



211 Risk Management Issues for Privately Held Companies

Stephanie W. Fields

Senior Vice President & General Counsel

Classic Residence by Hyatt

Denise A. Norgle

Vice President & General Counsel

Trans Union LLC

Richard F. Ober Jr.

Vice President, General Counsel & Secretary

TerraCycle, Inc.

Faculty Biographies

Stephanie W. Fields

Stephanie W. Fields is senior vice president and general counsel of Classic Residence by Hyatt In Chicago. In this position Ms. Fields provides legal oversight of Classic Residence by Hyatt's operations, transactions, and risk management.

Prior to joining Classic Residence by Hyatt, Ms. Fields served as assistant vice president and senior counsel for Hyatt Hotels Corporation, where she supervised commercial litigation. In this position, she also provided legal representation for the company's risk management, sales, marketing, and public relations departments. Ms. Fields has additional experience as an associate at Phillips, Lytle, Hitchcock, Blaine & Huber, L.L.P. in New York City, where she focused on commercial and bankruptcy litigation.

A graduate of Boston University, Ms. Fields earned her J.D. from the Boston University School of Law.

Denise A. Norgle
Vice President & General Counsel
Trans Union LLC

Richard F. Ober Jr.

Richard F. Ober, Jr. is vice president, general counsel and secretary of TerraCycle, Inc. in Trenton, New Jersey, which is a startup that manufactures and distributes plant food from organic wastes using eco-friendly methodologies. He is responsible for all legal matters, including private placement financing, employment, sales and supply chain contracts, regulatory qualifications in the U.S. and Canada, and intellectual property.

Prior to joining TerraCycle, Mr. Ober was executive vice president, general counsel and secretary of Summit Bancorp., a NYSE, S&P corporation. He led the legal team for 26 years in building the company from \$2 billion to \$39 billion through 27 acquisitions and \$5.5 billion of securities offerings. At the time of its acquisition by FleetBoston, Summit was the 25th largest bank holding company in the U.S.

Mr. Ober has served as president of the New Jersey Corporate Counsel Association, chairman of the New Jersey State Bar Association banking law section and vice chair of its pro bono committee, chair of the American Bankers Association bank counsel advisory committee, chairman of the New Jersey Bankers Association bank lawyers council and legislation and taxation committee, first vice chairman, director, and program chairman of Special Olympics New Jersey, and vice chair, treasurer, and trustee of Princeton Day School.

Mr. Ober received an A.B. with honors from the Woodrow Wilson School of Public and International Affairs of Princeton University and a J.D. from Yale Law School.



Risk Management “Handling the Surprise”

John W. Blenke
Executive Vice President & General Counsel
TransUnion Corp.

ACC's 2005 Annual Meeting: Legal Underdog to Corporate Superhero—Using Compliance for a Competitive Advantage

October 17-19, Marriott
Wardman Park Hotel



“One thing I learned during my years as CEO is that perception matters. And in these times when public confidence and trust have been shaken, I’ve learned the hard way that perception matters more than ever.”

» Jack Welch



Why do you need a Crisis Management Component?

- Best Laid Plans
 - Something will go wrong
 - Expect the unexpected
- Leadership and Direction is Critical
- Control Volatile Situation



Elements of Crisis Management

- Manage the Event
 - Prevent Escalation
 - Minimize Monetary Damage
 - legal liability
 - correcting the problem
 - Protect Enterprise



Elements of Crisis Management

- Maintain Business and Recover
- Instill Confidence
 - Employees
 - Customers
 - Vendors
 - Regulatory Agencies
 - Stockholders



How You Should React

- Take Ownership of Problem
 - Need a Captain
 - Denial does not Work/Cover-up Worse
 - Not the time for “I told you so”

- Understand the Nature of the Problem and the Help You Need
 - Outside experts
 - Internal resources



How You Should React

- Prioritize the Problem
 - Fix It – Leave “Window Dressing” for Later
 - Delegate – do not Become Overwhelmed

- Communicate
 - What Happened and Why
 - Remediation and Correction Plan
 - Feedback (all in this together)



How You Should React

- Post-Mortem Review
 - What Went Wrong
 - What Went Right
 - Update Your Plan

Next Steps

- - “If you are going through hell, keep going.”
 - » Winston Churchill



What You Need To Do!

- Create Crisis Management Team
 - Responsibilities Clear
 - Right Personality

- Use Simple Technology
 - Information Gathering
 - Information Flow
 - Redundancy

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What You Need To Do!

- Know All Audiences
 - Employees
 - Media
 - Stockholders
 - Regulators
 - Customers

- Control the Message
 - Everyone Coordinated
 - Single Spokesperson

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RISK MANAGEMENT STRATEGIC PLAN

Policy Effective Dates

INSERT LOGO

Managed Risk Thilman Filippini

One East Wacker Drive, Suite 1800
Chicago, IL 60601
(312) 527-9500
(312) 527-9509 Fax

Updates	TF	CLIENT

Summary of [Insert Year] Risk Management Goals

Client Name
 Risk Management Strategic Plan for [Insert Time Period]
 Table of Contents

General Risk Management	Page No.	Index	Priority	Responsible Parties	First Target Date	Estimated Completion Date	Completion Date
Contract Language Review	5	RM01-04	1				
Update Program for Inspecting, Testing and Maintaining Sprinkler Systems	6	RM02-04	1				
Standardize and Implement Consistent Risk Management Related Communication and Preventative Programs in the Field (Location Visits)	7	RM03-03	2				
Provide CLIENT with a Measurable Evaluation of Quality/Safety Performance	8	RM04-04	3				
Develop and Implement Financial Accountability Program for Risk Management, Safety and Quality – GL/PL	9	RM05-04	3				
Develop and Implement Corporate Awards Program for CLIENT	10	RM06-04	3				
Plan Review of New Construction	11	RM07-04	4				
Establish Monthly Web-based Conference Training Program for 2004	12	RM08-03	5				
Develop Risk Management Website	13	RM09-03	5				
Coordinate Loss Control/Risk Management Services to Ensure Optimum Effectiveness	14	RM10-04	5				
Review and Upgrade Current Drug and Alcohol Policy	15	RM01-05	4				

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Risk Control - Workers Compensation	Page No.	Index	Priority	Responsible Parties	First Target Date	Estimated Completion Date	Completion Date
Monitor California Workers Compensation Changes	16	RW01-04	1				
Review Return-to-Work Policy and Develop Functional Job Analysis	17	RW02-04	1				
Review and Upgrade Workers Compensation Claims Tracking System	18	RW03-03	1				
Develop Medical Management System for Workers Compensation Claims	19	RW04-04	2				
Develop and Implement Financial Accountability Program for Risk Management, Safety and Quality – Workers Compensation	20	RW05-03	5				
Risk Control – All Other	Page No.	Index	Priority	Responsible Parties	First Target Date	Estimated Completion Date	Completion Date
Update and Consolidate Certificate Management Program	21	RC01-04	1				
Review and Revise Emergency Response Plan	23	RC02-04	2				
Review and Upgrade Current Corporate Safety Program / Manual	24	RC03-04	2				
Upgrade and Revise Programs with respect to DOT Driver Regulations	25	RC04-04	3				
Review and Enhance Effectiveness of Safety Committees at Each Location	26	RC05-04	4				
Evaluate Flammable and Combustible Liquid Storage	28	RC06-04	4				
Upgrade Safety Training Program with respect to OSHA Requirements	29	RC01-05	4				
Update Life Safety Program with Respect to NFPA Life Safety Code	30	RC02-05	4				
Develop Ergonomics Task Force	31	RC03-05	4				
Claims Management	Page No.	Index	Priority	Responsible Parties	First Target Date	Estimated Completion Date	Completion Date
Update, Revise, and Consolidate Accident Investigation and Incident Reporting Program	32	CM01-04	1				
Update and Consolidate Claims Management System	34	CM02-03	1				

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Client Name
RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RM01-04	Contract Language Review

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Client to provide copies of Agreements				
Review Agreements				
Review Vendor/other agreements				
Establish standard contract language requirements				
Develop Contractual Risk Transfer Manual				

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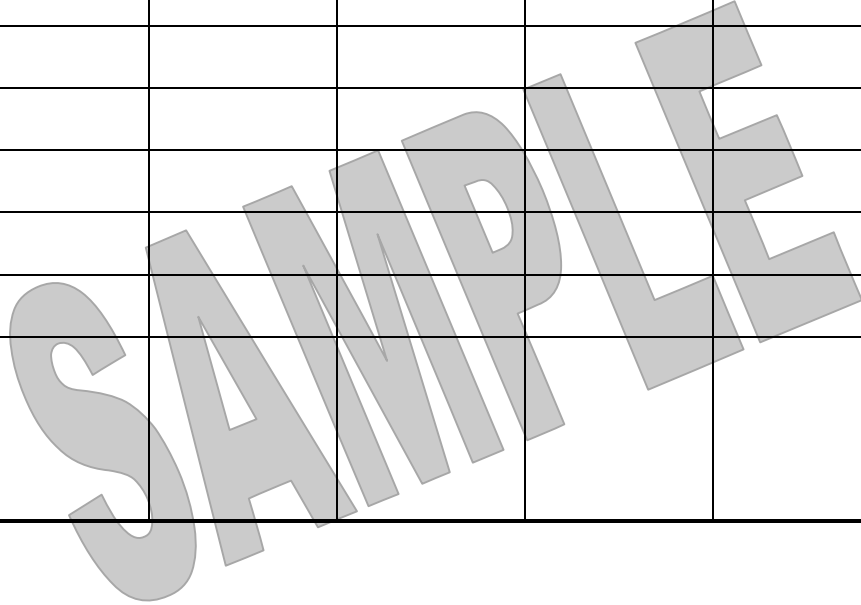
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RM02-04	Update Program for Inspecting, Testing and Maintaining Sprinkler System

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
I.D. Personnel who will maintain and test system				
Assess past testing procedures and testing records				
Establish written Protocols for testing procedures				
Train maintenance personnel on procedures				
Establish file for documentation				
Review Program for effectiveness				



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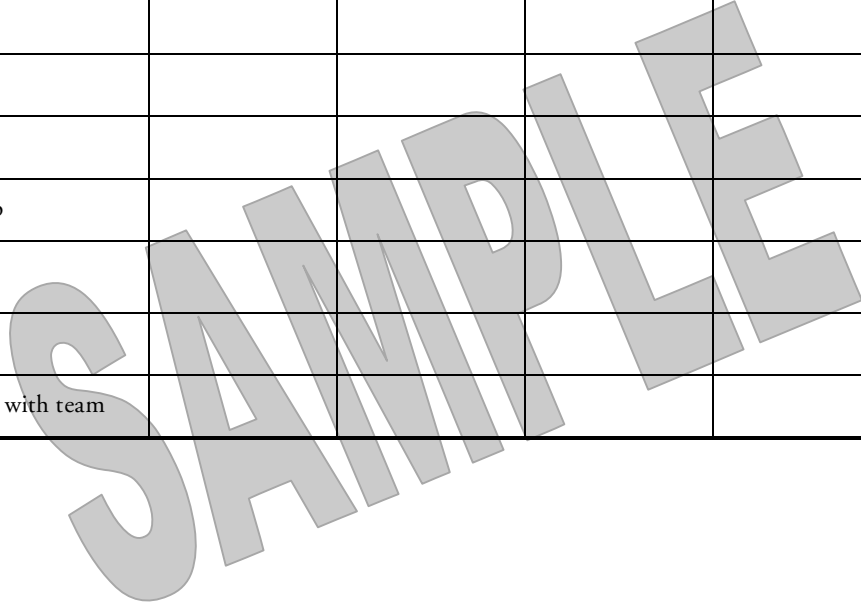
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Goal
RM03-03 Standardize and Implement Consistent Risk Management Related Communication and Preventative Programs in the Field (Location Visits)

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Audit of 12 Locations				
Develop Risk Management Audit Tool				
Chose Locations to Visit				
Develop Standard Mechanism for Reporting and Follow-up				
Review of location Visits/Follow up				
Select subsequent locations to visit				
Revise audit tool and reporting mechanisms per discussions with team				



