



Wiring a green tomorrow



Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 659
Tuesday September 3rd, 2024
Meeting MINUTES

Roll call: meeting called to order in person
Approval of previous Meeting Minutes

Communications

Discussed working alone and will provide some options for equipment to use for communication.

Please see NECA web portal for downloads

OSHA Injury/Incidents (July-December)

Recordable

- 1.1 Right side chest strain drilling up on a ladder 7.22
- 1.2 Left middle finger dislocated while reversing drill, glove got caught 7.31
- 1.3 Employee tripped over metal and cut hand resulting in 7 stitches ?

First Aid/Near-miss

- 1.4 Roto hammer extended drilling- overexertion 8.13

Class Schedule- Posted online

Next Meeting – September 24th, 2024

Adjournment

Vaughn Pugh
Integrity Safety-Consultant

September 3, 2024



Wiring a green tomorrow



Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 659
Tuesday September 24th, 2024
Meeting AGENDA

Roll call: meeting called to order, In-Person and Zoom
Approval of previous Meeting Minutes

1.0 Communications

- 1.1 Please check out NECA website for supplementary materials
- 1.2 How we doing on any needs you might have that I can help?
- 1.3 September is Nation Suicide Awareness month.

2.0 New Business- (safety packets distributed)

- 2.1 Guiding workers through an incident or accident
- 2.2 Selected items from Safety Packet
- 2.3 <https://www.ehs.com/2021/11/when-are-work-from-home-wfh-injuries-recordable-we-answer-your-remote-work-questions/>

3.0 OSHA Injury/Incidents (July-December)

Recordable

- 3.1 Right side chest strain drilling up on a ladder 7.22
- 3.2 Left middle finger dislocated while reversing drill, glove got caught 7.31
- 3.3 Employee tripped over metal and cut hand resulting in 7 stitches ?

First Aid/Near-miss

- 3.4 Roto hammer extended drilling- overexertion 8.13

4.0 Class Schedule- Posted online

All NECA Contractors are reminded that work related accidents and incidents should be reported via the Accident/ Incident report to the NECA office for consideration by the committee. If you need a copy of the report, contact the Chapter office.

***IMPORTANT REMINDER:** The variance granted to NECA/IBEW by OR-OSHA requires participation by both Labor and Management Representatives at the Joint Innovative Safety Committee. For the Committee to be viable and provide assistance to Contractors and IBEW Members we need to have consistent attendance of all committee members.*

Next Meeting: October 22nd, 2024



POWERFUL TRADITION ELECTRIFYING FUTURE
OREGON PACIFIC-CASCADE CHAPTER

Safety Meeting Packet

September 2024

1040 Gateway Loop, Suite A ♦ Springfield, OR 97477

541-736-1443 Office ♦ 541-736-1449 Fax

**2024 LABOR HOURS RECAP
ALL SIGNATORY CONTRACTORS**

Local 280

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	642,750	7	91,821	74,012	101,934	100,773	87,884	98,875	95,375	83,897					
Inside Appr.	182,651	7	26,093	18,960	26,703	29,014	24,119	27,498	30,518	25,839					
MAI	0	0	#DIV/0!	0	0	0	0	0	0	0					
Material	41,245	7	5,892	5,609	6,660	6,323	5,321	6,074	6,350	4,908					
Residential	63,667	7	9,095	6,746	12,107	9,655	8,335	10,120	9,123	7,581					
Residential Appr.	32,741	7	4,677	3,512	5,006	5,602	4,412	5,080	5,597	3,532					
S & C	113,872	7	16,267	13,307	17,510	18,882	16,439	17,807	15,744	14,183					
S & C Appr.	35,200	7	5,029	3,633	4,927	5,131	4,877	5,833	5,352	5,447					
Support Tech/MOU	35,817	7	5,117	5,417	7,965	8,376	5,621	2,967	2,483	2,988					
TOTAL 280	1,147,943	7	163,992	131,196	182,812	183,756	157,008	174,254	170,542	148,375	0	0	0	0	0
Total NECA	1,011,238	7	144,463	114,608	160,181	163,168	138,068	156,810	151,628	126,775	0	0	0	0	0
% NECA	88.09%	7		87.36%	87.62%	88.80%	87.94%	89.99%	88.91%	85.44%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Local 659

