



WE HAVE A GREAT LINEUP OF SPEAKERS YOU CAN'T AFFORDTO MISS!! SAVE THE DATE! (see pgs 1-2 for lineup)

PALICA WINTER MEETING, TOFTREES GOLF RESORT IN STATE COLLEGE, PA. MARCH 3<sup>RD</sup>-5<sup>TH</sup> 2022







PALICA 775 MERCER ROAD GREENVILLE PA 16125

TO:

Toftrees Golf Resort One Country Club Lane State College, PA 16803



#### Nightly rate is \$79.00 for a King Room or 2 Doubles





#### HUMAN RESOURCES SEMINAR

- Why is it so hard to get employees to do what you pay them to do?
- Do you have problems hiring good people?
- How do you manage your problem employees and why does it take so much time?
- How often and how much time do you spend with attorneys on employee matters?
- Are you in compliance with all Human Resources regulations?

CK & Associates, Inc.

A full service HR consulting firm

- Are you managing your benefits costs or are they managing you?
- Ever have any of these questions? We will discuss these at the 2022 convention in State College or any additional questions you have on managing your most valuable asset. Mark Novad, Partner & Senior Consultant

1

Musiak Safety Consultants in Murrysville PA DOT & Safety Consultant Mike Musiak MOCK DOT AUDITS

Our DOT audits are accurate and complete.



We inspect the following:

- Driver Qualification Files
- Vehicle Inspection Reports
- Vehicle Maintenance Files
- Electronic Driver Logs and Time Sheets
- Accident Registers
- Drug & Alcohol Program

And Other Items the DOT Looks For.

#### Joseph Giovinazzo, President of Petrocon Corporation, has 20 years experience in the Petroleum Industry





#### **Commercial Lubricants for Heavy Equipment**

Learn how proper lubricant selection can maximize machine and component life in heavy equipment. Petrocon covers the differences between hydraulic fluids, UTF, engine oils as well as grease and the differences and importance of proper grease selection. We will also cover synthetics and where they should be used in construction applications, and touch on

antifreeze selection and maintenance. *Protecting your assets with the life blood of your equipment can avo* 1 *stly repairs and improve lost cowntime.* 

#### **TENTATIVE AGENDA OF CLASSES & SPEAKERS** (SUBJECT TO CHANGES)

Barry Kronthal Margolis & Edelstein Law Firm will speak to several topics small business owners face, specifically:



 How to protect your business from lawsuits
 How does COVID affect your contracts
 How to collect bad debts
 Q & A Session

The Ladies can treat themselves to some spa time on Friday.



Saturday morning there will be a class on designing your own



succulent arrangement.

2

# OSHA 10 HOUR CERTIFICATION



A class will be going on simultaneously with these classes for those that need the certification or a refresher course.

United Fire Group will facilitate the class onsite.

## Monica Rakoczy, Owner EnterTRAINING Solutions, LLC



"Safety Doesn't Have to Be Boring"

Hazard Communications and Basic Spills

- Instruction on DOT hazardous waste regulation (universal waste like batteries).
- Materials of trade exemptions for transporting chemicals like gasoline for work.

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**GARY THEURET** 

ASSOCIATE MEMBER REPRESENTATIVE: TO BE SEATED

# EXECUTIVE DIRECTOR & NEWSLETTER EDITOR

Joanie Micsky 775 Mercer Road Greenville, PA 16125

724-866-1082

Email: Pennsylvanialica@gmail.com



INSIDE THIS EDITION		
	2022 PALICA State Convention Lineup	Page 1-2
	PA LICA's 2021 Field Day	Page 4
	PALICA's Summer Picnic/Scholarship Award Page 5	
	Five Charged w/Manslaughter in Trench Death	Page 6&11
	LICA UPDATED BENEFIT SHEETS	Page 7-10
	From the Executive Director	Page 14
	Distracted Driving-Implement Policy in your workplace today-sample agreer and voice mail messages	-
	Newest Benefit – BUSYBUSY	Page 18
Associate Ads:		
	Bron	Page 12
	Prins Insurance/United Fire Group	Page 13
	The Big Switch-BEG Group	Page 14
	Bower's Great Lakes Inter-Drain Inc.	Page 14
	Drain Tile Safety Coalition	Page 17
	TopCon Solutions	Back Cover

Palica's 2021 Field Day @ the Mercer County Conservation District – A Huge Thanks to Groff Equipment's Steve Latimer, Cranberry PA for door prizes and The BEG Group's Joe Greco and his crew for attending and supplying project materials and t-shirts!



