



## STARK COUNTY

### S A F E T Y C O U N C I L

A committee of the Canton Regional Chamber of Commerce

# news

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## OSHA EMPHASIZES WHISTLEBLOWER CASES

By Jacqueline Bollas Caldwell, Esq.

**O**SHA recently announced that there were a record number of whistleblower complaints concerning employer retaliation for reporting safety issues filed in fiscal 2012 under OSHA's Whistleblower Protection Program. The number of whistleblower cases reached 2,787, a 5% increase over 2011's whistleblower case total of 2,648. Of those whistleblower cases, according to OSHA, 20% were withdrawn and 58% were dismissed by OSHA.



In order to encourage whistleblower cases, OSHA is reviewing additional methods for collecting worker complaints of employer retaliation under whistleblower statutes. For example, OSHA is proposing to add a new forum to its website that workers can either submit directly through the internet or by downloading, filling out, and sending to OSHA by either fax, mail, or hand delivery. The proposal to update and broaden complaint submission in connection with alleged employer retaliation cases is another step in OSHA's effort to improve whistleblower enforcement. Employers should be aware that OSHA is taking efforts to increase employee awareness of its whistleblower program and to make it easier for employees to submit allegations of employer retaliation.

If you need any additional information, please feel free to contact Jacqueline Bollas Caldwell of Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. at: 330-244-2864 or [jcaldwell@kwgd.com](mailto: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.*

March 14, 2013

## Money, Money Everywhere – Find Out How to Get Your Share—BWCs Destination Excellence Program

Speaker: Lorrie Goodnight,  
BWC Business Consultant

### Spotlight Company



US SafetyGear Inc, is an Ohio based full line safety supply company that specializes in helping our customers to make their workplace safer. We would like to work with any company that wants to reduce injuries from cuts, burns, eye injuries, electrical and fall hazards and many other dangerous jobs that exist in manufacturing and construction work. Please contact Kelly Zabel at (330)980-3955 for assistance.

[Ussafetygear.com](http://Ussafetygear.com)

**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.*

# ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative

## QUESTION: WHEN DO THE CONSTRUCTION STANDARDS (1926) APPLY TO ME?

**ANSWER:** First we need to define what is "Construction": OSHA's regulations define construction work as "construction, alteration, and/or repair, including painting and decorating." Section 1910.12(a) further provides that OSHA's construction industry standards apply "to every employment and place of employment of every employee engaged in construction work."

Unlike construction work, there is no regulatory definition for "maintenance," nor a specified distinction between terms such as "maintenance," "repair," or "refurbishment." "Maintenance activities" have commonly been defined in dictionaries as making or keeping a structure, fixture or foundation (substrates) in proper condition in a routine, scheduled, or anticipated fashion. In OSHA's directive on the general industry confined space standard, the Agency stated that maintenance involves "keeping equipment working in its existing state, i.e., preventing its failure or decline".

Construction work is not limited to new construction, but can include the repair of existing facilities or the replacement of structures and their components. For example, the replacement of one utility pole with a new, identical pole would be maintenance; however, if it were replaced with an improved pole or equipment, it would be considered construction.

In addition to the concept of one-for-one replacement versus improvement, the scale and complexity of the project are relevant. This takes into consideration concepts such as the amount of time and material required to complete the job. For example, if a steel beam in a building had deteriorated and was to be replaced by a new, but identical beam, the project would be considered a construction repair rather than maintenance because of the replacement project's scale and complexity. Also, if a bridge was to be stripped and re-painted, that would be considered construction work even if the repainting were done on a scheduled basis. Replacement of a section of limestone cladding on a building, though not necessarily a large project in terms of scale, would typically be considered construction because it is a complex task in view of the steps involved and tools and equipment needed to do the work.

It is not the classification of what you are working on as "equipment" or "structure" that is significant, but rather the project's scale and complexity. Whether the work is performed in-house or by an outside contractor is not a factor; it is not the personnel which will determine whether work will be considered maintenance or construction, but the work itself.