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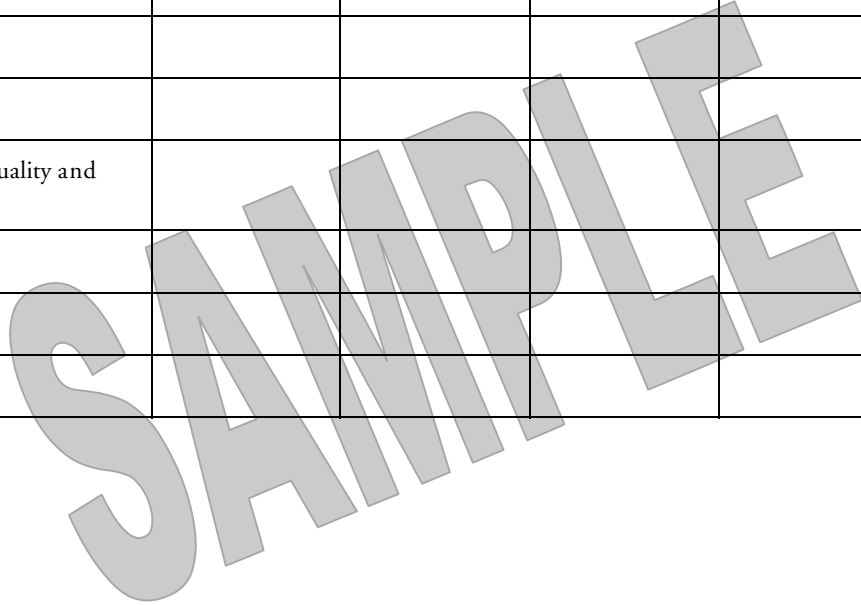
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Goal
RM04-04 Provide CLIENT with a Measurable Evaluation of Quality/Safety Performance

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Develop Community review rating sheet for safety/quality performance				
Present to CLIENT				
Assist with Implementation				
Establish incentive/compensation program that promotes quality and safety				
Assist with annual review of quality/safety performance				



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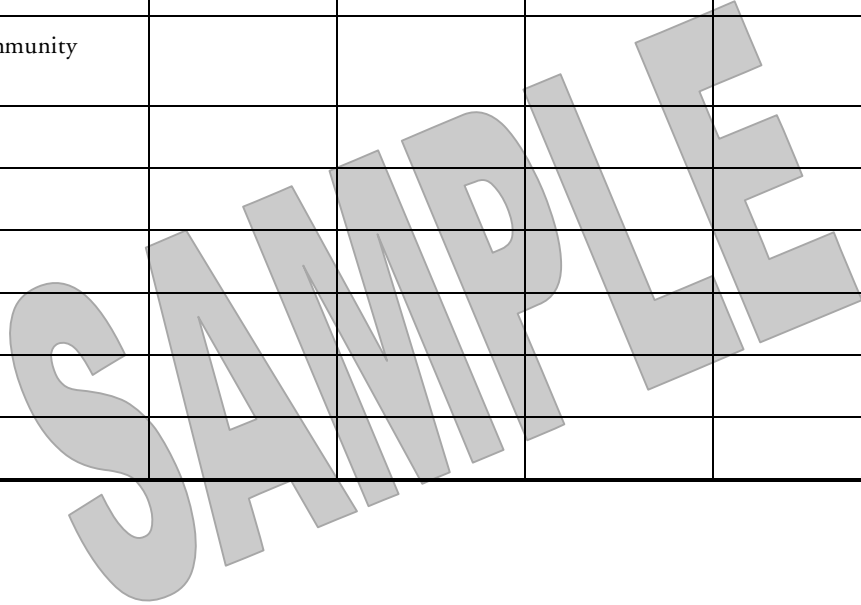
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Goal	
RM05-04	Develop and Implement Financial Accountability Program for Risk Management, Safety and Quality – General / Professional Liability

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review Financial Structure and P&L flow through.				
Review with CLIENT management, various options for community based financial accountability				
Design program for 05 implementation				
Administer program				
Quarterly audit of program effectiveness				



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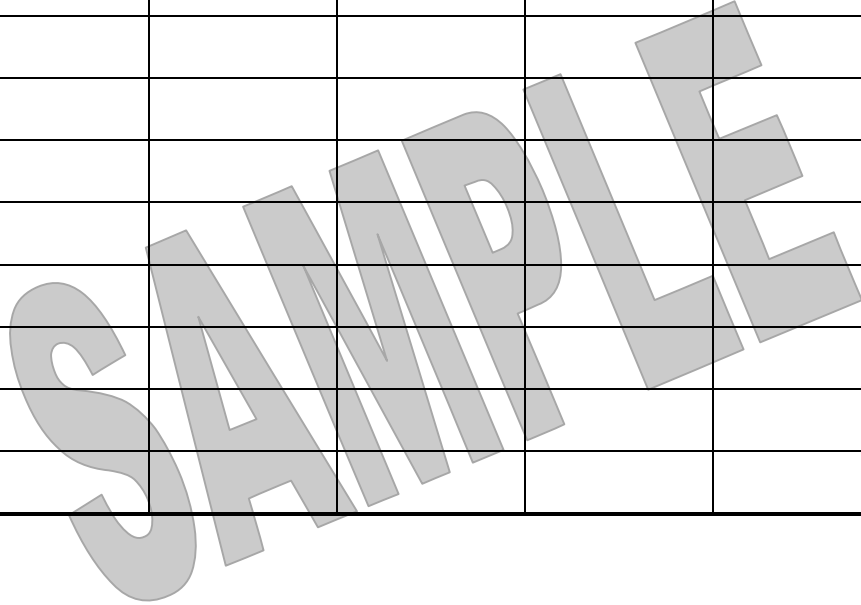
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Goal	
RM06-04	Develop and Implement Corporate Awards Program for CLIENT

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review industry related associations				
Assist in criteria review				
Award Recognition				



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Goal	
RM07-04	Plan Review of New Construction

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Provide sprinkler plans for buildings				
Assess occupancy classifications				
Assess sprinkler system demands versus H ₂ O supply available				
Review Life Safety Plans and Procedures				

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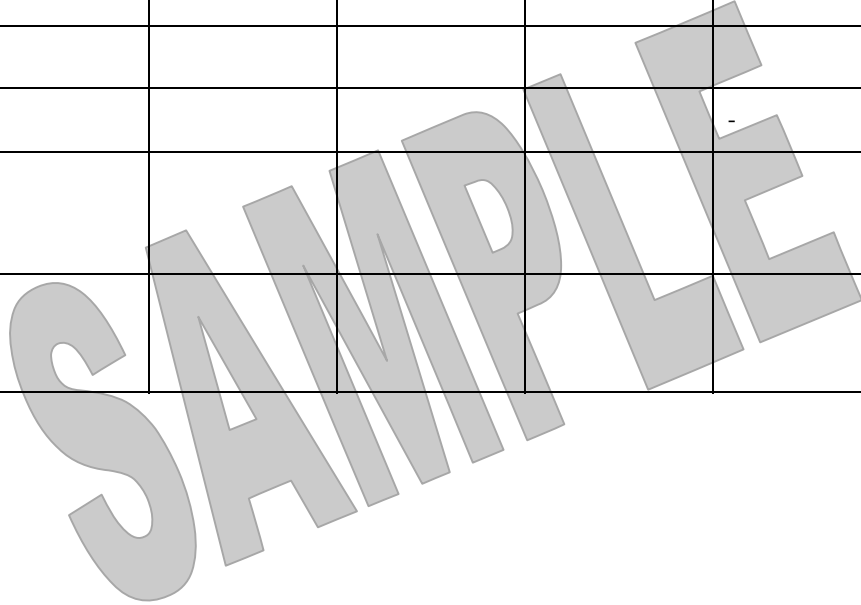
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Goal	
RM08-03	Establish Monthly Web-based Conference Training Program for 2004

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Provide Web-ex orientation				
Meet with Management				
Establish servicing/invite protocols				-
Create Training Calendar for 2004				
Incorporate training sessions into programs currently in use				



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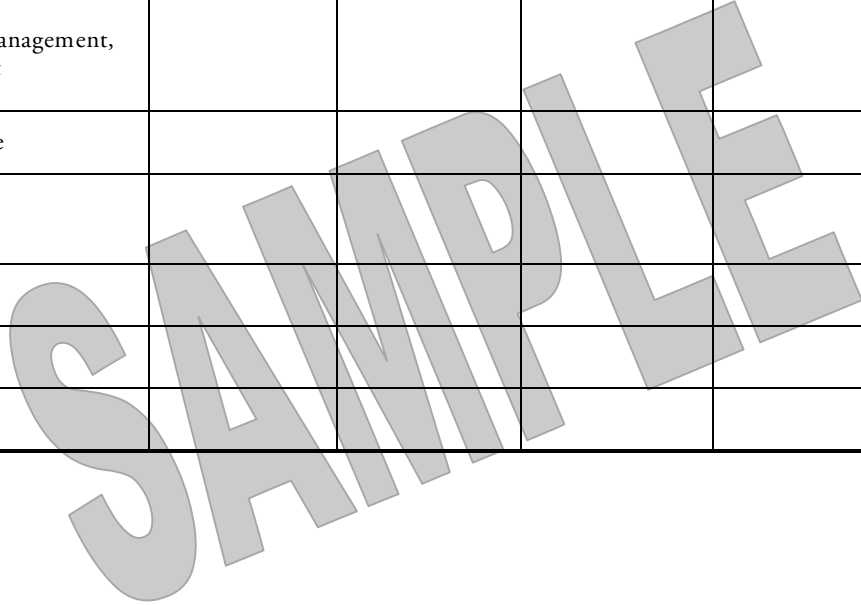
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Goal	
RM9-03	Develop Risk Management Website

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Establish basic layout of website - Service Team, Safety Management, Claim Management, Training/Information, Ask Risk Management				
Meet with IT Department to begin development of website				
Documents to make available on website				
Website to be reviewed by CLIENT				
Rollout Website to Communities				
Website Maintenance				



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Goal	
RM10-04	Coordinate Loss Control/Risk Management Services to Ensure Optimum Effectiveness

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Set up meeting with ILC to define roles and clarify services performed				
Review and discuss TF- Carrier services and capabilities				
Confirm risk management training schedule				
Obtain verification and review schedule				

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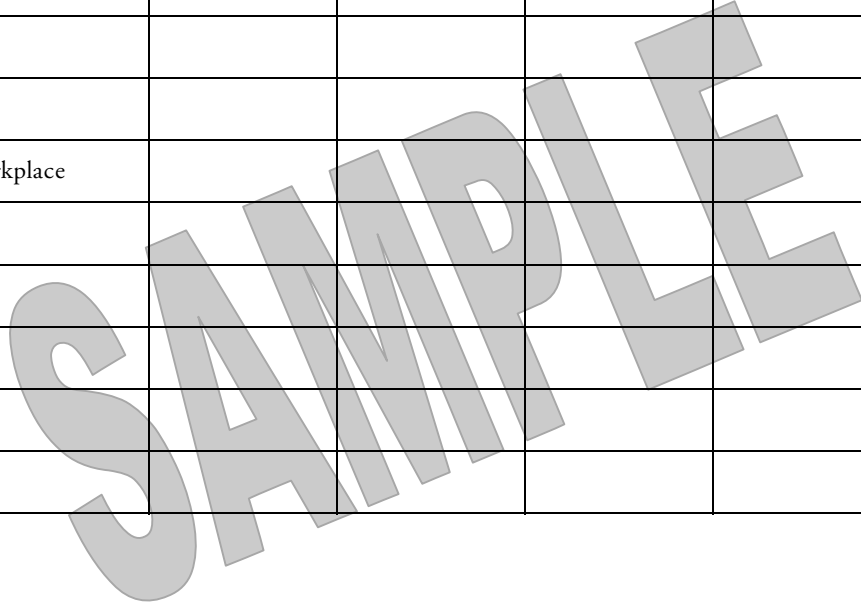
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RM01-05	Review and Upgrade Current Drug and Alcohol Policy (Testing)

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review current policy				
Review signed employee safety rules				
Review background checks during hiring process				
Review Supervisory Training for an Effective Drugfree Workplace				
Review clinics and NIDA labs				
Establish written protocols				
Assist in selection of vendor services				



