

FORKLIFT FATALITY LEADS TO 2 WILLFUL CITATIONS AND SEVERE VIOLATOR STATUS

By Jacqueline Bollas Caldwell, Esq.

OSHA announced proposed penalties of \$168,700 against a Detroit marine terminal company in connection with a fatality when, according to OSHA, a worker was struck by a forklift carrying a 40,000 pound steel coil. According to OSHA, the forklift was modified without manufacturer approval, and no signs had been posted relating to pedestrian traffic in the area. Both of these alleged violations were categorized as willful violations.

In all, OSHA cited Nicholson Terminal & Dock Co. for nine safety violations, seven of which dealt with forklift violations; two of the nine alleged violations are alleged as willful and seven as serious. OSHA also placed the company in its Severe Violator Enforcement Program.

Some of the forklift violations were cited under 29 CFR 1910.178 (General Industry) and some under 29 CFR 1917.43 (Marine Terminal). However, the alleged citations, penalties, and Severe Violator Status suggest that all employers should review their forklift safety programs, including rules and safety precautions in connection with all modifications to forklifts and pedestrian lanes and traffic.

For more information please contact Jacqueline Bollas Caldwell of Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. at: 330-244-2864 or jcaldwell@kwgd.com.

NOTE: This general summary of the law should not be used to solve individual problems since slight changes in the fact situation may require a material variance in the applicable legal advice.

July 10, 2014

The Path to Prevention...The Road to Recovery!

Part 2 Of Our Series On Drug Usage In Our Community

Moderator: Common Pleas Judge & SCSC Steering Committee Member Curt Werren

The panel includes:

- Jackie Pollard, Director of Clinical Services, Mental Health and Recovery Services Board of Stark County
- Fran Gerbig, Prevention Coordinator, Stark Mental Health and Recovery Service Board
- Keith Hochadel, President & CEO, Quest Recovery and Prevention Services

July Spotlight Company:



Safety Resources Company of Ohio
Serving all your safety needs!

Including Equipment, Safety Consulting, Training, Drug Testing, Fire Extinguisher Sales/Service, Industrial Hygiene, Safety Auditing, Written Safety Policies, and much more!

Safety Resources Company of Ohio is a full service independent safety and regulatory consulting company that services construction, industry and commercial companies of all sizes. Since 1993 Safety Resources has worked as an integral part of businesses developing and implementing creative yet practical solutions to safety.

Contact Us!
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4650 Southway Street SW Canton, OH 44706
P: 330.477.1100
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srcoh.com



Like us on Facebook-www.starkcountysafetycouncil.org.

Stark County Safety Council Mission Statement: *To provide a forum for safety and health information, education and networking in Stark County, through leadership, innovation, facilitation, program, and support, in partnership with other public and private organizations.*

IMPORTANT—As an active member of the Stark County Safety Council you are required to submit semi-annual reports whether your company/organization is or is not eligible for the BWC's rebate program. The first half semi-annual report for 2014 is due back to the Council by July 15, 2014.

STARK COUNTY SAFETY COUNCIL FY15 season passes are now available!

Purchase your season pass ticket book(s) today! Cost per book is \$160. Individual luncheon cost is \$16 per month. **You get 12 luncheon tickets for the price of 10. Passes are good for the regular monthly luncheons only. Season pass holders do not need to register for monthly luncheon meetings unless they are sending additional people.** Monthly luncheon tickets are transferrable to any employee within your company. We encourage you to purchase multiple books and send more than one employee each month. Purchase your season passes online at www.starkcountysafetycouncil.org.

Sept. 11th is the 2014 SCSC Safety, Health & Human Resource Fair. More info on page 6.

ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative

Q: What are the warning signs that your workplace may be too noisy?

A:
Noise may be a problem in your workplace if:

- You hear ringing or humming in your ears when you leave work.
- You have to shout to be heard by a coworker an arm's length away.
- You experience temporary hearing loss when leaving work.

Exposure to loud noise can cause hearing loss! If you think the noise is too loud, you can have the Ohio BWC Industrial Hygienist perform noise monitoring at your facility for no additional cost to your BWC premiums. Contact your BWC Safety Consultant if you have any questions.

How loud is too loud? OSHA sets legal limits on noise exposure in the workplace. These limits are based on a worker's time weighted average over an 8 hour day. With noise, OSHA's permissible exposure limit (PEL) is 90 dBA for all workers for an 8 hour day. The OSHA standard uses a 5 dBA exchange rate.