The wetlands looked a whole lot different at 9am then they did at 5pm! All in a hard day's work!



Special thanks to all those who worked hard all day and made the project a huge success: (left to right) Nick Micsky, Cory Stuchal, Chris Moore, Gary Theuret, Dan Micsky, and Jeremy Pruskowski (PALICA Board members) and Mandy Fairchild (not pictured)



Nick Micsky and Gavin Pruskowski worked on moving gravel to the job sight throughout the day



The wetlands project was an "all hands-on deck" endeavor and totally transformed the area.





Contractors from around the region stopped by to view the projects and chat with our Associate members -CASE/Groff Equipment-Steve Latimer and the BEG Group and Joe Greco and crew.



Cory Stuchal supplied materials and spent most of the day repairing field tile that had been damaged.

The 2021 summer picnic and scholarship presentation were held on August  $7^{\text{th}}$  – Miss Chloe Mutzabaugh, daughter of Crystal and Barry Mutzabaugh Jr, (BR Mutzabaugh Excavating Inc.) of Dauphin County was awarded this year's scholarship. Chloe will be attending Kutztown University in Kutztown, PA and majoring in Applied Digital Arts. Thanks to the hospitality of the Mutabaugh's and for hosting this year's picnic.



Nancy Micsky, a member of the Scholarship Committee, presented Chloe with a check for \$1,000.00.



I just wanted to take a moment to say, THANK YOU! Dear PALICA, Thank you so much for the scholarship and the support. It was

a great honor recieving it and it has already come in handy With some of my College expenses.

Thank you,

Chloe's thank you to PALICA!





Amazing food was prepared by the Mutzabaugh's and everyone enjoyed taking an afternoon off to just relax and visit with other members after the board meeting and scholarship presentation. Dauphin County is a very beautiful part of Pennsylvania!



Can't let a chance go by to share hunting stories. Barry Mutzabaugh Jr. and Nick Micsky

Thank you to all our associate and contractor members who donate to our scholarship fund every year so we can continue to help with the cost of college or trade schools for the children or grandchildren of our members. PALICA will award up to two (2) \$1000.00 scholarships each year for those that apply and qualify. See the website for more details and the scholarship application.



Long time PALICA and board members' Gary Theuret and Dan Micsky enjoying a cold one.

# Five charged with manslaughter after Washington

# trench death (a publication of Equipment World)



Five employees on a jobsite in Washington where a worker died in a <u>trench collapse</u> have been charged with manslaughter.

The jobsite's foreman, site supervisor and site manager are charged with second-degree manslaughter, while two workers who were buried in the trench and survived have been charged with first-degree manslaughter.

The charges were filed August 9 in Lewis County Superior Court for a trench collapse January 9, 2020, in Washington that killed 24-year-old William Franklin Stringer. Stringer's family received a <u>\$12 million</u> <u>settlement</u> following his death from British conglomerate Renewable Energy Systems and its U.S. subsidiaries. RES and affiliates have also been <u>fined \$555,674</u> <u>by Washington State Labor & Industries</u> for the cave-in that occurred at the Skookumchuck Wind Energy Project. The five men criminally charged in the case are as follows, according to affidavits:

- Worker Kenneth Phillip DeShazer, 52, California, first-degree manslaughter.
- Excavator operator Paul Steele Csizsmar, 25, Brantingham, New York, first-degree manslaughter.
- Site foreman Matthew P. Buckles, 43, Edmond, Oklahoma, second-degree manslaughter.
- Site manager Kurt D. Schwarting, 32, West Lowville, New York, second-degree manslaughter.
- Site supervisor Joel Thome, 46, Bakersfield, California, second-degree manslaughter.

First-degree manslaughter carries a maximum penalty of life in prison and a \$50,000 fine. The charge is defined in the affidavits as "recklessly cause the death of another." Second-degree manslaughter carries a maximum penalty of 10 years in prison and a \$20,000 fine. The charge is defined in the affidavits as "with criminal negligence, did cause the death of another person."

### What happened?

The probable cause affidavits described the incident as follows:

On January 9, 2020, Paul Csizsmar, Kenneth DeShazer and Jonathan Stringer were digging a trench to install conduit under a culvert. Joel Thume, site supervisor, outlined the day's work at a morning meeting. Matthew Buckles was the site foreman. Kurt Schwarting was the site manager.

