

# Construction Accident Response Information for DELAWARE

**FRANKLIN &  
PROKOPIK**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

## **Emergency Response Team - 24 Hour Response** **Toll Free: 1-877-752-0001**

We understand that accidents and incidents do not always occur during “business hours,” and that sometimes a client needs legal assistance on an emergency basis. Accordingly, Franklin & Prokopik has established a 24 Hour Emergency Response Team to respond to such situations. All of the attorneys below have agreed to accept “after-hours” calls for advice or investigation. Please contact us at any of the numbers below if you would like additional copies of this document.

For procedures to follow in an emergency, please refer to the guide on the opposite side of this document.

### **Contact Attorneys:**

#### **Primary:**

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#### **Alternate:**

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### **Independent Adjusters/Investigators:**

**(Obtaining statements, police reports, etc.)**

Contact Name: Paul Plitt  
Business Name: Love, Barnes & McKew  
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Columbia, MD 21046  
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### **Forensic Engineering:**

**(Accident reconstruction, fire cause and origin, structural, mechanical, electrical engineer, or other discipline)**

Contact Name: Ryan Siekmann  
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## RESPONDING TO A CONSTRUCTION ACCIDENT

Nearly as important as an adequate safety prevention program is the need for an effective emergency response plan. This guide is designed to provide you a basic plan to implement in an emergency. For questions or more detailed descriptions, please contact any F&P attorney at the contact numbers on this document.

### **Provide Medical Treatment**

- Ensure the safety of the involved individual/s - by providing first aid, calling 911 or referring to an occupational health clinic.
- Offer medical treatment even if you do not believe it is necessary and document your efforts.

### **Correct Safety Hazards**

- As soon as practicable, secure the accident scene and ensure that any safety hazards are abated.
- If the safety hazard cannot be abated promptly, secure the area from further employee exposure.
- Once the emergency has passed, take permanent steps to correct any hazard.

### **Notify Integral Company Personnel**

- Report to the individuals designated by your company as Emergency Contacts.
- If you are on a multi-employer worksite, evaluate the need to contact other onsite employers.

### **Consider Contacting your Attorney**

- Results of an investigation directed by counsel may be privileged, while the results of self-directed investigation are typically not protected from disclosure to opposing parties.
- Experienced counsel brings knowledge, resources, authority and distance to help lead you through a crisis.

### **Post Accident Preservation and Investigation**

- It is critical to preserve the accident scene and certain evidence while the investigation is taking place to avoid spoliation claims during the litigation process.
- Steps to consider include obtaining witness statements, taking photographs/video, conducting testing or samplings, requiring drug and alcohol testing of involved employees.

### **If Required, Contact OSHA**

- Contact OSHA if the accident involves the death of an employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident.
- Report the incident to 1-800-321-OSHA (1-800-321-6742) or your local regional office within 8 hours.
- Be prepared to provide your company name, incident location, time of the incident, names of injured or deceased employees, and the contact person for the employer and a brief description of the incident.

### **Contact Insurance Carriers**

- Call your insurance broker or agent to assess what insurance carriers may be involved and give notice.
- Once the carriers for at-fault parties are identified, place those carriers on notice as well.

### **Prepare for Government Inspections**

- Inspections may be conducted by OSHA, DOT, and/or any number of other governmental agencies on a state, federal or local level.
- Employers must designate an employer representative to be the primary point of contact for such inspections.
- Company policy and/or advice of counsel should be sought to determine whether or not a warrant should be required of any such inspector. Note that there are limited circumstances as to when inspectors may conduct inspections without a warrant.

### **Prepare for Media Inquiries**

- Public statements can have adverse legal ramifications, in addition to damaging your company's reputation.
- Have a "safe" media response prepared until a more specific media plan is in place: "We take this very seriously and are in the process of conducting a thorough investigation. Unfortunately, we cannot comment during the pending investigation."

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