



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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StarkCountySafetyCouncil.com

WILL YOU PARTICIPATE IN OSHA'S NATIONAL STAND-DOWN FOR FALL PREVENTION JUNE 2 - 6, 2014?

By Jacqueline Bollas Caldwell, Esq.

On March 19, 2014, OSHA announced a National Safety Stand-Down Day for construction from June 2 - 6, 2014, to raise awareness in employers and workers about fall hazards, which account for the highest number of deaths in the construction industry.

- **What is the Stand-Down?** It is a voluntary event for employers to talk to their employees about Fall Hazards and reinforce Fall Prevention. During the Stand-Down, employers and workers are asked to pause their workday to talk about fall prevention in construction and discuss topics like ladder safety, scaffolding safety, and roofing work safety.
- **How to Prepare?** One way is to plan a toolbox talk on a safety topic concerning fall prevention issues, discussing fall hazards, protective methods, company safety policies, and goals and expectations.
- **Need more information?** Visit OSHA's website at <http://www.osha.gov/StopFallsStandDown/>.

This National Stand-Down Day is a part of OSHA's ongoing "Fall Prevention Campaign" started in 2012. OSHA's goal is to have 25,000 employers and 500,000 employees take part in the Stand-Down.

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.

April 10, 2014

Workplace Injuries—All is Not Lost

Gust Callas, Esq. of Black, McCuskey, Souers & Arbaugh, LPA

Gust Callas will present on a variety of strategies that are outside of the box regarding cost avoidance and cost containment measures when your employees are injured; Safety first. Gust will have an informative talk on new ideas and strategies, including ways to reduce your liability exposure, as well as have the State of Ohio help reduce your workplace costs.

April 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



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.*

ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative

Q: What are OSHA's Proposed Crystalline Silica Rules?

A: The proposed standard for general industry and maritime includes provisions for employers to:

- ◇ Measure the amount of silica that workers are exposed to if it may be at or above an action level of 25 µg/m³ (micrograms of silica per cubic meter of air), averaged over an 8-hour day;
- ◇ Protect workers from respirable crystalline silica exposures above the permissible exposure limit (PEL) of 50 µg/m³, averaged over an 8-hour day;
- ◇ Limit workers' access to areas where they could be exposed above the PEL;
- ◇ Use dust controls to protect workers from silica exposures above the PEL;
- ◇ Provide respirators to workers when dust controls cannot limit exposures to the PEL;
- ◇ Offer medical exams-including chest X-rays and lung function tests-every three years for workers exposed above the PEL for 30 or more days per year;
- ◇ Train workers on work operations that result in silica exposure and ways to limit exposure; and
- ◇ Keep records of workers' silica exposure and medical exams.

Silica exposure remains a serious threat to nearly 2 million U.S. workers, including more than 100,000 workers in high risk jobs such as abrasive blasting, foundry work, stonecutting, rock drilling, quarry work and tunneling. Crystalline silica has been classified as a human lung carcinogen.

Additionally, breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling, or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs' ability to take in oxygen. There is no cure for silicosis.

Coming Next Month

May 8, 2014

So You Think You Work in a Zoo?

**Doug Piekarz, Vice President,
Planning & Conservation Programs,
Akron Zoo**

Many folks have heard the word "Zoo" used to describe a work environment that is fast paced, and in some way overwhelming or chaotic for the employees who work there. With this presentation, this idea will be challenged and Doug Piekarz will discuss both safety and security aspects of managing a professional accredited Zoo in the 21st century. Not every organization needs a Disaster Assistance Response (DART) team, but we all have similar and at times unique risks and concerns that need to be addressed and drilled.

SPOTLIGHT
COPMANY:



UPCOMING SCSC EVENTS & DATES

April 16—Safety Awards Banquet – Skyland Pines cash bar 5:00 to 6:00 p.m.; dinner 6:00 p.m.
Speaker: David Baker, new President/Executive Director, Pro Football Hall of Fame. Cost: \$35

April 17— *The Safe Handling and Use of Chemicals in the Workplace.* 7:30 a.m.; Meyers Lake Ballroom. Sponsored by LEPC and SCSC.
Register online at StarkCountySafetyCouncil.org.

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Independent Contractor or Employee?

Submitted By: Gust Callas, Esq.

Black, McCuskey, Souers & Arbaugh, LPA

Member Stark County Safety Council Steering Committee

Is the timely reporting of worker's compensation claims really that important? Absolutely! The age old question is "Is that person that is working for you an independent contractor or an employee?" Presently, the Internal Revenue Service (IRS) has become exceedingly aggressive on investigations to determine whether or not a worker is an employee or an independent contractor. The IRS has taken the position that, in many cases, the individual who works for you is an employee, and the IRS wants the appropriate payroll taxes to be paid. Ultimately, you must ask "How much control am I exerting over this worker, and is this person an independent contractor?"



Your focus should center around how much control you exercise over this particular individual? The higher degree of control you have over the worker, the more likely the IRS will reclassify the worker as an employee. Do you provide this worker with an office? Do you regulate the hours of work? Do you pay this worker on an hourly basis or is it project by project? Do you tell this worker what the starting and quitting time is? Do you regularly supervise this worker?

As Microsoft found out, erroneously characterizing a worker as an independent contractor, as opposed to an employee, has serious financial implications. First, the appropriate income tax has not been paid. Second, the appropriate FICA (social security) has not been paid; Medicare has not been paid. Unemployment taxes have not been paid; contributions to retirement and/or 401k plans have not been made. In many instances, overtime (work over 40 hours in one week) has not been paid. State and local taxes have not been paid. Appropriate workers' compensation premiums have not been paid (perhaps, workers' compensation benefits have not been paid, subjecting you to an audit by the Ohio Bureau of Workers' Compensation); health care benefits have not been provided. The list goes on and on.

The financial ramifications could put you out of business. Therefore, at a minimum, you should review your relationship with your independent contractor to determine if there is a risk that the IRS would reclassify your worker as an employee.

For additional information, feel free to contact Gust Callas, Esq., Black, McCuskey, Souers & Arbaugh, LPA, at (330) 456-8341 or gcallas@bmsa.com.

Again This Year we are Asking for Your Help to “Stuff” the Truck for Harvest for Hunger!



Your Stark County Safety Council will be hosting a food drive to benefit the Akron-Canton Regional Foodbank at the **April 10th meeting**. A truck will be parked right outside of the Myers Lake Ballroom from 11:00 a.m.-12:00 p.m. and our goal is to have it “stuffed when it pulls out.” 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**.

**Please Ask Your Employees &
Co-Workers to Participate
Let's Make a Difference!**