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This means that when the noise level is increased by 5 dBA, the amount of time a person can be exposed to a certain noise level to receive the same dose is cut in half. In 1981, OSHA implemented new requirements to protect all workers in general industry (e.g. the manufacturing and the service sectors) for employers to implement a Hearing Conservation Program where workers are exposed to a time weighted average noise level of 85 dBA or higher over an 8 hour work shift. Hearing Conservation Programs require employers to measure noise levels, provide free annual hearing exams and free hearing protection, provide training, and conduct evaluations of the adequacy of the hearing protectors in use unless changes to tools, equipment and schedules are made so that they are less noisy and worker exposure to noise is less than the 85 dBA.

Coming Next Month August 14, 2014

JEOPARDY: THE SAFETY CHALLENGE!

Join the Stark County Safety Council as we test member knowledge across the board on safety related topics. This is sure to be a hit as **YOU**, our safety professionals, will be teaming up to test your knowledge. Be sure to answer in the form of a question. Our own Robin "Trebek" Watson will be your host!

Safety Council Officers & Contributing Members

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Newsletter Editor: Jacqueline Bollas Caldwell
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Steve Hanna
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Alcohol and Drug Abuse in the Workplace Prevention & Recovery

Submitted By: Michele Morgart, MA, PCC-S, NCC, CEAP
Manager, Psychological Services
Mercy Medical Center

One of every 10 U.S. workers abuses alcohol or drugs – some estimates put it as high as 25% of the nation's workforce. And each of these people costs his/her employer an average of 25% of his salary in lost productivity. Other costs to employers include medical care, accidents, workers' compensation, and employee theft. All told, alcohol and drug abuse cost nearly \$100 billion in lost productivity each year.



The problem of alcoholism in the workplace has been around for a long time, but now drugs like heroin and cocaine are being used more and more by employees on every level of the wage scale. Marijuana and prescription drugs are also being used and abused by workers. And increasing numbers of employees are using these drugs in various combinations. This increases the danger to the person's health as well as increasing the liability for the employer.

As part of the Stark County Safety Council's series on drug epidemic in our community, the Council will be hosting a "prescription drop-off drive" at the July 10th Stark County Safety Council luncheon. Stark County Deputies will be on hand to collect and properly dispose of expired and unused medicines.

Prevention (early assistance) and professional assistance in Recovery are the keys to eliminating employer liability and protecting a valuable employee. Prevention begins with knowing the workplace warning signs of substance abuse: A&T problems, erratic performance, errors in judgment, difficulties with finance, unfit for duty, frequent accidents, dodging responsibility, and changes in behavior.

Managers and supervisors need to pay attention to the warning signs, documenting everything. When presenting the employee with the performance issues, it is the first step in prevention – forcing a person to come to terms with the problem and thus encouraging to recovery. Managers should pay attention to the warning signs, enforce the companies' policies against substance abuse, take steps to help the abusing employee, require consistent work standards of every employee, and refuse to cover up for, or take excuses from, the substance abuser.

The Employee Assistance Professionals Association (EAPA) recommends a comprehensive program to accomplish three objectives:

- Early intervention with employees showing potential substance problems before the personal problem becomes a workplace problem
- Rehabilitation-oriented help for employees currently experiencing substance abuse problems
- Immediate intervention for any employee having a substance-related medical emergency

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Many employers use drug testing as a means of eliminating abuse in the workplace, but that alone is not the answer. Testing does not measure impairment, indicate the level of abuse/dependency, or answer the most important question – now that we've found an abuser, what do we do with him/her?

EAPs are the referral source for any employee who tests positive for drugs or alcohol, and are the preferred solution because they offer employers an alternative by confronting job performance problems and identifying treatment needs. They are able to diagnose accurately and make referrals to a treatment venue that will provide the optimal treatment outcome.

When an employee is encouraged to seek help for alcohol or drug abuse, Recovery is highest when the employer offers help and support. The abuser may be afraid to seek help, fearing he'll lose his job. But if the company assures continued employment, contingent, of course, on treatment compliance and follow-through by the employee, recovery will be more successful.

Recovery and rehabilitation is best handled by an established and structured Chemical Dependency Treatment Program, with long-term aftercare. For a person who is diagnosed as dependent, the initial structured treatment is Intensive Out-patient Treatment (2 – 3 months), with provided after-care.

SCSC & The BWC Division of Safety & Hygiene's Safety Council Rebate Program for FY15

The Stark County Safety Council and the Bureau of Workers' Compensation Division of Safety & Hygiene are pleased to announce the safety council rebate program for FY15.

To earn a safety council rebate*, employers must meet rebate requirements in the Safety Council in which they are a member.

The following is a breakdown of potential rebates when an employer is an active member of a safety council.

