



GREENSLATE



An Employers' Guide

WORKERS' COMPENSATION & DISABILITY

Your Coverage and Responsibilities Explained

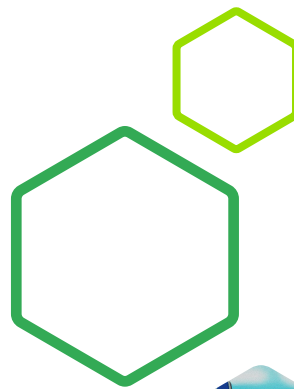
WHAT IS COVERED?

Work-related injuries that an employee sustains during the course of their employment while on the job working.

A work-related injury is an injury that is caused by one's work tasks or that results from the performance of one's described job duties. Work injuries can include injuries that happen over a long period of time, or injuries that result from one incident.

There are some injuries however that may not be covered by workers' compensation. State courts are divided on whether an employee can receive compensation for an injury sustained during horseplay at work. Many states will not award benefits to a person who is injured while intoxicated or who deliberately inflicts injury on himself or herself.

If a worker leaves the employer's premises to do a personal errand and is injured, he or she might not be entitled to workers' compensation benefits.



WHO IS COVERED?

Employers are required to carry workers' compensation insurance in all states for employees who are eligible for coverage. Definition of a covered employee will vary based on each individual state's laws.

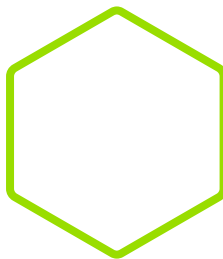
Executive Officers (owners) of a Corporation and Members of an LLC have the option of being included or excluded from coverage. Each state has a different form that is required to be filed based on the owner's coverage choice. If a Corporation or LLC is owned by another corporate entity or LLC, that entity is excluded unless an ERM-14 form is filed showing combinability based on the state's laws.

Independent Contractors vs. Employees. Independent contractors and employees often work side by side at the same company, even doing the same or similar work. However, there are very important legal differences between the two that go way beyond job titles. The major difference between an employee and an independent contractor is the level of control that the employer has over the worker. Put very simply, an employer has total control over how, where, and when the employee will perform his or her job, while the employer only has control over the end result or product that the independent contractor has been hired to complete.

A Loan-Out Corporation is a company (such as corporation or LLC) that is set up as a separate legal entity usually for an actor, recording artist, or other individual for the purposes of using the loan-out company's corporate legal protection.

A subcontractor is a separate corporation or LLC that is set up to contract with other companies to provide services. This entity has more than one owner or employee, and hires additional independent contractors as needed to complete a job contract.

Loan-Out corporations and subcontractors who have their own employees or independent contractors that qualify for coverage are required to maintain their own workers' compensation as required by their states' laws.



The following chart outlines requirements to determine if your worker falls under the definition of an employee or an independent contractor.

Employees	Independent Contractors/Subcontractors
Typically work for just one employer	Provide consulting services to more than one company or client
Work during hours established by the employer	Set their own hours
Usually work at the employer's place of business	Often work out of their own home or office
May receive employment benefits (i.e., vacation, health insurance)	Don't receive employment benefits from the company or client
Work under the direction of the employer	Work independently
Accomplish tasks according to employer's request/instructions	Have control over how to accomplish the assigned tasks without the employer's input
Typically, don't incur costs in performing their work duties	Incur the costs of performing the job
Have a general education and experience background, and receive special training from the employer	Have specialized skills and come to the relationship with a specific education and/or experience background
Receive net salary after income tax, Social Security and Medicare tax are withheld (FICA)	Not subject to tax or FICA withholding, but pay a self-employment tax
Eligible for unemployment insurance benefits after a layoff or termination	Ineligible for unemployment compensation benefits
Eligible for workers' compensation benefits for workplace injuries	Not eligible for workers' compensation benefits
Can be terminated by the employer only for good cause and with notice (unless the employment is "at will")	Can be let go by the employer for any reason and at any time (unless the contract is for a specified term)
Covered by state and federal wage and hour laws, including minimum wage and overtime rules	Paid according to the terms of the contract and not eligible for overtime pay
Protected by workplace safety and employment anti-discrimination laws	Usually not protected by employment anti-discrimination and workplace safety laws
May join or form a union	Not entitled to join or form a union



EMPLOYERS' RESPONSIBILITIES

Maintain workers' compensation: Workers' compensation is required to be maintained in each state where the employer has employees. Failure to maintain coverage as required by each state's laws will result in fines and penalties imposed by each state's labor board.

