change. Please contact us if you have any kind of vehicle exposure so we can be certain you have the necessary insurance protection.





## Hiring minors

Knowing the state and federal laws and regulations is critical when determining the ability to hire a minor. The regulations will let the company know when, and in what capacity, the minors can be employed. The Fair Labor Standards Act restricts the types of jobs minors can hold and it restricts the number of hours they can work. The act covers most businesses engaging in interstate commerce.

The important restrictions to take away from the Fair Labor Standards Act are: in nonagricultural jobs the minimum age of employment is 14; minors younger than 16 are restricted with regard to the hours they can work, especially during the school year; and all minors are restricted from working jobs that have been declared hazardous by the Secretary of Labor. Under the act, the employer is responsible for obtaining documentation of the date of birth for employed minors. Also, the employer must keep records of the hours worked and the occupations of any minor under their employ. State laws can differ from the Fair Labor Standards Act; if state laws are more restrictive, they must be followed.

In New Jersey, the law requires an employer to obtain an employment certificate before a minor can be hired. There are two kinds of certificates; regular certificates,

which permit employment during school hours, and vacation certificates which permit employment during school vacations and during the school term when the public schools are not in session. No minor may work unless their employer has a certificate of special permit. Before a permit can be issued, the employer must submit a written promise of described work, proof of age, a statement of physical fitness and a signed school record. Certificates are valid only for

the employer and the occupation designated in the promise of employment. Certificates can be obtained from the issuing officer of the school district in which the minor attends school. There are exceptions for minors employed in agricultural lines of work.

The hiring of a minor comes with a wide variety of laws and regulations, and hiring a minor is an action to be taken only after all of the guidelines and provisions have been met. Check with New Jersey's Department of Labor to be sure any minor employed by your company meets the state and federal law requirements.



## Protect your employees who work outside

Workers who must work outside have to deal with all types of weather. Employees who work in conditions that expose them to the elements need to pay close attention to the weather, and understand its effects on the body.

### Staying cool in the summer

People who work outside need to be aware of life-threatening problems caused by the heat. Symptoms of heat disorders range from mild rashes to loss of consciousness. Dizziness, heat cramps and fainting also are signs of heat exhaustion and heat stroke. It is imperative to treat a person suffering from heat exhaustion or heat stroke as quickly as possible. Move the person to a cooler location and have them drink a small amount of cool water every 15 minutes and call 911.

Remind your staff to avoid alcohol or caffeinated drinks, as these actually can cause dehydration; and to wear sunscreen.

### Working outside in winter

Hypothermia is the leading cause for concern when working outside in the winter. This occurs when the body is unable to warm up and the natural defenses against cooling begin to fail. Hypothermia sets in when the body loses heat faster than it can replace the heat.

Some symptoms of hypothermia are uncontrollable shivering, rigid muscles and a weak pulse. It is important to treat hypothermia as quickly as possible. Remove wet clothing as soon as possible and replace with dry blankets or clothing. Help the victim drink warm beverages such as soup, while avoiding alcohol and caffeine.

Victims of heat stroke and hypothermia are unable to notice their symptoms. Their survival depends on their co-workers' or supervisors' ability to identify symptoms and to seek medical help.

As an employer, you are obligated to make sure your employees remain safe while on the job. Nowhere is this more important than when your employees are exposed to the elements.