



STARK COUNTY

SAFETY COUNCIL

A committee of the Canton Regional Chamber of Commerce

news

Volume 12 Issue 8 August 2014

StarkCountySafetyCouncil.com

OSHA FOCUSES ON TEMPORARY WORKERS

By Jacqueline Bollas Caldwell, Esq.

In 2013, OSHA launched a temporary worker. In 2014, OSHA is continuing its emphasis on temporary worker safety. Currently, OSHA's key message is that employers share responsibility to protect temporary workers -- the host employer must provide the same safety protections to all of its workers, and the agencies providing employees have a legal obligation to see that host employers do so. OSHA's website includes the following advice.

A key concept is that each employer should consider the hazards it is in a position to prevent and correct, and in a position to comply with OSHA standards. For example: staffing agencies might provide general safety and health training, and host employers provide specific training tailored to the particular workplace equipment/hazards.

- The key is communication between the agency and the host to ensure that the necessary protections are provided.
- Staffing agencies have a duty to inquire into the conditions of their workers' assigned workplaces. They must ensure that they are sending workers to a safe workplace.
- Ignorance of hazards is not an excuse.
- Staffing agencies need not become experts on specific workplace hazards, but they should determine what conditions exist at their client (host) agencies, what hazards may be encountered, and how best to ensure protection for the temporary workers.
- The staffing agency has the duty to inquire and verify that the host has fulfilled its responsibilities for a safe workplace.
- And, just as important: Host employers must treat temporary workers like any other workers in terms of training and safety and health protections.

Each employer should review its policies in connection with temporary workers and understand that OSHA will attempt to cite both the host employer and the agency providing the temporary worker for safety violations involving temporary workers.

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.

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!



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.*

UPCOMING

August 20—Get Ready for Prospective Billing—Canton Regional Chamber of Commerce; 8-10 a.m. Fee. Register at: starkcountysafetycouncil.org

Sept. 11th— The 2014 SCSC Safety, Health & Human Resource Fair. More info on last page.

Sept. 17—Preparing for the 2015 NFPA 70E Course overview. More info to follow.

ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative

Q: We have an employee who claims to have been injured in December 2013. He did not go to the doctor until March 2014 after he was terminated. We are arguing this injury and the worker is going to a hearing in June 2014. Do I need to add this injury to the OSHA 300?

A: It depends (I'm sure you love that answer)! The first thing to keep in mind is the OSHA 300 log and entry on the log is your decision, not necessarily depending on BWC and allow/disallowed status.

From the OSHA recordkeeping handbook: (3) *How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work?*

In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

Accordingly, OSHA has concluded that the determination of work-relatedness is best made by the employer, as it has been in the past. Employers are in the best position to obtain the information, both from the employee and the workplace that is necessary to make this determination. Although expert advice may occasionally be sought by employers in particularly complex cases, the final rule provides that the determination of work-relatedness ultimately rests with the employer.

If you feel it did not happen at work (regardless of the BWC decision), then you can keep it off your log. I always suggest you feel you can back up your decision if you were questioned (if OSHA asked why, so you want a good reasoning). If it does get disallowed, then you can use that as proof, but ultimately it's your decision.

If you do decide to put it on your log (to be conservative) put in on the 2013 log since that is when the injury occurred.

Coming Next Month September 11, 2014

2014 SAFETY, HEALTH & HUMAN RESOURCE FAIR

Myers Lake Ballroom

**Don't Miss Out—Reserve Your Table
Now!**

300+ representatives from business, organizations and local government entities will attend this event.

**Early bird deadline: Aug. 8th
For registration go to
starkcountysafetycouncil.org**

**For more information see last page of
this newsletter.**

Safety Council Officers & Contributing Members

Chairman: Deb Schlabach
(dschlabach@aultcompmpco.com)

Vice Chair: (Chris Zabel czabel@USSafetyGear.com)

Newsletter Editor: Jacqueline Bollas Caldwell
(jcaldwell@kwdg.com)

Program Manager & Canton Regional Chamber

Representative: Connie Cerny
(conniec@cantonchamber.org)

Ohio BWC Representatives: Robin Watson
(robin.w.1@bwc.state.oh.us) and
Steve Hanna
(stephen.h.1@bwc.state.oh.us)

Important Workers Compensation Group Rating Changes Coming This Year

Submitted By: Bob Nicoll, Program Manager
CareWorks Consultants Inc. and
SCSC Steering Committee Member

The Ohio Bureau of Workers Compensation (BWC) will implement some important changes for the 2015 rate year that will affect your business planning. These changes will concern workers' compensation group rating enrollment time frames.

Beginning this year, BWC is changing the traditional and retrospective workers' compensation group rating filing deadlines for the 2015 rate year. The traditional group rating enrollment deadline is being moved up to November 24th from the February 28th filing deadline that businesses have been accustomed to. As well, the retrospective group rating enrollment deadline is being moved up to January 30th from April 30th. In order to accommodate the new enrollment deadlines, businesses will see group rating marketing kick off earlier this year.



These changes are part of the BWC transition to a prospective premium payment model. Starting next July employers will begin paying their premiums upfront based on their estimated future payrolls instead of in arrears based on their prior six months of payroll. Employers will be invoiced for the 2015 rate year in advance and pay their premiums bi-monthly beginning in August. In subsequent years BWC plans call for employers to choose among monthly, bi-monthly, quarterly, semi-annual and annual payment options. The BWC is providing a one-time premium credit to eliminate the need for double premium payments during the transition.

Due to this transition there will be other important program deadline changes as well. The experience snapshot date has been moved up three months to September 30. The Destination Excellence enrollment deadline will be May 29, 2015 and the Deductible Program and One Claim Program deadlines will be January 30, 2015.

If you have any questions regarding these changes contact your third party administrator (TPA) or your BWC representative.



STARK COUNTY

SAFETY COUNCIL

2014 SAFETY, HEALTH & HUMAN RESOURCE FAIR



THURSDAY, SEPT. 11
11:30 AM - 1 PM
MEYER'S LAKE BALLROOM

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: _____