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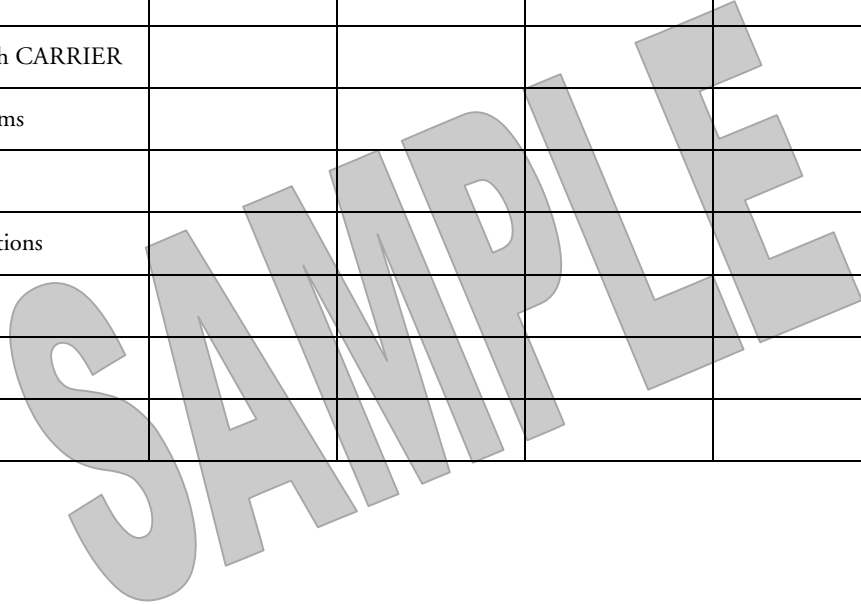
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Goal
RW01-04 Monitor California Workers Compensation Changes

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Identify issues that require monitoring				
Review and discuss changes to the laws and regulations with CARRIER				
Determine impact on how CLIENT currently manages claims				
Make changes to current CLIENT procedure as necessary				
Develop summary and status of changes to laws and regulations				
Present in web-based conference training session				
Review and monitor changes in laws and regulations				



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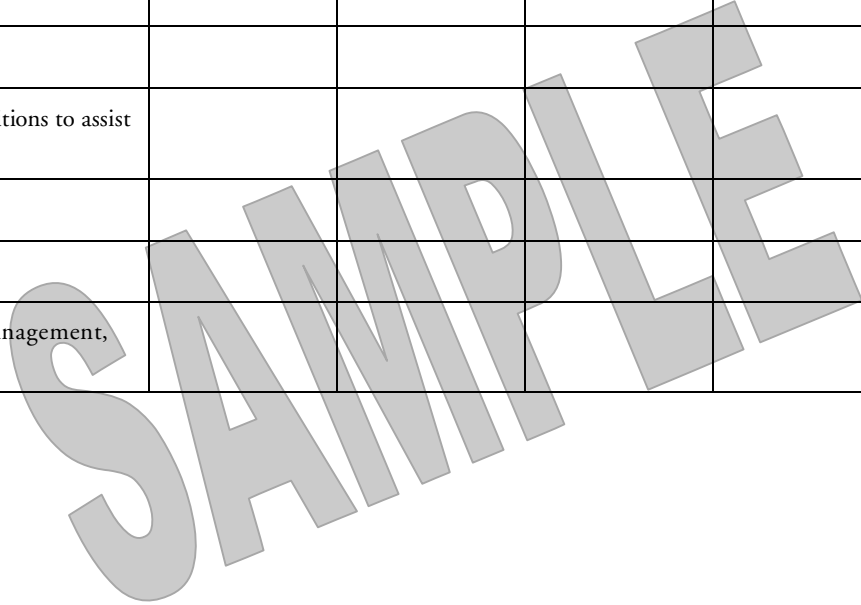
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Goal	
RW02-04	Review Return-to-Work Policy and Develop Functional Job Analysis

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Evaluate locations to determine variability of policy				
Provide written ADA/ job descriptions				
Perform selected Functional Job Analyses (FJA) for key positions to assist with release to modified duty				
Obtain Written Management Acceptance of FJA's				
Implement policy in select locations to assess effectiveness				
Educate Insurance Carrier Claims Personnel, Corporate Management, and Appropriate Supervisory Staff on use of FJA's				



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Goal	
RW03-03	Review and Upgrade Workers Compensation Claims Tracking System

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review current procedures and forms				
Provide recommendations for change				
Unify & Distribute Investigation Forms (Supervisor, Injured, Witness, Incident)				
Design Internal Flowchart of Claims Handling Procedures Disseminate Copies to Supervisors with Explanation of Responsibilities				
Determine Workers Compensation Considerations on a State by State Basis				
Train Supervisors on Proper Communication Procedures via Web; Provide Supervisors with Examples of Proper Communication				
Determine protocols for Automated Claims Management System				
Assist CLIENT in Development of Claims Management Tracking System				

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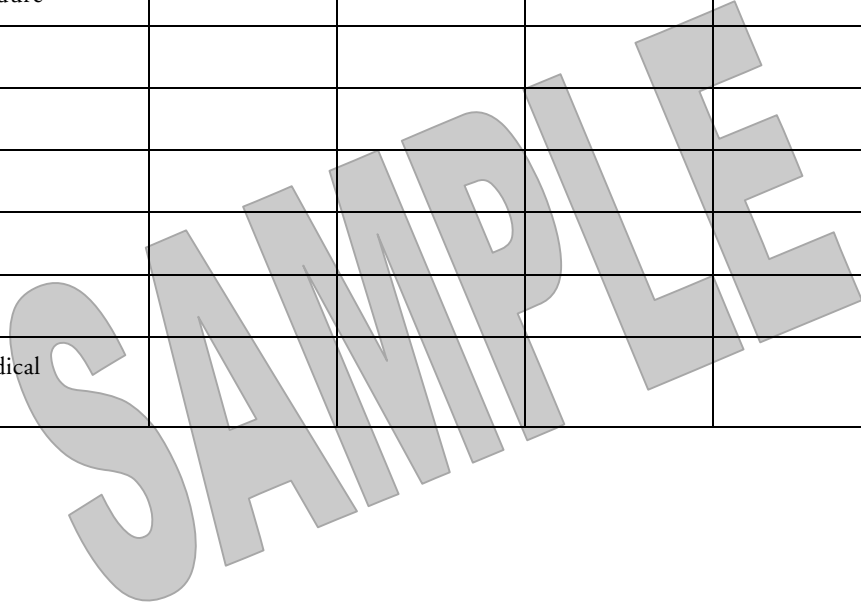
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RW04-04	Develop Medical Management System for Workers Compensation Claims

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Design Internal Flow Chart of Medical Management Procedure				
Review Written Medical Protocols				
Review Written Community Emergency Response Plan				
Coordinate with IC PPO				
Determine need for additional resources				
Review Current Medical Providers (if any established)				
Provide Office Managers and Executive Directors with Medical Management training via Web				



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Goal	
RW05-03	Develop and Implement Financial Accountability Program for Risk Management, Safety and Quality – Workers Compensation

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review Financial Structure and P&L flow through.				
Review with CLIENT management, various options for community based financial accountability				
Design program for 04 implementation				
Administer program				
Quarterly audit of program effectiveness				



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Goal	
RC01-04	Update and Consolidate Certificate Management Program

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review current Certificate Management Program (if any)				
Revise and/or Create Program with CLIENT recommendations Insurance Requirements Identification of Vendor Types Coordinate with Legal and develop internal flow of information				
Create a Sample Certificate for each property Professional/Non-Professional certificates				
Develop form to inventory all third party vendors and indicate need for update.				
Finalize Certificate Management Program				
Conduct Web Training with all CLIENT Properties				
Facilitate Questions from Executive Directors on Certificate Management System				
Distribute Certificate Management System to Properties				
Review Effectiveness of Program				

KEY: ___ = _____

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Carrier/Vendor Team
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Audit locations on compliance of Program				
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SAMPLE

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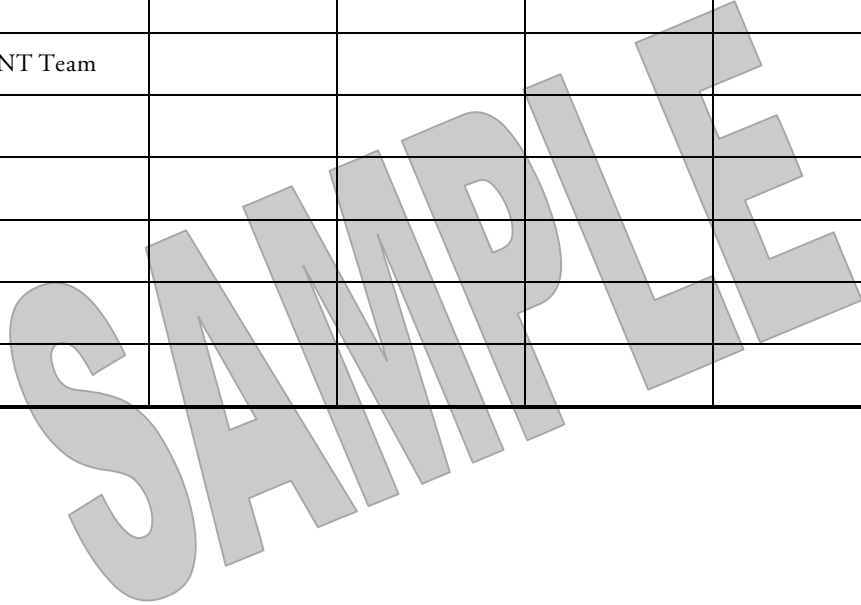
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Client Name
RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal
RC02-04 Review and Revise Current Emergency Response Plan

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review Written Policies				
Provide Recommendations and finalize program with CLIENT Team				
Implement recommended changes				
Set up Media Control Flow Chart				
Set up Corporate Flow Chart				
Annual Fire Drill (OSHA)				
Develop Web conference training for supervisors				



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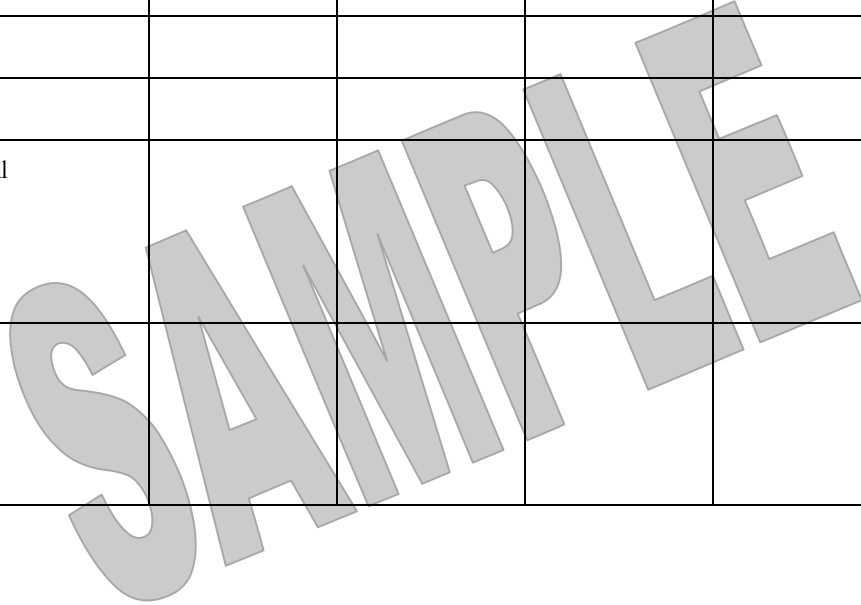
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Client Name
RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC03-04	Review and Upgrade Current Corporate Safety Program / Manual

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Receive copy of current safety program				
Provide Client with draft of safety manual				
Review and discuss changes with CLIENT				
Incorporate changes and distribute upgraded program to all communities				
Establish Training Schedule				



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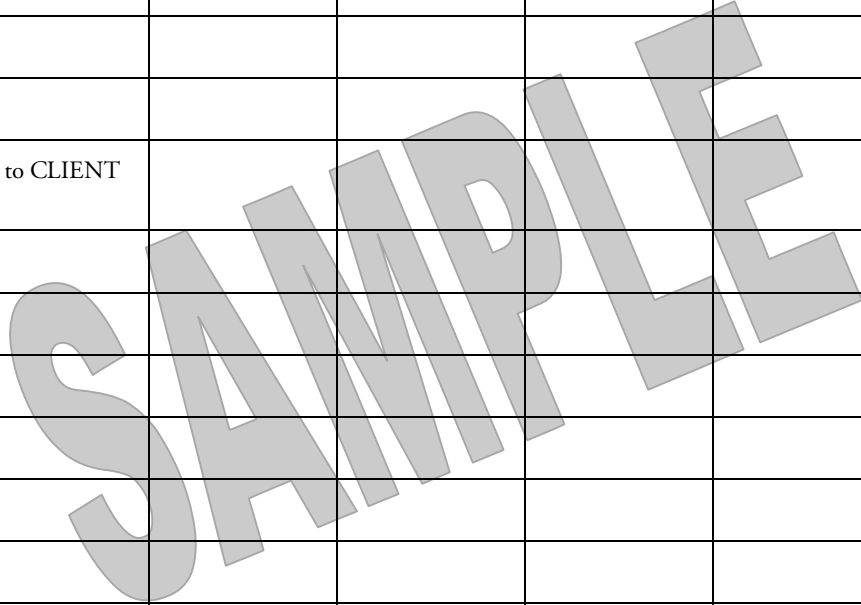
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC04-04	Upgrade and Revise Program with respect to DOT Driver Regulations

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review current program in place				
ID locations in need of programs				
Assess Drug Testing Program				
Assess program for DOT compliance and provide feedback to CLIENT Management				
Assess program for other company drivers				
Assess Accident Trends				



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Client Name
RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC05-04	Review and Enhance Effectiveness of Safety Committees at Each Location

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Receive copy of current Safety Committee program				
Evaluate Written Policy on Safety Committees				
Evaluate membership criteria				
Establish formal agenda for committee meetings				
Establish a list of Corporate goals focused on productivity				
Review criteria for documentation of meeting minutes				
Provide recommendations and discuss with CLIENT				
Incorporate changes and distribute upgraded program to all locations				
Send invitations to properties				
Provide Web conference training on "Effective Safety Committees" to all locations				
Complete attendance report and certificates of completion				

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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Update website with recorded session				
Make changes to Program when needed.				
Establish Audit Procedure				

SAMPLE

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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC6-04	Evaluate Flammable and Combustible Liquid Storage

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Provide inventory of flammable and combustible liquids and quantities on hand.				
Assess current storage procedures and facilities.				

