

# Stark County Safety Council Newsletter

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STARK COUNTY

SAFETY COUNCIL

A committee of the Canton Regional Chamber of Commerce

## HALLOWEEN SAFETY TIPS FOR KIDS

Children should always go out trick or treating accompanied by a responsible adult. If you have a group of kids going, the parents should choose two or three of them to go along and keep an eye on things.

Some towns set a curfew for trick or treating which makes it easier for townfolk to know who's coming to their door. Make sure and stick to the curfew times and stick to subdivisions and areas with a lot of homes so your kids can get in as much trick or treating as possible in a few hours time.



Plan a safe route so parents know where their older kids will be at all times. Set a time for their return home. Make sure that your child is old enough and responsible enough to go out by themselves. Make sure that they have a cell phone.

Let your children know not to cut through back alleys and fields if they are out alone. Make sure they know to stay in populated areas and not to go off the beaten track. Let them know to stay in well lighted areas with lots of people around. Explain to them why it can be dangerous for kids not to do this. If they are going out alone, they are old enough to know what can happen to them in a bad situation and how to stop it from happening.

Instruct your children not to eat any treats until they bring them home to be examined by you. This way you can check for any problem candy and get the pick of the best stuff!

For more tips visit [www.halloween-safety.com](http://www.halloween-safety.com)

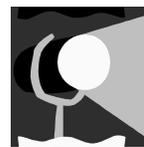
Today's Program October 14, 2010

**Speaker: Fred Bertram**  
Department Chair of Emergency Services,  
Stark State College of Technology  
**Topic: "Smoke Detectors & Thermal  
Imaging Devices and What You Need to  
Know"**

Spotlight Company: **US SafetyGear** LLC

To be a spotlight company contact Mark Rossiter  
mark.rossiter@anheuser-busch.com

### ABOUT THE AUGUST SPOTLIGHT COMPANY



US Safety Gear Inc. is a family owned full line safety equipment distributor based out of Warren, Ohio. We have been in business 21 years and stock over 1.3 million dollars of inventory. We also offer free local deliveries. Our main focus is to help you reduce workers compensation costs by providing in plant safety reviews to help you find the right safety glasses and gloves for your workplace and to prevent accidents.

Kelly Zabel (330)980-3955  
Tarry Alberini at (330)717-0113

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**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.

SCSC Members,

Our article this month comes from Kristina Harless. Kristina is a member of our steering committee and is with the law firm of Day Ketterer.

Hoping you will all find this article interesting and helpful.  
Regards,

Susan

## Why Does Everyone Seem to Hate Workers' Compensation?

By Kristina M. Harless, Esq

"Everyone Hates Worker's Comp," a recent blog post by Margaret Spense caught my eye because I automatically thought, "Oh she is so right!"

In today's legal environment, narrowly focusing on only the basics of handling a workers' compensation claim can quickly turn into a costly litigation matter for employers. Employers must consider the potential impact of the Americans with Disabilities Act in applying a light duty policy, the interests of the federal government when settling a workers' compensation claim with a Medicare set-aside agreement when appropriate, as well as applicable OSHA regulations and Ohio's own specific safety requirements. The list goes on and on.

While there are no recent legislative changes on how to handle employees returning to work following an injury, recently courts have assessed strict penalties on companies that did not pay close enough attention to how an evaluation procedure may be in violation of other laws. For example, Georgia Pacific Corporation is now re-evaluating its use of physical capacity forms and functional capacity evaluations because its prior procedures were found in violation of the American Disabilities Act. (Indegard v. Georgia Pacific Corporation).

Sears has also been found in violation of the Americans with Disabilities Act for failing to offer light duty or to accommodate injured employees who had filed workers' compensation claims. The litigation began with one technician's workers' compensation claim and developed into a full blown evaluation of Sears' workplace policies and procedures relating to how it handled return to employment issues. Sears was found in violation of Americans with Disabilities Act and eventually settled a class action lawsuit for \$6.2 million. (John Brava/EEOC v. Sears Roebuck)

In today's litigious environment, employers need to understand that workers' compensation claims often create avenues for future employment litigation. With a new emphasis by the Equal Employment Opportunity Commission on enforcing the federal leave and disability laws relating to the accommodation of injured workers, it is important that employers consider the requirements of Americans with Disabilities Act and Family and Medical Leave Act when handling workers' compensation claims. To help avoid potential liability, the expertise of legal counsel should be sought to help evaluate work place procedures and comprehensive return to work policies rather than solely focusing on an occupational injury as just a workers' compensation claim.

### Upcoming Program

November 11, 2010

**November 11, 2010**

**Speaker: Gust Callas, Partner**

**Black, McCuskey, Souers & Arbaugh, L.P.A.**  
*Dual Certified Specialist in Ohio in Labor & Employment Law and Workers' Compensation Law*

**Topic: "A LEGAL MINUTE : The area of Employment Law is rapidly changing. Are you up-to-date? Do you know your rights as an employer and the rights of your employees?"**

November Spotlight Company:

**GRAINGER**  
FOR THE ONES WHO GET IT DONE

To be a spotlight company contact Mark Rossiter  
mark.rossiter@anheuser-buch.com

### Upcoming Events

**October 15**—Mahoning Valley Safety Expo in Canfield Ohio. Fee. Contact David Costantino at 330.301.5825.

**October 19**—Hazardous Communication: Your right to know! 8-10 a.m. registration at 7:30 a.m.; Chateau Michele; Fee. Go to [www.starkcountysafetycouncil.org](http://www.starkcountysafetycouncil.org) to register.

**October 30**—13th Annual Great Pumpkin Race at Whipple-Dale Centre; 1 mile fun run & 4 mile run/walk. Fee. Proceeds benefits Stark DD Special Olympics. Go to [www.ohiochallengeseries.com](http://www.ohiochallengeseries.com) to register.

### Important items to make note of:

1. **Semi-Annual Reports** are required to maintain your membership with the SCSC. Reports are due July 15th and January 15th each year.
2. **Don't forget to sign-in.** If you do not sign the "sign-in sheet" your company will not receive credit for attending. This could hurt your company's chances of receiving the BWC's discount.
3. **July 1, 2010 began a new 12 month period** for the BWC's rebate program. If your company is eligible, you must attend a minimum of 10 events, with your company's CEO or a senior level manager attending one of these 10, and submit two semi-annual reports. See BWC website for complete rebate details.
4. **Please complete a Program Evaluation Form** following each luncheon meeting. Your input is important.