## Safety Council Officers & Contributing Members

**Chairman:** Deb Schlabach  
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Steve Hanna  
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Coming Next Month

April 4, 2013

Where's My Cell Phone? Who is texting me now?... *Distracted Driving at its finest—Protecting yourself and others around you!*

**Speaker: Sharon George**  
Director of Stark County  
Safe Communities—Stark  
County Sheriff's Office



## Spotlight Company:



We need your help to:

**“STUFF THE TRUCK”**

**April 4 at the next SCSC Lunch**

Your Stark County Safety Council will be hosting a food drive to benefit the Akron-Canton Regional Foodbank at the **April 4th meeting**. A truck will be parked right outside of the Myers Lake Ballroom from 11:00 a.m.-12:00 p.m. and we want to make sure that when it pulls out it is "stuffed." All food collected will stay in Stark and surrounding counties. The six most needed items are: boxed cereal, peanut butter, canned vegetables, canned tuna fish, canned soup and canned beef stew. Monetary donations will also be accepted in the form of cash or check. Please make checks payable to Akron-Canton Regional Foodbank. For every \$1 donation to Harvest for Hunger, the Akron-Canton Regional Foodbank can provide four meals to a hungry family.



## Upcoming Safety Events

**April 9-11**  
Ohio Safety Congress at the Greater Columbus Convention Center. For registration: 1-800-OHIOWBC or ohioabc.com

**April 29**  
The SCSC Annual Safety Awards Banquet at Skyland Pines. Cash Bar @ 5:30 Dinner @ 6:30. Cost \$35.  
Keynote speakers: Dave Motts, Vice President Marketing/Sponsorships and Kevin Shiplett, Facilities Manager, Pro Football Hall of Fame Museum. For registration: StarkCountySafetyCouncil.org.

# OHIO TORNADO SEASON

By Mark Cush, Safety Director-Young Truck Sales

**A**s the severe weather approaches, take some time to be more aware and plan. Planning ahead will decrease the chance of injury or death in the event that severe weather strikes.

Tornados develop from severe thunderstorms. They are usually preceded by very heavy rain, and/or large hail. A thunderstorm accompanied by hail indicates the storm has large amounts of energy and may be severe. In general, the larger the hailstones, the more potential there is for damaging winds and/or tornados.

The most violent tornados are capable of tremendous destruction, injury, and death with wind speeds of 250mph or more. Damage paths have exceeded the width of one mile and 50 miles long. Tornados generally move from the southwest to the northeast, but have also been recorded traveling in any direction. The forward speed of a tornado varies from 30 mph to 70 mph.

Peak tornado season in Ohio is generally April through July, and usually occurs between 2 p.m. and 10 p.m. A few years ago a category EF1 tornado occurred in Fairfield County at 6 in the morning which proves that tornados can happen at any time, during the season.

Tornados are rated on a scale known as the Enhanced Fujita scale which is based on damage from wind estimates;

Operational EF Scale	
EF Number	3-second gust (mph)
0	65-85
1	86-110
2	111-135
3	136-165
4	166-200
5	Over 200



## Tornado Safety Tips:

- ❑ Assemble a plan to be prepared for weather emergencies. This should be included in your Emergency Action Plan. Businesses with more than 10 employees are required by OSHA to have their plan in writing. ( A plan for your personal household is just as important)
- ❑ Train on your plan
- ❑ Conduct annual drills
- ❑ Have a designated meeting place-most generally the lowest place in the building is the safest. If the building has no basement, meet on the lowest level of the structure, away from windows, and as close to the center of the building as possible
- ❑ Be aware of shelter when away from home or work. E.g... Shopping centers, sporting events, and places of worship.
- ❑ If you cannot find shelter, get into your vehicle, buckle your seatbelt, and attempt to drive to the nearest sturdy shelter. If you choose to stay in your vehicle, stay buckled, duck down below the windows and cover your head.
- ❑ If you choose to leave your vehicle find a depression or ditch and use your arms and hands to protect your head. Never seek shelter under highway overpasses or bridges.
- ❑ Finally, organize a disaster supply kit.