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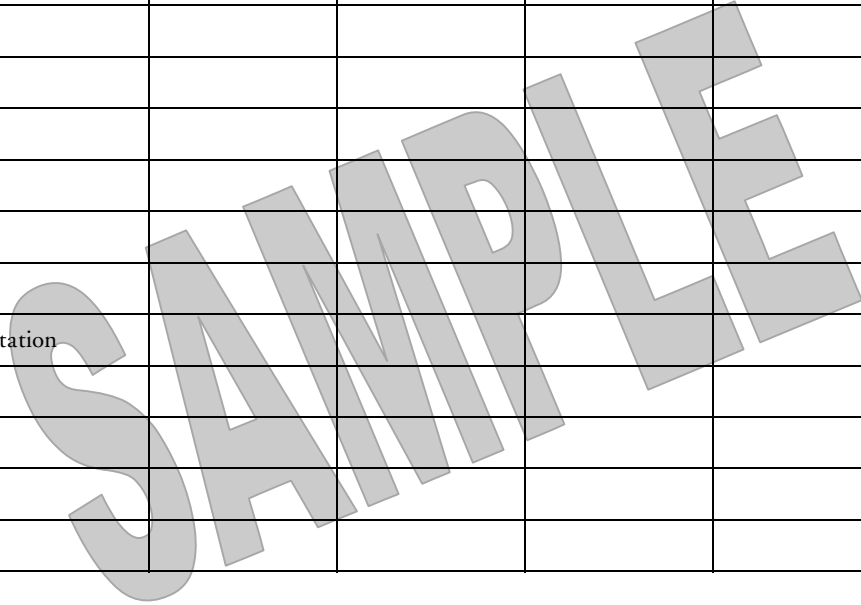
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC01-05	Upgrade Safety Training Program with respect to OSHA Requirements

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Safety Training Schedule to be Developed and Implemented				
OSHA 300 Log Recordkeeping Training				
Ergonomics / Back Safety Training				
Bloodborne Pathogens Training				
Hazard Communication Training				
Portable Fire Extinguisher Training				
Emergency Evacuation Plan				
OSHA Inspection Procedures: Three-year history review citation				
DOT: Drug and Alcohol				
Driver Training Programs				
PPE Assessment Training				
Lockout/Tagout Training				



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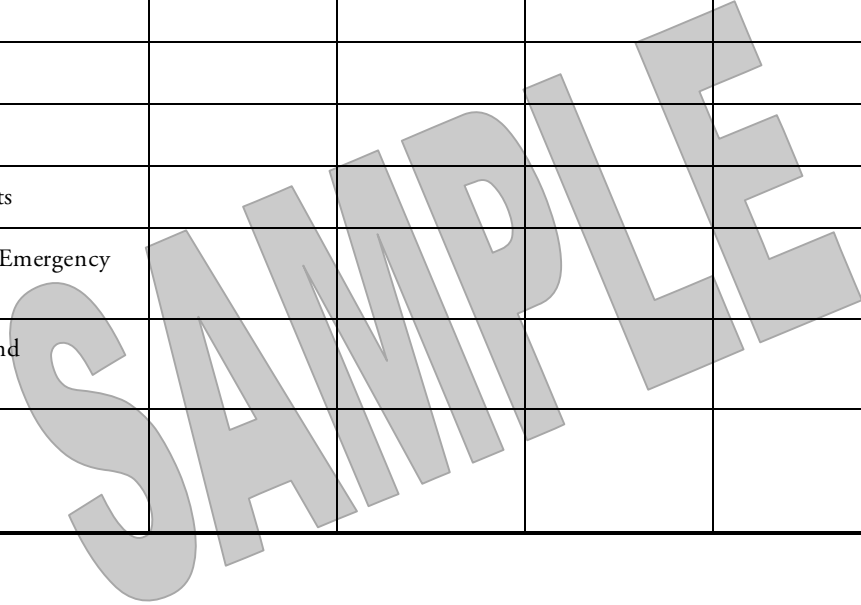
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC02-05	Update Life Safety Program with respect to NFPA Life Safety Code

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Complete Life Safety Audits of various properties				
Provide Management with a complete audit report				
Review recommendations with Management				
Review Emergency Action Plan and Evacuation Drill Results				
Make recommendations to management on changes to the Emergency Action Plan (if needed)				
Provide Web conference training for Executive Directors and Maintenance Supervisors on Life Safety				



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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
RC03-05	Develop Ergonomic Task Force

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
I. D. Operations in need of Program.				
Video Tape operations for Training/Evaluation.				
Recommend Engineering/Administrative Changes.				
Supervisors on Training				
Evaluate effectiveness of Program.				
Make changes to Program when needed.				

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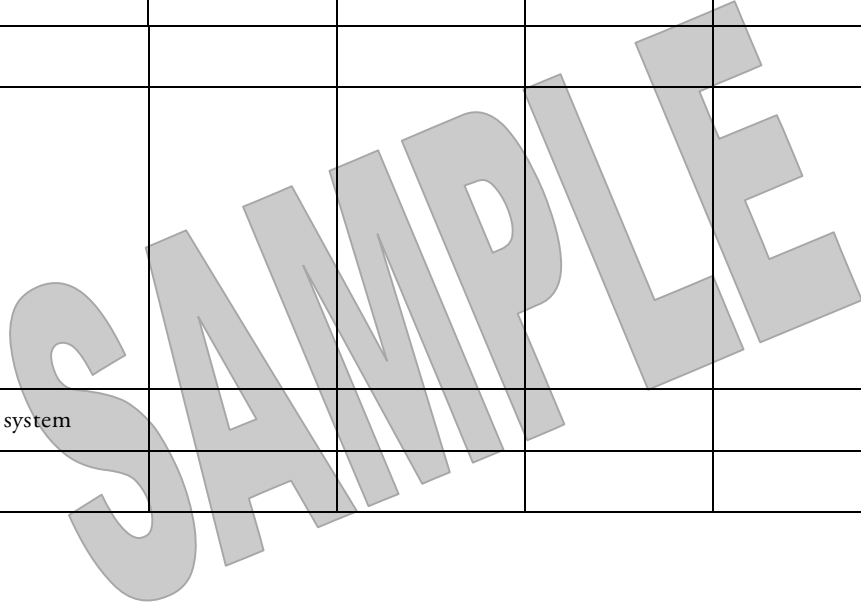
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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal	
CM01-04	Update, Revise and Consolidate Accident Investigation & Incident Reporting Program

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Review CLIENT 's current incident investigation program				
Develop recommendations to current program				
Finalize Incident Investigation				
Incident Reports				
Witness Statements				
Photographing guidelines				
Flow of Information				
Obtain feedback from the field on the effectiveness of new system				
Determine any updates				



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Send invitations to properties				
Conduct Web Training				
Complete attendance report and certificates of completion				
Update website with recorded session				

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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Goal
CM02-03 Update and Consolidate Claims Management System

Actions (toward goal achievement)	Who Will Handle	Target Date	Finish Date	Status Report/Notes
Evaluate Claim Reporting Procedures				
Design Internal Flowchart of Claims Handling Procedures Disseminate Copies to Supervisors with Explanation of Responsibilities				
Distribute Claim Reporting Procedures				
Unify & Distribute Investigation Forms (Supervisor, Injured, Witness, Incident)				
Determine Workers Compensation Considerations on a State by State Basis				
Train Supervisors on Proper Communication Procedures via Web conference; Provide Supervisors with Examples of Proper Communication				
Coordinate the Use of ICC PPO Network				
Fraud Control Presentation				
Determine protocols for Automated Claims Management System				

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RISK MANAGEMENT STRATEGIC PLAN FOR 2003-2004

Assist CLIENT in Development of Claims Management Tracking System				
Meet with New Carriers/ TPA's to clarify services performed				
Establish Quarterly Claim Review Schedule				
Establish Monthly Claims Conference Calls				
Follow up System for Claim				

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FIRST QUARTER SELF – INSPECTION CHECKLIST

INSPECTION COMPLETION DATE: January ____ , 19 ____

INSPECTORS: _____

Place a check next to all items which receive a “YES” response. Any items receiving a “NO” response must be supported with an explanation on the NOTE TAKING SHEET and addressed as soon as possible.

EMPLOYER POSTING

- _____ Is the required OSHA poster displayed in a prominent location where all employees are likely to see it?
- _____ Are emergency telephone numbers posted where they can be readily found in case of emergency?
- _____ Where employees may be exposed to any toxic substances or harmful physical agents, has appropriate information concerning employee access to medical and exposure records, and Material Safety Data Sheets, etc., been posted and otherwise made available to affected employees?
- _____ Are signs concerning “Exiting from buildings,” room capacities, floor loading, microwave, or other harmful radiation or substances posted where appropriate?
- _____ Is the Summary of Occupational Illnesses and Injuries posted in the month of February?

RECORDKEEPING

- _____ Are all occupational injury or illnesses, except minor injuries requiring only first aid, being recorded as required on the OSHA 200 Log?
- _____ Are employee medical records and records of employee exposure to hazardous substances or harmful physical agents up-to-date?
- _____ Have arrangements been made to maintain required records for the legal period of time for each specific type record?

SAFETY AND HEALTH PROGRAM

- _____ Do you have an active safety and health program?
- _____ Is one person clearly responsible for the overall activities of the safety and health program?
- _____ Do you have a safety committee or group made up of management and labor representatives that meet regularly and report in writing on its activities?
- _____ Do you have a working procedure for handling in-house employee complaints regarding safety and health?
- _____ Are you keeping your employees advised of the successful effort and accomplishments your safety committee has made in assuring they will have a workplace that is safe and healthy?

MEDICAL SERVICES AND FIRST AID

- _____ Do you require each employee to have a pre-employment physical examination?
- _____ Is there a hospital or clinic for medical care in proximity of your workplace?
- _____ Are emergency phone numbers posted?
- _____ Are first aid kits easily accessible to each work area, with necessary supplies available, periodically inspected and replenished as needed?
- _____ Have first aid kit supplies been approved by a physician, indicating that they are adequate for a particular area or operation?
- _____ Are means provided for quick drenching or flushing of the eyes and body in areas where corrosive liquids or materials are handled?

FIRE PROTECTION

- _____ Is your local fire department well acquainted with your facility, its location, and specific hazards?
- _____ Are portable fire extinguishers provided in adequate number and type?
- _____ Are fire extinguishers mounted in readily accessible locations?
- _____ Are fire extinguishers recharged regularly and noted on the inspection tag?
- _____ Are employees periodically instructed in the use of extinguishers and fire protection procedures?

PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING

- _____ Has the Hazard Analysis for PPE been certified?
- _____ Are protective goggles or face shields provided and worn where there is any danger of flying particles or corrosive materials?
- _____ Are approved safety glasses required to be worn at all times in areas where there is a risk of eye injuries such as punctures, abrasions, contusions, or burns?
- _____ Are employees who need corrective lenses in working environments having harmful exposures, required to wear only approved safety glasses, protective goggles, or use other medically approved precautionary procedures?
- _____ Are protective gloves, aprons, shields, or other means provided against cuts, corrosive liquids and chemicals?
- _____ Is appropriate foot protection required where there is the risk of foot injuries from hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions?
- _____ Are approved respirators provided for regular or emergency use where needed?
- _____ Do you have eye wash facilities within the work area where employees are exposed to injurious corrosive materials?

- _____ Where special equipment is needed for electrical workers, is it available?
- _____ Where lunches are eaten on the premises, are they eaten in areas where there is no exposure to toxic materials or other health hazards?
- _____ Is protection against the effects of occupational noise exposure provided when sound levels exceed those of the OSHA noise standards?
- _____ Are adequate work procedures, protective clothing and equipment provided and used when cleaning up spilled toxic or otherwise hazardous materials or liquids?

GENERAL WORK ENVIRONMENT

- _____ Are all work areas clean and orderly?
- _____ Are work surfaces kept dry or appropriate means taken to assure the surfaces are slip-resistant?
- _____ Are all spilled materials or liquids cleaned up immediately?
- _____ Is combustible scrap, debris and waste stored safely and removed from the worksite promptly?
- _____ Are combustible dust cleaned up with a vacuum system to prevent the dust going into suspension?
- _____ Is metallic or conductive dust prevented from entering or accumulating on or around electrical enclosures or equipment?
- _____ Are covered metal waste cans used for oily and paintsoaked waste?
- _____ Are all oil and gas fired devices equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working?
- _____ Are the minimum number of toilets and washing facilities provided?
- _____ Are all toilets and washing facilities clean and sanitary?
- _____ Are all work areas adequately illuminated?
- _____ Are pits and floor openings covered or otherwise guarded?

WALKWAYS

- _____ Are aisles and passageways kept clear?
- _____ Are aisles and walkways marked as appropriate?
- _____ Are wet surfaces covered with non-slip materials?
- _____ Are holes in the floor, sidewalk or other walking surface repaired properly, covered or otherwise made safe?
- _____ Is there safe clearance for walking in aisles where motorized or mechanical handling equipment is operating?

- _____ Are materials or equipment stored in such a way that sharp projectives will not interfere with the walkway?
- _____ Are spilled materials cleaned up immediately?
- _____ Are changes of direction or elevations readily identifiable?
- _____ Are aisles or walkways that pass near moving or operating machinery, welding operations, or similar operations arranged so employees will not be subjected to potential hazards?
- _____ Is adequate headroom provided for the entire length of any aisle or walkway?
- _____ Are standard guardrails provided wherever aisles or walkway surfaces are elevated more than 30 inches above any adjacent floor or the ground?

FLOOR AND WALL OPENINGS

- _____ Are floor openings guarded by a cover, a guardrail, or equivalent on all sides?
- _____ Are toeboards installed around the edges of permanent floor openings?
- _____ Are grates or similar type covers over floor openings such as floor drains, of such design that foot traffic or rolling equipment will not be affected by the grate spacing?

STAIRS AND STAIRWAYS

- _____ Are standard stair rails or handrails on all stairways having four or more risers?
- _____ Are all stairs at least 22 inches wide and do landings run at least 30 inches?
- _____ Do stairs have at least 6' 6" overhead clearance?
- _____ Do stairs angle no more than 50 and no less than 30 degrees?
- _____ Are step risers on stairs uniform from top to bottom, with no riser spacing greater than 7.5 inches?
- _____ Are steps on stairs and stairways designed or provided with a surface that renders them slip resistant?
- _____ Are stairway handrails capable of withstanding a load of 200 pounds, applied in any direction?

ELEVATED SURFACES

- _____ Are signs posted, when appropriate, showing the elevated surface load capacity?
- _____ Are outdated signs removed?
- _____ Are surfaces elevated more than 48 inches above the floor or ground provided with standard guardrails?
- _____ Are all elevated surfaces provided with standard 4-inch toeboards?

SECOND QUARTER SELF – INSPECTION CHECKLIST

INSPECTION COMPLETION DATE: April ____ , 19 ____

INSPECTORS:

_____	_____
_____	_____
_____	_____
_____	_____

Place a check next to all items which receive a "YES" response. Any items receiving a "NO" response must be supported with an explanation on the NOTE TAKING SHEET and addressed as soon as possible.

EXITING OR EGRESS

- _____ Are all exits marked with an exit sign and illuminated by a reliable light source?
- _____ Are all marked exits kept clear from obstructions?
- _____ Are the directions to exits, when not immediately apparent, marked with visible signs?
- _____ Are doors, passageways or stairways, that are neither exits nor access to exits and which could be mistaken for exits, appropriately marked "NOT AN EXIT", "TO THE BASEMENT", "STOREROOM", etc.?
- _____ Are exit signs provided with the word "EXIT" in lettering at least 5 inches high and the stroke of the lettering at least 1/2 inch wide?
- _____ Are all exit doors side-hinged?
- _____ Are there sufficient exits to permit prompt escape in case of emergency?
- _____ Are special precautions taken to protect employees during construction and repair operations?
- _____ Is the number of exits from each floor of a building and the number of exits from the building itself, appropriate for the building occupancy load?
- _____ Do all exits lead to an "away" zone kept clear from obstructions?

EXIT DOORS

- _____ Are doors which are required to serve as exits designed and constructed so that the way of exit travel is obvious and direct?
- _____ Are exit doors openable from the direction of exit travel without the use of a key or any special knowledge or effort when the building is occupied?
- _____ Are all exit doors properly maintained so as to allow the door to be opened with a minimal amount of effort?

PORTABLE LADDERS

- _____ Are all ladders inspected regularly, maintained in good condition, joints between steps and side rails tight, all hardware and fittings securely attached and moveable parts operating freely without binding or undue play?
- _____ Are non-slip safety feet provided on each ladder?
- _____ Are non-slip safety feet provided on each metal or rung ladder?
- _____ Are ladder rungs and steps free of grease and oil?
- _____ Is it prohibited to place a ladder in front of doors opening toward the ladder except when the door is blocked open, locked or guarded?
- _____ Are employees prohibited from using ladders that are broken, missing steps, rungs, or cleats, broken side rails or other faulty equipment?
- _____ Are employees instructed not to use the top step of ordinary stepladders as a step?
- _____ When portable rung ladders are used to gain access to elevated platforms, roofs, etc., does the ladder always extend at least 3 feet above the elevated surface?
- _____ Is it required that when portable run or cleat type ladders are used, the base is so placed that slipping will not occur, or it is lashed or otherwise held in place?
- _____ Are portable metal ladders legibly marked with signs reading "CAUTION" – Do Not Use Around Electrical Equipment or equivalent wording?

HAND TOOLS AND EQUIPMENT

- _____ Are all tools and equipment (both company and employee-owned) used by employees at their workplace in good condition?
- _____ Are hand tools such as chisels, punches, etc. which develop mushroomed heads during use, reconditioned or replaced as necessary?
- _____ Are broken or fractured handles on hammers, axes and similar equipment replaced promptly?
- _____ Are worn or bent wrenches replaced regularly?
- _____ Are appropriate handles used on files and similar tools?
- _____ Are employees made aware of the hazards caused by faulty or improperly used hand tools?
- _____ Are appropriate safety glasses, face shields, etc. used while using hand tools or equipment which might produce flying materials or be subject to breakage?
- _____ Is eye and face protection used when driving hardened or tempered spuds or nails?

PORTABLE (POWERED OPERATED) TOOLS AND EQUIPMENT

- _____ Are grinders, saws and similar equipment provided with appropriate safety guards?
- _____ Are power tools used with the correct shield, guard, or attachment, recommended by the manufacturer?
- _____ Are rotating or moving parts of equipment guarded to prevent physical contact?
- _____ Are all cord-connected, electrically-operated tools and equipment effectively grounded or of the approved double insulated type? Are grounds tested to verify less than 2 ohms of resistance?
- _____ Are effective guards in place over belts, pulleys, chains, sprockets, on equipment such as concrete mixers, air compressors, etc.?
- _____ Are portable fans provided with full guards or screens having openings ½ inch or less?
- _____ Is hoisting equipment available and used for lifting heavy objects, and are hoist ratings and characteristics appropriate for the task?
- _____ Are pneumatic and hydraulic hoses on power-operated tools checked regularly for deterioration or damage? Are Chicago connections wired or otherwise locked?

ABRASIVE WHEEL EQUIPMENT GRINDERS

- _____ Is the work rest used and kept adjusted to within 1/8 inch of the wheel?
- _____ Is the adjustable tongue on the top side of the grinder used and dept adjusted to within _____ inch of the wheel?
- _____ Do side guards cover the spindle, nut, and flange and 75 percent of the wheel diameter?
- _____ Are bench and pedestal grinders permanently mounted?
- _____ Are goggles or face shields always worn when grinding?
- _____ Is the maximum RPM rating of each abrasive wheel compatible with the RPM rating of the grinder motor?
- _____ Are fixed or permanently mounted grinders connected to their electrical supply system with metallic conduit or other permanent wiring method?
- _____ Does each grinder have an individual on and off control switch?
- _____ Is each electrical operated grinder effectively grounded?
- _____ Before new abrasive wheels are mounted, are they visually inspected and ring tested?
- _____ Are dust collectors and powered exhausts provided on grinders used in operations that produce large amounts of dust?
- _____ Are splash guards mounted on grinders that use coolant to prevent the coolant reaching

- _____ employees?
- _____ Is cleanliness maintained around grinders?

MACHINE GUARDING

- _____ Is there a training program to instruct employees on safe methods of machine operation?
- _____ Is there adequate supervision to ensure that employees are following safe machine operating procedures?
- _____ Is there a regular program of safety inspection of machinery and equipment?
- _____ Is all machinery and equipment kept clean and properly maintained?
- _____ Is sufficient clearance provided around and between machines to allow for safe operations, set up and servicing, material handling and waste removal?
- _____ Is equipment and machinery securely placed and anchored, when necessary to prevent tripping or other movement that could result in injury?
- _____ Is there a power shut-off switch within reach of the operator's position at each machine?
- _____ Can electric power to each machine be locked out for maintenance, repair, or security?
- _____ Are foot-operated-switches guarded or arranged to prevent accidental actuation by personnel or falling objects?
- _____ Are manually operated valves and switches controlling the operation of equipment and machines clearly identified and readily accessible?
- _____ Are all emergency stop buttons colored red?
- _____ Are all pulleys and belts that are within 7 feet of the floor or working level properly guarded?
- _____ Are splash guards mounted on machines that use coolant to prevent the coolant from reaching employees?
- _____ Are methods provided to protect the operator and other employees in the machine area from hazards created at the point of operation, ingoing nip points, rotating parts, flying chips, and sparks?
- _____ Are machinery guards secure and so arranged that they do not offer a hazard in their use?
- _____ If special handtools are used for placing and removing materials do they protect the operator's hands?
- _____ Do arbors and mandrels have firm and secure bearings and are they free from play?
- _____ Are provisions made to prevent machines form automatically starting when power is restored after a power failure or shutdown?
- _____ Are machines constructed so as to be free from excessive vibration when the largest size tool is mounted and run at full speed?

_____ If machinery is cleaned with compressed air, is air pressure controlled and personal protective equipment or other safeguards utilized to protect operators and other workers from eye and body injury?

_____ Are fan blades protected with a guard having openings no larger than 1/2 inch, when operating within 7 feet of the floor?

LOCKOUT BLOCKOUT PROCEDURES

_____ Have all energy sources been evaluated for all machines requiring maintenance?

_____ Is all machinery or equipment capable of movement, required to be de-energized or disengaged and blocked or locked out during cleaning, servicing, adjusting or setting up operations, whenever required?

_____ Where the power disconnecting means for equipment does not also disconnect the electrical control circuit:

_____ Are the appropriate electrical enclosures identified?

_____ Is means provided to assure the control circuit can also be disconnected and locked out?

_____ Are all equipment control valve handles provided with a means for locking out?

_____ Does the lock out procedure require that stored energy (mechanical, hydraulic, air, etc.) be released or blocked before equipment is locked out for repairs?