Thome, Buckles and Schwarting were aware of the depth of the trench to be dug and state requirements for cave-in protection for trenches deeper than 4 feet, and they were aware there was no trench box or other cave-in protection on site, the affidavits said.

Csizsmar was operating an excavator. The trench depth varied from 14 to 15 feet deep. Before this day, the conduit was being installed with a bore machine. The decision was made to stop using it because of poor weather. This would be the first trench dug at this point on the job for installing conduit.

The conduit got jammed, and DeShazer entered the trench to set up rigging to allow them to pull the conduit under the culvert using the excavator. Due to poor weather and soil conditions, the trench walls collapsed onto DeShazer, burying him in about one and a half feet of dirt.

Csizsmar and Stringer then jumped in the trench to free DeShazer. That led to a secondary collapse that buried all three men in various depths of soil. Csizsmar freed himself and called for help. DeShazer was able to stay alive by a pocket of air and was rescued. He was flown to a hospital with serious injuries.

Stringer's body was recovered the next day. He died of asphyxiation due to chest compression by the weight of the soil on top of him.

#### **Fines issued**

"At one point, nine or more people took turns entering the still unprotected trench to dig out the buried workers," the Washington State Department of Labor & Industries said in its July 16, 2020, news release about the violations. (Con't on page 11)

#### UPDATED BENEFIT LISTING AS OF SEPTEMBER 2021 - PLEASE TAKE A MINUTE TO READ THROUGH THESE BENEFITS TO SEE WHAT ONES MAY BE HELPFUL TO YOUR BUSINESS



# **National LICA Benefits**

Exclusive Benefits for LICA Members!

#### **Heavy Equipment Benefits**

# Caterpillar Extended Powertrain Protection Program

- Powertrain covered up to 3 years or 5,000 hours.
- Covers parts & labor for powertrain component failures, caused by defects in materials or workmanship.
- · Contact your CAT dealer for complete details.





#### **Mack Trucks Program**

- \$2,000 Association Loyalty Reward Card with the purchase of any eligible 2022 MY or 2021 MY Mack truck
- This offer is limited to 5 trucks per customer per calendar year.
- Eligible vehicles must be warranty registered by December 31, 2021.
- · Contact your Mack dealer for details.





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- A CARACTERISTIC CONTRACTOR CONTRA
- 10% Discount on Rentals
- \$500 maximum discount
- · Present flyer at time of rental
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#### **Safety Tools**

#### LICA Contractor Safety Management Plan

- Safety Manual
  - Free to Contractor Members
  - Toolbox talks
  - Jobsite Inspection Forms
    Equip. Inspection Forms
  - Email: anotional lice@amail.com
  - Email: anational.lica@gmail.com

#### The LICA Safety Portal



- Online Safety Portal
- Search safety articles
- OSHA Requirements Safety Forms
- Ready to download & print

Email: anational.lica@gmail.com

Time Tracking Tools

#### BusyBusy

Tracking software for field & office employees

- 30% Discount for LICA members
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- Scheduling and Daily reports
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NEW BENEFIT - SEE INSIDE BACK COVER FOR MORE DETAILS



- Buy & Sell Equipment
   Advertising Discounts
   Equipment Financing
- Premium Website
- Payment Processing
- Free Equipment Values

#### LICA Benefits From Machinery Trader

#### Buy & Sell Equipment with the Inventory Management System

- · List & sell on LICANational.org for FREE
- FREE cloud-based Inventory Management System
- · Machinery Trader representative will help with setup.
- · List equipment (for a fee) on sites like Machinery Trader.



#### Advertising Discount from Machinery Trader



# 50% OFF first 2 months of advertising

(with 4 month commitment)

Use Inventory Mgmt. System to sell on:

- Auction Time
- Machinery Trader
- Tractor House
- And More!

#### **TelematicsPlus Benefit**

- View & manage mixed fleet telematics data for FREE
- Free Equipment Valuations through FleetEvaluator
- Free FutureCasting predicts equipment values



- LICA Beef Benefit
  - 25% off Piedmontese.com
    - Discount code: LICA
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    - Premium roasts
  - Exceptional beef jerky
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#### **Currency Finance: Equipment Financing**

- Apply directly at LICANational.org
- Equipment financing for members
- Various funding options for most credit profiles
- Great customer experience



#### **Premium Hosted Website**

- · Discount on a new custom website
- FREE web banner advertising (on Machinery Trader)
- Priority level service & data backup



#### **Currency Pay: Payment Processing**

- Includes: credit & debit card, ACH, e-check
- Fixed rates across all card types
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- Home & Auto Insurance Dental Insurance
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  - ty Their Protection T

#### **The LICA Benefits Platform**

Not just "one benefit," it's a website with a variety of programs & discounts designed for our members. Go to LICA.Benefithub.com • Use Referral Code: Q63W9J

#### **Identity Theft & Legal Protection**

I IDShield

IDShield provides the identity theft protection & identity restoration services you not only need, but deserve.