Employers meeting all safety council rebate eligibility requirements that are **not enrolled in a group-rating program** will earn a 2-percent participation rebate on their premium and the potential of an additional 2-percent performance bonus.

Employers meeting all safety council rebate eligibility requirements that are also **enrolled in a group-experience-rating program** have the potential to earn a 2-percent performance bonus.

Employers meeting all safety council rebate eligibility requirements that are also **enrolled in a group-retrospective-rating program** will earn a 2-percent participation rebate.

Rebate eligibility requirements:

If you are not already a member, you must join your local safety council by July 31, 2014 (current members do not need to re-enroll)

Attend 10 safety council meetings**

CEO or a qualified senior-level management person must attend at least one safety council sponsored meeting

Submit semi-annual reports for 2014 calendar year.

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* The rebate offer excludes self-insuring employers and state agencies. Limitations apply to a professional employer organization and its clients. BWC encourages all employers to become active safety council

** At least eight through the local safety council. You can get credit for up to two meetings through attendance at BWC's safety training courses or industry-specific training.

To earn attendance credits you must sign-in on the sheets made available to each table at the end of each monthly meeting. Please print your company name legibly to ensure receipt of credit.

Please contact Stark County Safety Council Program Manager, Connie Cerny at 330-458-2061 or conniec@cantonchamber.org with any questions.

\$20,000 Grant Awarded to Stark County Safety Council member Jackson Township Board of Trustees/Jackson Township Fire Department

The Ohio Bureau of Workers' Compensation recognized the Jackson Township Board of Trustees/Jackson Township Fire Department for its exceptional efforts to maintain a safe workplace.

BWC Administrator/CEO Steve Buehler presented Chief Tracy Hogue with a



safety grant check for over \$20,000 to assist with the purchase of a two chest compression systems that will help first responders better perform CPR while protecting them from on-the-job injuries. If your company has been received a grant we want to know!

Attention All SCSC Members

Reminder: The first half semi-annual report for 2014 is due back to the Council by July 15, 2014.



STARK COUNTY

SAFETY COUNCIL

2014 SAFETY, HEALTH & HUMAN RESOURCE FAIR

Don't Miss Out - Reserve Your Table Now!

Meet New Customers, Cultivate Existing Relationships, and Reinforce Your Brand!

The Stark County Safety Council anticipates 300+ representatives from businesses, organizations and local government entities will attend the 2014 Safety, Health & Human Resource Fair. Attendees come to shop for health and human resource services, industrial supplies, training and safety equipment & gear.

Safety, Health & Human Resource Attendees represent:

- ★ Occupational safety, health and wellness
- ★ Environmental
- ★ Human Resource
- ★ Workers' Compensation
- ★ Rehabilitation and Medical
- ★ Security



EARLY BIRD DEADLINE: AUGUST 8

Products & Services at the Fair include:

Ergonomic products ♦ Health and medical services ♦ Health insurance reps ♦ Industrial hygiene testing and laboratories
Legal ♦ Managed care organizations ♦ Occupational safety and health consulting ♦ Rehabilitation and wellness services
Safety equipment and services ♦ Staffing agencies ♦ Third-party administrators ♦ Training ♦ Wellness

Cost: \$100.00 per table when registering by August 8, 2014. \$150 after August 8, 2014

Includes: 1 **Round** Display Table with linen tablecloth & 2 chairs (tables are not skirted); lunch for two (additional guests \$16 each); listing on the Stark County Safety Council Website and in the Oct 2014 SCSC Newsletter.

♦ Electricity is based upon request and availability - REGISTER EARLY

♦ Doors for vendors to open at 9:30 a.m.

♦ Vendors Must Be Set Up By 10:30 a.m. – No Exceptions

Call (330) 458-2061, register online at www.starkcountysafetycouncil.org or complete the form and mail to the address below or fax it to (330) 489-6005.

EARLY REGISTRATION DEADLINE IS AUGUST 8, 2014.

The Stark County Safety Council is administered locally by the Canton Regional Chamber of Commerce and the Ohio BWC Division of Safety and Hygiene.

Stark County Safety Council Safety, Health & Human Resource Fair

9/11/14 - Meyers Lake Ballroom, Canton

Please reserve _____ tables at \$100 per table (by August 8, 2014) Amount enclosed: _____

Please reserve _____ tables at \$150 per table (after August 8, 2014)

Please check to request electricity. There is limited availability.

Payment Options: Please bill my credit card Check enclosed
(circle one) MasterCard VISA AmEx Discover 3 digit #: _____

CC#: _____ Expires: _____ Name as it appears on card _____

Attendees: _____

Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____