_____ Are appropriate employees provided with individually keyed personal safety locks?

_____ Are employees required to keep personal control of their key(s) while they have safety locks in use?

_____ Is it required that only the employee exposed to the hazard, place or remove the safety lock?

_____ Is it required that employees check the safety of the lock out by attempting a start up after making sure no one is exposed?

_____ Are employees instructed to always push the control circuit stop button prior to re-energizing the main power switch?

_____ Is there a means provided to identify any or all employees who are working on locked out equipment by their locks or accompanying tags?

_____ Are sufficient number of accident preventive signs or tags and safety padlocks provided for any reasonably foreseeable repair emergency?

_____ When machine operations, configuration or size requires the operator to leave his or her control station to install tools or perform other operations, and that part of the machine could move if accidentally activated, is such element required to be separately locked or blocked out?

_____ In the event that equipment or lines cannot be shut down, locked out and tagged, is a safe job procedure established and rigidly followed?

WELDING, CUTTING, AND BRAZING

_____ Are only authorized and trained personnel permitted to use welding, cutting or brazing equipment?

_____ Are compressed gas cylinders regularly examined for obvious signs of defects, deep rusting, or leakage?

_____ Is care used in handling and storage of cylinders, safety valves, relief valves, etc., to prevent damage?

_____ Are precautions taken to prevent the mixture of air or oxygen with flammable gases, except at a burner or in a standard torch?

_____ Are only approved apparatus (torches, regulators, pressure-reducing valves, acetylene generators, manifolds) used?

_____ Are cylinders kept away from sources of heat?

_____ Are cylinders kept away from elevators, stairs, or gangways?

_____ Is it prohibited to use cylinders as rollers or supports?

_____ Are empty cylinders appropriately marked and their valves closed?

_____ Are signs reading: DANGER – NO SMOKING, MATCHES, OR OPENLIGHTS, or the equivalent, posted?

_____ Are cylinders, cylinder valves, couplings, regulators, hoses, and apparatus kept free of oily or greasy substances?

_____ Is care taken not to drop or strike cylinders?

_____ Unless secured on special trucks, are regulators removed and valve-protection caps put in place before moving cylinders?

_____ Do cylinders without fixed wheels have keys, handles, or non-adjustable wrenches on stem valves when in service?

_____ Are liquefied gases stored and shipped valve-end up with valve covers in place?

_____ Are provisions made to never crack a fuel-gas cylinder valve near sources of ignition?

_____ Before a regulator is removed, is the valve closed and gas released from the regulator?

_____ Is red used to identify the acetylene (and other fuel gas) hoses, green for oxygen hose, and black for inert gas and air hose?

_____ Are pressure-reducing regulators used only for the gas and pressures for which they are

THIRD QUARTER SELF – INSPECTION CHECKLIST

INSPECTION COMPLETION DATE: July ____ , 19 ____

INSPECTORS:

_____	_____
_____	_____
_____	_____
_____	_____

Place a check next to all items which receive a “YES” response. Any items receiving a “NO” response must be supported with an explanation on the NOTE TAKING SHEET and addressed as soon as possible.

COMPRESSORS AND COMPRESSED AIR

- _____ Are compressors equipped with pressure relief valves, and pressure gauges?
- _____ Are compressor air intakes installed and equipped so as to ensure that only clean uncontaminated air enters the compressor?
- _____ Are air filters installed on the compressor intakes?
- _____ Are compressors operated and lubricated in accordance with the manufacturer’s recommendations?
- _____ Are safety devices on compressed air systems checked frequently?
- _____ Before any repair work is done on the pressure system of a compressor, is the pressure bled off and the system locked out?
- _____ Are signs posted to warn of the automatic starting feature of the compressor?
- _____ Is the belt drive system totally enclosed to provide protection for the front, back, top, and sides?
- _____ Is it strictly prohibited to direct compressed air towards a person?
- _____ Are employees prohibited from using highly compressed air for cleaning purposes?
- _____ If compressed air is used for cleaning off clothing, is the pressure reduced to less than 10 psi?
- _____ When using compressed air for cleaning, do employees wear protective chip guarding and personal protective equipment?

COMPRESSORS AIR RECEIVERS

- _____ Is every receiver equipped with a pressure gauge and with one or more

- _____ automatic, spring loaded safety valve?
- _____ Is the total relieving capacity of the safety valve capable of preventing pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent?
- _____ Is every air receiver provided with a drain pipe and valve at the lowest point for the removal of accumulated oil and water?
- _____ Are compressed air receivers periodically drained for moisture and oil?
- _____ Are all safety valves tested frequently and at regular intervals to determine whether they are in good operating condition?

COMPRESSED GAS CYLINDERS

- _____ Are cylinders legibly marked to clearly identify the gas contained?
- _____ Are compressed gas cylinders stored in areas which are protected from external heat sources such as flame impingement, intense radiant heat, electric arcs, or high temperature lines?
- _____ Are cylinders located or stored in areas where they will not be damaged by passing or falling objects or subject to tampering by unauthorized persons?
- _____ Are cylinders stored or transported in a manner to prevent them from creating a hazard by tipping, falling, or rolling?
- _____ Are cylinders containing liquefied fuel gas, stored or transported in a position so that the safety relief device is always in direct contact with the vapor space in the cylinder?
- _____ Are valve protectors always placed on cylinders when the cylinders are not in use or connected for use?
- _____ Are all valves closed off before a cylinder is moved, when the cylinder is empty, and at the completion of each job?
- _____ Are low pressure fuel-gas cylinders checked periodically for corrosion, general distortion, cracks, or any other defect that might indicate a weakness or render it unfit for service?
- _____ Does the periodic check of low pressure fuel-gas cylinders include a close inspection of the cylinders’ bottom?

HOIST AND AUXILIARY EQUIPMENT

- _____ Will each hoist automatically stop and hold any load up to 125 percent of its rated load, if its actuating force is removed?

- _____ Is the rated load of each hoist legibly marked and visible to the operator?
- _____ Does the winch load match the load of the hoist beam?
- _____ Are stops provided at the safe limits of travel for trolley hoist?
- _____ Are the controls of the hoist plainly marked to indicate the direction of travel or motion?
- _____ Are all hoist chains or ropes of sufficient length to handle the full range of movement of the application while still maintaining two full wraps on the drum at all times?
- _____ Are nip points or contact points between hoist ropes and sheaves which are permanently located within seven feet of the floor, ground or working platform, guarded?
- _____ Is it prohibited to use chains or rope slings that are kinked or twisted?
- _____ Is it prohibited to use the hoist rope or chain wrapped around the load as a substitute, for a sling?
- _____ Is the operator instructed to avoid carrying loads over people?
- _____ Are only employees who have been trained in the proper use of hoists allowed to operate them?

INDUSTRIAL TRUCKS - FORKLIFTS

- _____ Are only trained personnel allowed to operate industrial trucks?
- _____ Is substantial overhead protective equipment provided on high lift rider equipment?
- _____ Are the required lift truck operating rules posted and enforced?
- _____ Is directional lighting provided on each industrial truck that operates in an area with less than 2 foot candles per square foot of general lighting?
- _____ Does each industrial truck have warning horn, whistle, gong, or other device which can be clearly heard above the normal noise in the areas where operated?
- _____ Are the brakes on each industrial truck capable of bringing the vehicle to a complete and safe stop when fully loaded?
- _____ Will the industrial trucks' parking brake effectively prevent the vehicle from moving when unattended?

SPRAYING OPERATIONS

- _____ Do solvents used for cleaning have a flash point to 100 degrees F or more?
- _____ Is the electric drying apparatus properly grounded?

ENTERING CONFINED SPACES

- _____ Are confined spaces thoroughly emptied of any corrosive or hazardous substance, such as acids or caustics, before entry?
- _____ Are all lines to a confined space, containing inert, toxic, flammable, or corrosive materials valved off and blanked or disconnected and separated before entry?
- _____ Is it required that all impellers, agitators, or other moving equipment inside confined spaces be locked out if they present a hazard?
- _____ Is either natural or mechanical ventilation provided prior to confined space entry?
- _____ Are appropriate atmospheric tests performed to check for oxygen deficiency, toxic substances and explosive concentrations in the confined space before entry?
- _____ Are appropriate atmospheric tests performed to check for oxygen deficiency, toxic substances and explosive concentrations in the confined space before entry?
- _____ Is adequate illumination provided for the work to be performed in the confined space?
- _____ Is the atmosphere inside the confined space frequently tested or continuously monitored during conduct of work?
- _____ Is there an assigned safety standby person outside of the confined space, when required, whose sole responsibility is to watch the work in progress, sound an alarm if necessary, and render assistance?
- _____ Is the standby person appropriately trained and equipped to handle an emergency?
- _____ Is the standby person or other employees prohibited from entering the confined space without lifelines and respiratory equipment if there is any question as to the cause of an emergency?
- _____ Is approved respiratory equipment required if the atmosphere inside the confined space cannot be made acceptable?

_____ Is all portable electrical equipment used inside confined spaces either grounded and insulated, or equipped with ground fault protection?

ENVIRONMENTAL CONTROLS

_____ Are all work areas properly illuminated?

_____ Are employees instructed in proper first aid and other emergency procedures?

_____ Are hazardous substances identified which may cause harm by inhalation, ingestion, skin absorption or contact?

_____ Are employees aware of the hazards involved with the various chemicals they may be exposed to in their work environment, such as ammonia, chlorine, epoxies, caustics, etc.

_____ Is employee exposure to chemicals in the workplace kept within acceptable levels?

_____ Can a less harmful method or produce be used?

_____ Is the work area's ventilation system appropriate for the work being performed?

_____ Is the employee exposure to welding fumes controlled by ventilation, use of respirators, exposure time, or other means?

_____ Are welders and other workers nearby provided with flash shields during welding operations?

_____ If forklifts and other vehicles are used in the building or other enclosed areas, are the carbon monoxide levels kept below maximum acceptable concentration?

_____ Has there been a determination that noise levels in the facility are within acceptable levels?

_____ Are steps being taken to use engineering controls to reduce excessive noise levels?

_____ Is vacuuming with appropriate equipment used whenever possible rather than blowing or sweeping dust?

_____ Are grinders, saws, and other machines that produce respirable dusts vented to an industrial collector or central exhaust system?

_____ Are all local exhaust ventilation systems designed and operating properly such as air flow and volume necessary for the application, ducts not plugged or belts slipping?

_____ Is personal protective equipment provided, used and maintained wherever required?

_____ Are restrooms and washrooms kept clean and sanitary?

_____ Is all water provided for drinking, washing, and cooking potable?

_____ Are all outlets for water not suitable for drinking clearly identified?

_____ Are employees' physical capacities assessed before being assigned to jobs requiring heavy work?

_____ Are employees instructed in the proper manner of lifting heavy objects?

_____ Where heat is a problem, have all fixed work areas been provided with spot cooling or air conditioning?

_____ Are employees screened before assignment to areas of high heat to determine if their health condition might make them more susceptible to having an adverse reaction?

_____ Are exhaust stacks and air intakes so located that contaminated air will not be recirculated within a building or other enclosed area?

FLAMMABLE AND COMBUSTIBLE MATERIALS

_____ Are combustible scrap, debris and waste materials (oily rags, etc.) stored in covered metal receptacles and removed from the worksite properly?

_____ Is proper storage practiced to minimize the risk of fire including spontaneous combustion?

_____ Are approved containers and tanks used for the storage and handling of flammable and combustible liquids?

_____ Are all connections on drums and combustible liquid piping, vapor and liquid tight?

_____ Are all flammable liquids kept in closed containers when not in use (e.g. parts cleaning tanks, pans, etc.)?

_____ Are bulk drums of flammable liquids grounded and bonded to containers during dispensing?

_____ Do storage rooms for flammable and combustible liquids have explosion-proof lights?

_____ Do storage rooms for flammable and combustible liquids have mechanical or gravity ventilation?

NOTE TAKING SHEET

DATE: / / RECORDING INSPECTOR: _____

Multiple horizontal lines for taking notes.

_____ Is liquefied petroleum gas stored, handled, and used in accordance with safe practices and standards?

_____ Are no smoking signs posted on liquefied petroleum gas tanks?

_____ Are liquefied petroleum storage stands guarded to prevent damage from vehicles?

_____ Are all solvent wastes, and flammable liquids kept in fire resistant, covered containers until they are removed from the worksite?

_____ Are fuel gas cylinders and oxygen cylinders separated by distance, fire resistant barriers, etc. while in storage?

_____ Are fire extinguisher selected and provided for the types of materials in areas where they are to be used?

- Class A Ordinary combustible material fires.
Class B Flammable liquid, gas or grease fires.
Class C Energized-electrical equipment fires.