#### Individual: \$8.95/month Family: \$16.95/month

- Credit Alerts
- Credit Reports
- Identity Alerts
- Full Service Restoration

## LegalShield

From minor questions to major issues, you deserve to know your legal rights in any situation.

#### LegalShield Plan: \$16.95/month

Family & home

Business

FinancialGeneral Questions

#### InsurChoice: Home & Auto Insurance

#### Types of policies available:

- Home & Auto Insurance
- Liability Insurance
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#### **Travel Insurance**



#### Coverage for:

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#### **Metlife Take Along Dental**

- Dental PPO or DHMO/Managed Care Program
- Choose from thousands of dentists nationwide
- Lower out-of-pocket costs for in-network services



#### Go to LICA.Benefithub.com · Use Referral Code: Q63W9J

#### **Industry News**

#### **LICA Contractor Magazine**

- Free to LICA Members
- Published 6 times/year
- Stories about contractors
- Industry Updates





#### **Member Discounts**



#### Space Pen

- Members get a 25% discount.
- Writes upside down
- Spacepen.com
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#### **Clean Fire New Member Discount**

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- cleanfiredist@gpcom.net

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- National Antifreeze Program
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- CAT Aftermarket Replacement Parts
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- Contact: 402-944-2331

#### **Emergency Transport**

#### **MASA: Medical Transport Solutions**

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- Covers your out-of-pocket medical transport costs
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- Email: azink@masamts.com



#### Visit LICANational.org for details.

3080 Ogden Ave. Suite 300; Lisle, IL 60532 Phone: (630) 548-1984

#### Five charged with manslaughter-(Con't from page 4)

In interviews with the Department of Labor and Industries, DeShazer and Csizsmar said they were longtime employees of the company and were aware no one was supposed to enter a trench deeper than 4 feet without collapse-prevention, and they also acknowledged that such protection was not provided, the affidavits said.

Stringer had been employed for a few months by Aerotek, a temporary agency hired by RES System 3, which was a subcontractor on the project. The general contractor was RES America Construction, according to the Department of Labor & Industries.

The agency said in the release that the soil was unstable from heavy rains and that no trench box or other protections were in place.

The agency proposed the following fines in July 2020 for the incident:

- \$360,874 for RES System 3 for the following alleged violations: no cave-in protection, no competent person trained on trench safety on site, no written safety program tailored to the project, inadequate training, improper ladder extension, and no means of getting out of the trench.
- \$184,800 for RES America Construction for the following alleged violations: not ensuring the subcontractor used cave-in protection, not having a written safety program tailored to the project, inadequate training programs and improper ladder extension.

On February 26, 2021, Stringer's estate settled for \$12 million with RES and affiliates after filing a wrongful-death lawsuit. It is one of the largest wrongful-death settlements for an individual in Washington State history.

#### **Criminal charges infrequent**

Criminal charges for a trench collapse are not typical, but in the past six years, prosecutors have been more willing to press charges in trench collapse cases because they are seen as preventable if proper protective measures are put in place. This marks the second case of criminal charges being filed in Washington. In 2018, a contractor was charged with second-degree manslaughter after one of his workers died in a trench collapse in West Seattle in 2016. That case is still working its way through the court.

In July, a Colorado contractor was <u>sentenced</u> to 10 months in jail after one of his workers died in a trench collapse. In 2020, a supervisor on the site of a fatal trench collapse in 2017 in Pennsylvania was <u>indicted on a federal charge</u> of making false statements to the government. In 2019, two separate <u>cases in Virginia and in New York</u> <u>City</u> resulted in manslaughter charges against contractors. That same year, the owner of a Boston drain service company was <u>sentenced to two years in</u> <u>prison</u> for the deaths of two of his workers during a 2016 trench collapse in the city.

Other criminal cases in trench collapses have occurred in Santa Clara County, California (2015), New York City (2016), Ventura County, California (2017), two cases in Pennsylvania (2018), and Morris County, New Jersey (2018).





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We also understand what it means to protect solid reputations like yours.