Maintain disability where applicable: Short-term disability is required in five (5) states: NY, NJ, RI, HI, and CA. Short-term disability provides coverage for eligible employees for injuries that are off the job injuries.

Communicate coverage to covered employees:

Post coverage posting notices in a location that is accessible to employees as mandated by each state's laws. This includes your workers' compensation posting and disability notices (in applicable states).

Communicate and monitor safety

1. Communicate any shooting details and any changes to the production team.
2. Communicate stunt/pyro and unusual filming meetings with the production team and coordinator on days where these types of activities will be involved.
3. Maintain certificates from all hired subcontractors.
4. Maintain contracts/agreements from all hired subcontractors.
5. Maintain copies of drivers' licenses for all hired drivers.
6. Communicate any first notices of concerns to site manager.
7. Communicate any location concerns/issues that could cause injury to the location owner.

File claims:

Workers' compensation claims: If your employee has a work-related injury or illness, follow the instructions below.

1. Please complete the GreenSlate Injury Report Form. Also, please provide the employee(s) with the Claimant Information Package (Form C-3) for their records.
2. If the employee requires medical attention, please advise the admitting personnel that the employee sustained the injury on the job.
3. Please provide to the admitting personnel the workers' com-

pensation information (insured name, insurance company name, and policy number) that is listed in the "Insured Information" section, on page 3, of the injury report form.

4. Please be sure to keep a copy of all medical documents given to your employee, as you must send them along with any injury report forms (C-2 and C-3) to GreenSlate for processing.
5. Please note, all injury report forms must be completed and filed within the allotted time limit allowed by the applicable state's Workers' Compensation Board (see top of injury report form).

State Disability (NY) Claims: If your employee was injured off the job and needs to take time off work to recover from this injury or surgery (including maternity leave), complete the DB 450 claim form.

Paid Family Leave Claims: If your employee wishes to file for Paid Family Leave, we will need the following:

1. NY Maternity/Bonding Leave: complete form PFL-1 and PFL-2.
2. NY Care for Family Member: complete form PFL-1, PFL-3, and PFL-4.
3. NY Military Family Leave: complete form PFL-1 and PFL-5.
4. CA Maternity Leave (mother): complete form DE 2501FP.
5. CA Maternity Leave (other): complete form DE2501F.
6. CA all other claims: register online and complete form at: https://edd.ca.gov/Disability/SDI_Online.htm.

Please submit the completed report forms and all backup documentation via fax:

212-206-1070, or email to: wcir@gslate.com



SAFETY TIPS/LOSS CONTROL:

Even the most safety conscious organizations are not immune to workers' compensation claims.

Accidents happen, but employers who play an active role in establishing protocol in how to handle these accidents will help reduce the long-term injuries and minimize overall loss. A safe workplace environment is created when production teams communicate safety tips and encourage their teams to make safe decisions during their daily work.