_____ Are appropriate fire extinguisher mounted within 75 feet of outside areas containing flammable liquids, and within 10 feet of any inside storage area for such materials?

_____ Are extinguishers free from obstructions or blockage?

_____ Are all extinguishers fully charged and in their designated places?

_____ Are "NO SMOKING" signs posted where appropriate in areas where flammable or combustible materials are used or stored?

_____ Are all spills of flammable or combustible liquids cleaned up promptly?

_____ Are safety cans used for dispensing flammable or combustible liquids at a point of use?

_____ Are "NO SMOKING" rules enforced in areas involving storage and use of hazardous materials?

FOURTH QUARTER SELF – INSPECTION CHECKLIST

INSPECTION COMPLETION DATE: October ____, 19 ____

INSPECTORS:

Place a check next to all items which receive a “YES” response. Any items receiving a “NO” response must be supported with an explanation on the NOTE TAKING SHEET and addressed as soon as possible.

HAZARDOUS CHEMICAL EXPOSURE

- _____ Are employees trained in the safe handling practices of hazardous chemical such as acids, caustics, etc.
- _____ Are employees aware of the potential hazards involving various chemicals stored or used in the workplace such as acids, bases, caustics, epoxies, phenols, etc.?
- _____ Is employee exposure to chemical s kept within acceptable levels?
- _____ Are eye wash fountains and safety showers provided in areas where corrosive chemicals are handled?
- _____ Are all employees required to use personal protective clothing and equipment when handling chemicals (gloves, eye protection, respirators, etc.)
- _____ Are flammable or toxic chemicals kept in closed containers when not in use?
- _____ Have standard operating procedures been established and are they being followed when cleaning up chemical spills?
- _____ Where needed for emergency use, are respirators stored in a convenient, clean, and sanitary location?
- _____ Are respirators intended for emergency use adequate for the various uses for which they may be needed?
- _____ Are employees prohibited from eating in areas where hazardous chemicals are present?
- _____ Is personal protective equipment provided, used and maintained whenever necessary?
- _____ Are you familiar with the Threshold Limit Values or Permissible Exposure Limits of airborne contaminants and physical agents used in your workplace?

- _____ Have control procedures been instituted for hazardous materials where appropriate, such as respirators, ventilation systems, handling practices, etc.?
- _____ Do you use general dilution or local exhaust ventilation systems to control dusts, vapors, gases, fumes, smoke, solvents, or mists which may be generated in your workplace?
- _____ Is ventilation equipment provided for removal of contaminants from such operations as: Production grinding, buffing, spray painting, and/or vapor degreasing, and is it operating properly?
- _____ Do employees complain about dizziness, headaches, nausea, irritation, or other factors of discomfort when they use solvents or other chemicals?
- _____ Is there a dermatitis problem? Do employees complain about dryness, irritation, or sensitization of the skin?

HAZARDOUS SUBSTANCES COMMUNICATION

- _____ Is there a list of hazardous substances used in your workplace?
- _____ Is there a written hazard communication program dealing with Material Safety Data Sheets (MSDS), labeling, and employee training?
- _____ Is each container for a hazardous substance (i.e., vats, bottles, storage tanks, etc.) labeled with product identity and a hazard warning (communication of the specific health hazards and physical hazards)?
- _____ Is there a Material Safety Data Sheet readily available for each hazardous substance used?
- _____ Is there an employee training program for hazardous substances?
- _____ Does this program include:
 - _____ An explanation of what an MSDS is and how to use and obtain one.
 - _____ MSDS contents for each hazardous substance or class of substances.
 - _____ Explanation of “Right to Know.”
 - _____ Identification of where an employee can see the employers written hazard communication program and where hazardous substances are present in their work areas.
 - _____ The physical and health hazards of substances in the work area, and specific protective measures to be used.
 - _____ Details of the hazard communication program, including how to use the labeling system and MSDS’ s.

ELECTRICAL

- _____ Do you specify compliance with OSHA for all contract electrical work?
- _____ Are all employees required to report as soon as practicable any obvious hazard to life or property observed in connection with electrical equipment or lines?
- _____ Are employees instructed to make preliminary inspections and/or appropriate tests to determine what condition exist before starting work on electrical equipment or lines?
- _____ When electrical equipment or lines are to be serviced, maintained or adjusted, are necessary switches opened, locked out and tagged whenever possible?
- _____ Are portable electrical tools and equipment grounded or of the double insulated type?
- _____ Do extension cords being used have a grounding conductor?
- _____ Are all temporary circuits protected by suitable disconnecting switches or plug connectors at the junction with permanent wiring?
- _____ Is exposed wiring and cords with frayed or deteriorated insulation repaired or replaced promptly?
- _____ Are flexible cords and cables free of splices or taps?
- _____ Are clamps or other securing means provided on flexible cords or cables at plugs, receptacles, tools, equipment, etc., and is the cord jacket securely held in place?
- _____ Are all cord, cable, and raceway connections intact and secure?
- _____ In wet or damp locations, are electrical tools and equipment appropriate for the use or location or otherwise protected?
- _____ Is the location of electrical power lines and cables (overhead, underground, underfloor, other side of walls, etc.) determined before digging, drilling or similar work is begun?
- _____ Are metal measuring tapes, ropes, handlines or similar devices with metallic thread woven into the fabric prohibited where they could come in contact with energized parts of equipment or circuit conductors?
- _____ Is the use of metal ladders prohibited in areas where the ladder or the person using the ladder could come in contact with energized parts or equipment, fixtures, or circuit conductors?
- _____ Are all disconnecting switches and circuit breakers labeled to indicated their use or equipment served?

- _____ Are disconnecting means always opened before fuses are replaced?
- _____ Do all interior wiring systems include provisions for grounding metal parts of electrical raceways, equipment, and enclosures?
- _____ Are all electrical raceways and enclosures securely fastened in place?
- _____ Are all energized parts of electrical circuits and equipment guarded against accidental contact by approved cabinets or enclosures?
- _____ Is sufficient access and working space provided and maintained about all electrical equipment to permit ready and safe operations and maintenance?
- _____ Are all unused openings (including conduit knockouts) in electrical enclosures and fittings closed with appropriate covers, plugs or plates?
- _____ Are electrical enclosures such as switches, receptacles, junction boxes, etc., provided with tight-fitting covers or plates?
- _____ Are disconnecting switches for electrical motors in excess of two horsepower, capable of opening the circuit when the motor is in a stalled condition, without exploding? (switches must be horsepower rated equal to or in excess of the motor hp rating.)?
- _____ Is low voltage protection provided in the control device of motors driving machines or equipment which could cause probable injury from inadvertent starting?
- _____ Are employees who regularly work on or around energized electrical equipment or lines instructed in the cardiopulmonary resuscitation (CPR) methods?

NOISE

- _____ Are there areas in the workplace where continuous noise levels exceed 85 dBA?
- _____ Is there an ongoing preventive health program to educate employees in: safe levels of noise, exposures; effects of noise on their health; and the use of personal protection?
- _____ Have work areas where noise levels make voice communication between employees difficult been identified and posted?
- _____ Are noise levels being measured using a sound level meter or an octave band analyzer and records being kept?
- _____ Is approved hearing protective equipment (noise attenuating devices) available to every employee working in noisy areas?
- _____ If you use ear protectors, are employees properly fitted and instructed in their use?

_____ Are employees in high noise areas given periodic audiometric testing to ensure that you have an effective hearing protection system?

IDENTIFICATION OF PIPING SYSTEMS

_____ When nonpotable water is piped through a facility, are outlets or taps posted to alert employees that it is unsafe and not to be used for drinking, washing or other personal use?

_____ When pipelines are heated by electricity, steam or other external source, are suitable warning signs or tags placed at union, valves, or other serviceable parts of the system?

MATERIAL HANDLING

_____ Is there safe clearance for equipment through aisles and doorways?

_____ Are aisleways designated, permanently marked, and kept clear to allow unhindered passage?

_____ Are vehicles shut off and brakes set prior to loading or unloading?

_____ Are containers of combustibles or flammables, when stacked while being moved, always separated by dunnage sufficient to provide stability?

_____ Are dock boards (bridge plates) used when loading or unloading operations are taking place between vehicles and docks?

_____ Are trucks and trailers secured from movement during loading and unloading operations?

_____ Are dock plates and loading ramps constructed and maintained with sufficient strength to support imposed loading?

_____ Are hand trucks maintained in safe operating condition?

_____ Are pallets usually inspected before being loaded or moved?

_____ Are hooks with safety latches or other arrangements used when hoisting materials so that slings or load attachments won't accidentally slip off the hoist hooks?

_____ Are securing chains, ropes, chockers, or slings adequate for the job to be performed?

_____ When hoisting material or equipment, are provisions made to assure no one will be passing under suspended loads?

_____ Are material safety data sheets available to employees handling hazardous substances?

TRANSPORTING EMPLOYEES AND MATERIALS

_____ Do employees who operate vehicles on public thoroughfares have valid operator's licenses?

_____ Are transport vehicles provided with handrails, steps, stirrups or similar devices, so placed and arranged that employees can safely mount and dismount?

_____ Are transport vehicles equipped at all times with at least two reflective type flares?

_____ Is a full charged fire extinguisher, in good condition, with at least a 4 B:C rating maintained in each employee transport vehicle?

_____ Are employees prohibited from riding on top of any load which can shift, topple, or otherwise become unstable?

CONTROL OF HARMFUL SUBSTANCES BY VENTILATION

_____ Is the volume and velocity of air in each exhaust system sufficient to gather the dust, fumes, mists, vapors or gases to be controlled, and to convey them to a suitable point of disposal?

_____ Are exhaust inlets, ducts and plenums designed, constructed, and supported to prevent collapse or failure of any part of the system?

_____ Is adequate makeup air provided to areas where exhaust systems are operating?

SANITIZING EQUIPMENT AND CLOTHING

_____ Are employees required to shower and wash their hair as soon as possible after a known contact has occurred with a carcinogen?



Managing Risk

- Marshall Resources
- Identify strategic partners
 - Brokers/Consultants can provide valuable resources
- Create a Strategic Plan
- Delegate

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Managing Risk

- Analyze
- Organize
- Quantify
- Prioritize

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Managing Risk

- Avoid
- Control
- Finance
- Transfer
- Absorb



Avoid

- Sub-Contract/ Outsource
- Exit



Control

- People
- Policies
- Protocols
- Accountability



Finance

- Self Fund
- Insure



Transfer

- Contractual arrangements
- Insure
- Accountability at Business Unit/Department levels



Absorb

- Own it
- Accept and pay



Compliance

Is Your Plan Being
Implemented?