That's why UFG Insurance offers the Pennsylvania chapter of LICA members a special opportunity to participate in our trusted state LICA insurance program in partnership with Prins Insurance.

We've been around a long time. Put your trust in our years of experience.

Find an agent today at ufginsurance.com.

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#### FROM THE EXECUTIVE DIRECTOR.....

- Membership Dues invoices will be going out soon. Please send in your payments as soon as you can.
- If you haven't submitted your PA One Call invoice to me for membership verification and submission to PA One Call, do so ASAP so your account can be credited.
- We are working on putting together a DOT event on the western side of PA sometime in late October, early November at Micsky Excavating in Greenville PA. Information will be sent to all western members and will be on the website (watch for more details).



## Bower's Great Lakes Inter-Drain, Inc. *Your Dealer for Inter-Drain Plows, Trenchers and Parts* 1912 W McPherson Hwy, Clyde, OH 43410 • 419-547-2379 sales@bowersglid.com • www.greatlakesinterdrain.com

DISTRACTED DRIVING – EMPLOYER RESOURCES (see sample letter on the NEXT PAGE)

# Hands-free or Handheld

# Your brain doesn't know the difference

# On the road, off the phone.

distracteddriving.nsc.org

#### **RECOMMENDED:** USE THIS TEMPLATE TO CREATE AND IMPLEMENT A COMPANY-WIDE POLICY FOR CELL PHONE USAGE AMONG YOUR EMPLOYEES. ACCIDENTS AND TICKETS CAN ONLY HURT YOUR BUSINESS AND DRIVE UP YOUR INSURANCE RATES.

#### Sample Distracted Driving Policy

At <insert company name>, we deeply value the safety and wellbeing of all employees and are committed to ensuring a safe working environment. With the proliferation of electronic device and in-vehicle infotainment system use while driving, coupled with the myths surrounding a person's ability to multitask, we enforce the following distracted driving policy.



Hands-free is not risk free. The science is crystal clear on this fact and numerous studies have demonstrated that the use of handheld and hands-free devices while driving pose a significant safety risk to motorists, their passengers and others on the road.

<Insert company name> employees shall:

- Not use handheld or hands-free mobile electronic devices or voice features in vehicles while operating a motor vehicle.
- Turn on the "Do Not Disturb" feature on smartphones and other mobile devices. If the feature is not available, turn off or silence mobile devices to prevent distraction.
- Pull over to a safe place out of traffic lanes and put the vehicle in "Park" if a call or text must be made.
- Inform clients, associates and business partners of this company policy to explain why calls, texts or emails may not be returned immediately.

Program any global positioning system (GPS), music device, or dashboard/voice infotainment system prior to departing. If adjustments are needed while driving, pull over to a safe place out of traffic lanes and put the vehicle in "Park" to make the appropriate adjustment.

Electronic distractions are only one type of distraction. Drivers should also refrain from eating, drinking, reading and other activities that may divert attention away from the task of driving.

<Insert company name> is committed to keeping our workers safe and holding our employees to the highest standard of safety. This is so important that violations of this policy may result in disciplinary action, up to and including termination.

Your signature below certifies your agreement to comply with this policy.

**Employee Signature** 

Date



# **READY TO TILE?** KNOW WHAT'S BELOW.

Each drain tile project is as unique as the land itself. Don't be surprised by an underground pipeline or utility.

**Call 811** or visit **www.clickbeforeyoudig.com** in the planning process to identify the location of underground pipelines. It's a **free service** and only takes about **three days**.



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# Track Time6Heave EquipmentBAbout Equipmen

# **3 Ways To Track Time**

#### **Employee Mode:**

Employees can clock in/out, update job costing, sign time cards, request time off, & more, all from their own smart device.

#### Supervisor Mode:

Crew leads can manage individuals or entire crews to clock in/out, update job costing, sign time cards, & more.

#### Kiosk mode:

No other product allows you to have employees clock in w/ a kiosk while still allowing supervisor's to use their phones to manage the employee's equipment and job costing allocation.

# **Progress Tracking**

Progress tracking provides insight into employee and crew efficiency and can be imported into your accounting, bidding, ERP, or project management software.

# **Equipment Tracking**

Never miss a billable hour for your machine again. With busybusy you track the operator and the machine so you can keep your projects in the black.

#### SEE ADDITIONAL FEATURES HERE

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\*90-Day Guarantee: We have a 90-day, 100% Satisfaction Guarantee to ensure your success.

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