- **Provide immediate care.** Immediately administer first aid to an injured employee and accompany him or her to a medical provider.
- **Report incidents in a timely manner.** Report any incidents to the insurance carrier in a timely manner. Statistics have shown that the earlier the claim is reported (within 24 hours is recommended), the better the outcome will be.
- **Stay alert to dangers.** When loading or unloading materials, be aware of potential dangers in the way, including steps, ramps, or other equipment.
- **Eliminate unnecessary risks.** Store equipment properly and keep high traffic areas clear of hazards.
- **Use equipment and tools correctly.** When using equipment or machinery, be mindful of the correct way to handle or use the equipment and use the equipment only for its intended purpose.
- **Use safety equipment and proper attire.** Be sure that you wear proper attire including clothing (long sleeves, pants, steel toe shoes, etc.), and any additional safety equipment provided (hard hats, goggles/glasses, earplugs, lifting belts, etc.).
- **Conduct and participate in safety meetings.** Team meetings are important to explain what the team will be doing, and any potential issues that may arise. Our industry is constantly changing and therefore it is important that everyone is completely aware of potential issues, so that safety can be addressed, as the changes in production are ongoing.
- **Communicate safety concerns to management.** We live in a time where everyone is told “see something, say something,” and the same goes for production. If you see someone operating in an unsafe manner or putting other members at risk, notify a manager or supervisor on set.
- **Identify emergency protocol, contacts, and locations.** Be sure that every team supervisor is aware of emergency protocol. From tornadoes and wildfires to on-set disasters and employee injuries, a response summary and list of contacts should be created for each scenario—this includes phone numbers for local fire departments, police, urgent care centers, and hospitals.
- **Maintain complete employee files.** Maintain employee contact information, personal addresses, emergency contacts, and a copy of each employee's driver's license or state issued I.D. In the event of a disaster or injury, we need to be able to follow appropriate protocol to care for the employee and reach out to the employee's emergency contact.
- **Maintain subcontractor and independent contractor files.** Maintain copies of subcontractor's contracts and certificates of insurance. This information will be needed in the event of a claim related to the subcontractor's operations.
- **Maintain car rental records and implement a driver policy.** Keep copies of the rental agreement and insurance ID cards for each rented auto in the vehicle as well as in the production office. In the event of an accident, this information will need to be readily available for a police report and to file an insurance claim. Implementation of a driver policy, where drivers agree to not operate a vehicle when texting or while under the influence of any medication that would impair their driving ability, further reduces potential injuries.



AVOIDING ACCIDENTS



15%

of all accidental deaths are caused by slips, trips, and falls. They are second only to motor vehicles as a cause of fatalities.
– osha.com

CAUSES: Tripping on obstacles/debris in walkways

Uneven
floors

Wet/oily surfaces

Holes/depressions



Leaks

Protrusions from the ground:
Nails, floorboards, bunches
in rugs, etc.



25%

of the most frequently reported work accidents are slips and falls.

– edgarsnyder.com

HOW TO STAY SAFE?



Use proper lifting
techniques



Avoid
distractions



Secure objects
not in use



Be attentive



Use warning signs



Use adequate
lighting



Use ladders/
step stools

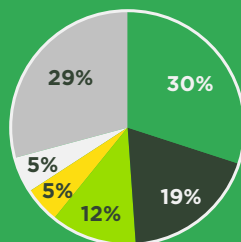


Secure cords/cables

The top injuries as a percentage of total claims are:

- Strains and Sprains
- Cuts or Punctures
- Contusions
- Inflammation
- Fractures
- Other

– insurancejournal.com



- Wear slip-resistant soles and low heels
- Wear proper attire
- Walk, DON'T RUN

By making loss control visit(s), evaluations and/or recommendations, or providing safety materials, GreenSlate, LLC has not and does not undertake or assume any duty to you or anyone else, including but not limited to: A) Identifying or reporting upon any hazard at your premises; B) Managing, controlling, or correcting any hazard; or C) Enforcing compliance with any local, state, or federal safety or health law. Our recommendations or safety materials may not address every possible loss potential, code violation, or exception to neither good practice nor will compliance with any submitted recommendations guarantee the fulfillment of your obligations as required by any local, state, or federal laws. Loss Control is a daily responsibility of your management. You are urged to implement and maintain your own safety and health management programs.

MADE FOR THE BUSINESS OF PRODUCTION



GREENSLATE

www.gslate.com

Updated 11/2018

By making loss control visit(s), evaluations and/ or recommendations, or providing safety materials, GreenSlate, LLC has not and does not undertake or assume any duty to you or anyone else, including but not limited to: A) Identifying or reporting upon any hazard at your premises; B) Managing, controlling, or correcting any hazard; or C) Enforcing compliance with any local, state, or federal safety or health law. Our recommendations or safety materials may not address every possible loss potential, code violation, or exception to neither good practice nor will compliance with any submitted recommendations guarantee the fulfillment of your obligations as required by any local, state, or federal laws. Loss Control is a daily responsibility of your management. You are urged to implement and maintain your own safety and health management programs.