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Oversight

- Internal Resources
- Strategic Partners
- Communication
- Risk Management is
Everybody's job

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Proactive Claims Management

- Manage Claims before they become Cases
- Monitor and trend Claims information
- Use that knowledge
- Manage outside counsel



Enterprise Risk Management – A Brief Review

Richard F. Ober, Jr.
Vice President, General Counsel & Secretary
TerraCycle, Inc.
[rickober@terracycle.net](mailto:ricker@terracycle.net)

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Enterprise Risk Management – A Brief Review

- COSO – Committee Of Sponsoring Organizations of the Treadway Commission
- COSO is the nationally accepted framework for Sox §404 Internal Controls certification
- “Risk Management” is not about buying the right insurance policies



ERM Definition

- *Enterprise risk management is a process, effected by an entity's board of directors, management and other personnel, applied in strategy setting and across the enterprise, designed to identify potential events that may affect the entity, and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of entity objectives.*



ERM Definition (dissected)

- ...a process ... applied across enterprise
- ...effected by human beings
- ...applied in strategy setting
- ...identify potential events
- ...manage risk
- ...reasonable assurance regarding achievement of entity objectives

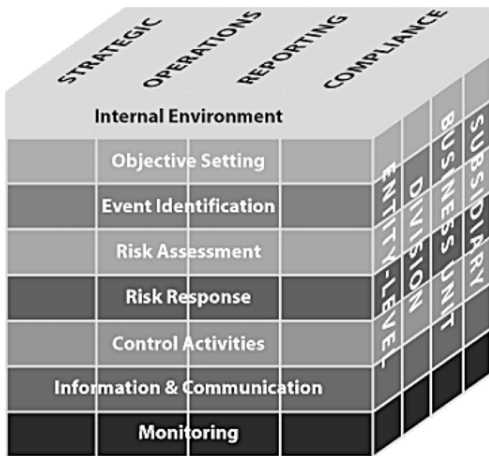


ERM GOALS

- Aligning risk appetite and strategy
- Enhancing risk response decisions
- Reducing operational surprises and
- Identifying and managing multiple and cross-enterprise risks.
- Seizing opportunities
- Improving deployment of capital



The COSO Cube

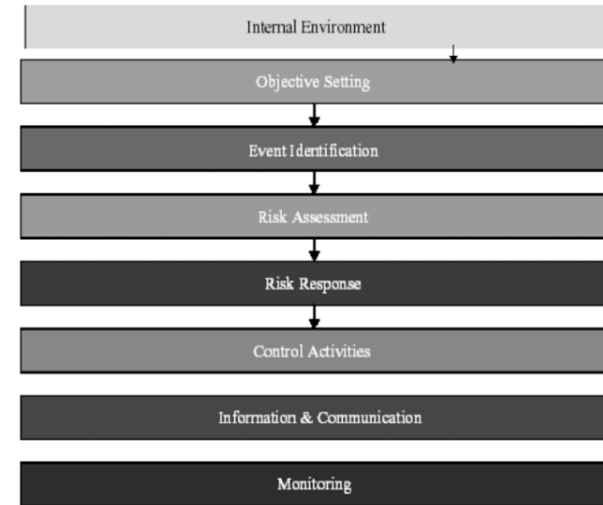


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ERM FRAMEWORK



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Creating a Risk-Aware Environment

- Leadership by Top Management and Board
- Establishes Risk Philosophy and Appetite, Integrity and Ethical Values
- Need for Senior Line Executive Buy-In
- Enterprise-Wide, not Silos
- Effect of Performance Metrics & Incentives
- Establish Roles and Responsibilities

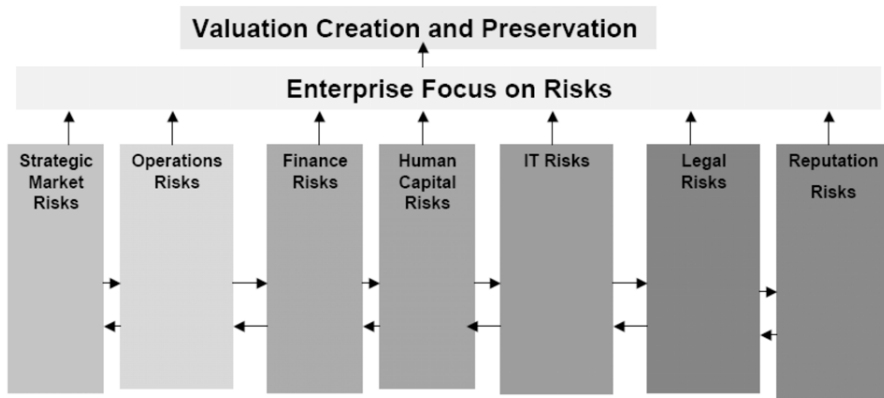


Objective (Goal) Categories

- Strategic – high level goals, aligned with and supporting mission
- Operations – effective and efficient use of resources
- Reporting – reliability of reporting
- Compliance – compliance with applicable laws and regulations



Risk Categories and Interdependencies



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Event (Risk and Opportunity) Identification

- Strategic Market Risks
 - Demographic and Social/Cultural Trends
- Operations Risks
 - Product Development/Time to Market
- Finance Risks
 - Price, Liquidity, Credit, Taxation

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Event (Risk and Opportunity) Identification

- Legal Risks
 - Compliance Failures, Litigation, Enforceability
- Reputational Risks
 - Publicity
 - Brand Erosion
- See separate handout for a lengthy list of risks

RISK ASSESSMENT

- Inherent Risk
 - Absent Management Action
- Residual Risk
 - After management responds/mitigates
- Likelihood
- Impact
- Correlation



RISK RESPONSE

- Accept= Do nothing
- Avoid=Don't go there/drop product or service
- Share=Shift some risk to others
 - Insurance
 - Outsource
 - Joint venture
- Mitigate=Processes to reduce risk exposures



RISK ASSESSMENT

Impact vs. Probability

I M P A C T	High	<i>Medium Risk</i>	<i>High Risk</i>
	Low	<i>Low Risk</i>	<i>Medium Risk</i>
		Share	Mitigate & Control
		Accept	Control
		Low	High
		PROBABILITY	



RISK RESPONSE

- Risk Appetite of Entity – Corporate Culture
- Cost vs. Benefit of Risk Responses
- Pricing of Risks into Product/Service
 - I seldom said “You can’t offer that product” but often said “You need to add \$\$\$ to the price of the product to take the risks I’ve identified into account.”
 - The response was often “But I can’t sell the product at that price.” Nothing more dangerous than stupid competitors who are selling at prices that don’t reflect risks.



CONTROLS, COMMUNICATION AND MONITORING

- Policies, Procedures, Authorities
- Reporting Systems, Reconciliations
- Technology Controls (application and general, Security)
- Internal and External Auditors
- Regulatory Inspections
- Risk Officer, Management, Board of Directors

IDENTIFICATION OF RISKS

Richard F. Ober, Jr.

Strategic Market Risks

- Competition
- Customer Wants/Satisfaction/Suitability
- Demographic and Social/Cultural Trends
- Capital Availability
- Regulatory and Political Trends/Terrorism
- Technological Innovation/Obsolescence
- Economic Trends/Market Risk
- Transactions/Diversification/Mergers & Acquisitions
- Corporate Citizenship
- Privacy

Operations Risks

- Business Operations
 - Product Development
 - Time to Market
 - Design
 - Capacity
 - Efficiency
 - Product/Service Failure
 - Channel Management
 - Supply Chain
 - Business Cyclicity
 - Environmental Damage
 - Availability of Infrastructure - Utilities, Transportation, etc.
 - Outsourcing
 - Complexity

Information Technology Risks

- Information Technology Relevance
- Information Technology Availability
- Capacity
- Systems
 - Selection
 - Development
 - Deployment
 - Reliability
- Information/Business Reporting
 - Integrity
 - Maintenance
 - Loss of Data
 - Loss of Capital
- Security Breaches
 - Reputational Damage
 - Unauthorized Access to Data

Hazard Risks

- Fire and other P External Threats
- Windstorm and Internal Threats
- Theft and other Crime
- Personal Injury
- Business Interruption
- Disease and Disability (including work-related)

Human Capital Risks

- Integrity/Fraud/Malfeasance
- Key Personnel
- Immigration
- Labor Relations/Strikes
- Lines of Authority

- Culture/Morale/Silo Attitudes
- Training
- Skills and/or Experience
- Judgment
- Internal Politics - Personal Agendas
- Communications
- Performance Incentives
- Empowerment
 - Leadership
 - Change Readiness
- Finance Risks
 - Price
 - Asset Value
 - Interest Rate/Repricing/Basis/Yield Curve
 - Foreign Exchange
 - Commodity
 - Liquidity
 - Market/Availability/Funding
 - Cash Flow
 - Call/Options Risk
 - Opportunity Cost
 - Inventory Management
 - Capital/Credit
 - Availability
 - Issuance
 - Concentration
 - Ownership Structure
 - Default/Counterparty Failure
 - Downgrade
- Accounting Information
- Inflation/Purchasing Power
- Hedging/Basis Risk
- Budgeting/Planning
- Modeling
- Performance Measurement
- Budgeting and Planning
- Pension Fund
- Investment Evaluation
- Taxation
- Legal Risks
 - Regulatory Compliance Failures
 - Litigation
 - Product/Service/Professional Liability
 - Contract
 - Tort
 - Criminal
 - Failure of Enforceability of Contracts
 - Intellectual Property/Patents/Trademarks/Copyrights
 - Fiduciary Risk
- Reputational Risks
 - Trademark/Brand Erosion
 - Fraud
 - Unfavorable Publicity

LEGAL DEPARTMENT PROJECT LIST

CONFIDENTIAL-SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

	A	B	C	D	E	F	G	H	I	J	K	L	M
	Project Description	Date Received	Request-ed By	Dept	Prio rity	Est hou rs	Respons ibility	Status	Next Steps	Estimate Complete	Actual Complete	Archiv e	Status Updated
1	Find stock option plan, get approved, prepare and issue grant letters.	7/16/04	Bigcheese	Board	1	50	Cheddar	Approved by Board 8-26	Get stockholder approval	10/10/04		a	9/7/04
2	Board Minutes of 8/26	8/26/04	Bigcheese	Board	2	2	Cheddar			9/20/04		a	9/7/04
3	Board Reorganization Meeting	7/21/04	Bigcheese	Board	2	15	Cheddar	Tabled at 8/26 meeting	wait for next Board meeting	9/20/04		a	9/7/04
4	Intellectual Property status review	7/20/04	Bigcheese	Board	3	30	Cheddar	First reading of documents completed	Check use of ®	11/30/04		a	9/21/04
5	Insurance Policies review	7/17/04	Bigcheese	Board	3	40	Intern	Directors & Officers, Surety Bond info requested from agency 8/24	Complete D&O application	10/1/04		a	8/24/04
6	CGL Insurance renewal	9/20/04	Cheddar	Legal	2	3	Cheddar	Received forms, spoke to agent		10/5/04		a	9/21/04
7	Code of Business Conduct	8/3/04	Cheddar	Legal	3	10	Cheddar		discuss with Cheezewhiz	10/1/04		a	8/3/04
8	Review Bylaws	7/26/04	Cheddar	Legal	3	1	Cheddar	found on mainframe, printed	awaiting minutes from Stock	7/28/04		a	8/24/04
9	Circulate, obtain and file executive employment letter and Ex A at will	7/19/04	Cheezewhiz	HR	1	4	Intern	7 of 12 agreement received		7/28/04		a	8/4/04
10	signature authorities	7/31/04	Cheezewhiz	Exec	2	1	Cheddar		await Cheezewhiz instructions, send to Board	8/5/04		a	8/24/04
11	Business Plan	7/25/04	Cheezewhiz	Exec	3	3	Cheddar		receive from Smith	7/30/04		a	7/26/04
12	Review Legal Bills	8/3/04	Cheezewhiz	Exec	3	3	Cheddar			8/22/04		a	8/10/04
13	Cheddar employment contract	7/16/04	Cheezewhiz	HR	3	3	Cheddar	Approved by Board 8-26	finaliza	7/26/04		a	9/7/04
14	Locker consulting agreement	7/11/04	Cheezewhiz	HR	3	2	Cheddar	partial draft reviewed, received	waiting for info from Swiss	9/1/04		a	9/27/04
15	Employee handbook review	7/20/04	Cheezewhiz	HR	5	20	Cheddar	Cheezewhiz's comments		12/31/04		a	8/24/04
16	Records Retention Policy	7/26/04	Tiger	IT	3	30	Cheddar	attended webcast	discuss with Tiger	10/1/04		a	9/27/04
17													
18	COMPLETED PROJECTS												
19	General Counsel Job Description	7/17/04	Bigcheese	HR	4	2	Cheddar	completed		7/19/04	7/19/04	x	7/21/04
20	Legal Department Mission and Role	7/17/04	Bigcheese	Board	4	2	Cheddar	completed		7/19/04	7/19/04	x	7/21/04
21	Officer List update	7/31/04	Cheezewhiz	Exec	2	1	Intern	completed		8/5/04	8/16/04	x	8/3/04
22	Revise Terms Sheet Series B	7/30/04	Cheezewhiz	Finance	1	1	Cheddar	completed		8/4/04	8/11/04	x	8/17/04
23	Board Minutes of 7/30	7/24/04	Bigcheese	Board	1	1	Cheddar	comments received from Bigcheese and law firm	Approved 8/26	8/25/04	8/26/04	x	9/7/04
24	Independent Contractor Agreement - will be used for school reps, sales reps, mfr reps, consultants	8/12/04	Cheddar	Legal	3	15	Cheddar	finalized		8/25/04	9/3/04	x	9/7/04

LEGAL DEPARTMENT PROJECT LIST

CONFIDENTIAL - SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

EXECUTIVE SUMMARY
LEGAL PROJECT LIST

Projects up from 46 to 48
Completed up from 19 to 20

Discussed CFO position with Pyle and Szaky
Chenck checks in hand
Lee Hecht Harrison Entrepreneur Expo - recruit executives
pushed Trenton factory
Much Industrial Renaissance Contract discussion and drafting
Filed NJ doing business qualification forms
Set up interview for legal intern position