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	129,777	7	18,540	14,003	19,007	21,836	18,414	21,394	17,770	17,353					
Inside Appr.	50,157	7	7,165	5,743	6,772	8,892	7,354	8,059	6,608	6,729					
Material	3,243	7	463	300	378	565	493	585	440	482					
Residential	2,756	7	394	381	392	57	453	516	461	496					
Residential Appr.	2,207	7	315	366	332	391	318	302	208	290					
S & C	5,971	7	853	584	861	958	998	1,026	746	798					
S & C Appr.	7	1	7	0	0	0	0	7	0	0					
Total 659	194,118	7	27,731	21,377	27,742	32,699	28,030	31,889	26,233	26,148	0	0	0	0	0
Total NECA	146,284	7	20,898	15,350	20,963	25,542	21,036	24,950	19,575	18,868	0	0	0	0	0
% NECA	75%	7		72%	76%	78%	75%	78%	75%	72%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Local 932

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	79,595	7	11,371	10,071	11,612	12,194	11,305	12,095	12,070	10,248					
Inside Appr.	29,883	7	4,269	3,824	4,504	5,168	4,253	4,472	4,168	3,494					
Residential	1,949	6	325	0	327	145	392	173	494	418					
Residential Appr.	4,449	7	636	378	545	580	699	762	931	554					
S & C	5,075	7	725	455	975	985	800	844	531	485					
S & C Appr.	1,404	6	234	0	184	397	235	186	248	154					
Total 932	122,355	7	17,479	14,728	18,147	19,469	17,684	18,532	18,442	15,353	0	0	0	0	0
Total NECA	97,153	7	13,879	11,471	13,943	16,524	13,713	14,693	15,114	11,695	0	0	0	0	0
% NECA	79%	7		78%	77%	85%	78%	79%	82%	76%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Grand Total	1,464,416	7	209,202	167,301	228,701	235,924	202,722	224,675	215,217	189,876	0	0	0	0	0
Total NECA	1,254,675	7	179,239	141,429	195,087	205,234	172,817	196,453	186,317	157,338	0	0	0	0	0
Total % NECA	86%			85%	85%	87%	85%	87%	87%	83%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

**2024 LABOR HOURS RECAP
NECA MEMBERS
Local 280**

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	566,508	7	80,930	64,139	91,106	89,245	76,790	87,341	85,290	72,597					
Inside Appr.	159,607	7	22,801	15,966	23,445	25,431	20,953	24,348	27,545	21,919					
MAI	0	0	#DIV/0!	0	0	0	0	0	0	0					
Material	36,658	7	5,237	5,160	6,095	5,686	4,578	5,365	5,484	4,290					
Residential	39,327	7	5,618	3,854	5,927	6,615	5,602	6,559	6,273	4,497					
Residential Appr.	26,371	7	3,767	2,462	4,171	4,728	3,450	4,126	4,724	2,710					
S & C	113,789	7	16,256	13,048	17,217	18,487	16,209	20,289	15,081	13,458					
S & C Appr.	36,110	7	5,159	4,932	4,871	5,030	4,865	5,815	5,200	5,397					
Support Tech/MOU	32,868	7	4,695	5,047	7,349	7,946	5,621	2,967	2,031	1,907					
Total 280	1,011,238	7	144,463	114,608	160,181	163,168	138,068	156,810	151,628	126,775	0	0	0	0	0

Local 659

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	99,302	7	14,186	10,417	14,765	17,052	13,696	17,004	13,579	12,789					
Inside Appr.	36,381	7	5,197	3,956	4,798	6,718	5,576	6,085	4,676	4,572					
Material	2,028	7	290	112	208	407	315	408	283	295					
Residential	1,824	7	261	181	219	309	301	305	227	282					
Residential Appr.	771	7	110	100	112	98	150	115	64	132					
S & C	5,971	7	853	584	861	958	998	1,026	746	798					
S & C Appr.	7	1	7	0	0	0	0	7	0	0					
Total 659	146,284	7	20,898	15,350	20,963	25,542	21,036	24,950	19,575	18,868	0	0	0	0	0

Local 932

Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Inside	63,928	7	9,133	7,733	9,157	10,537	8,931	9,643	9,975	7,952					
Inside Appr.	24,691	7	3,527	3,173	3,714	4,392	3,547	3,684	3,488	2,693					
Residential	542	3	181	0	0	0	40	0	278	224					
Residential Appr.	1,766	7	252	110	160	213	160	336	594	193					
S & C	4,790	7	684	455	696	985	800	844	531	479					
S & C Appr.	1,436	6	239	0	216	397	235	186	248	154					
Total 932	97,153	7	13,879	11,471	13,943	16,524	13,713	14,693	15,114	11,695	0	0	0	0	0

Grand Total	1,254,675	7	179,239	141,429	195,087	205,234	172,817	196,453	186,317	157,338	0	0	0	0	0
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OREGON PACIFIC-CASCADE CHAPTER

Safety Training Topics

October 2024

Wildfire Smoke

Mental Health Awareness

Focus on the Fundamentals

Confined Space Basics

Confined Space - Attendant Duties

SAFETY TRAINING TOPIC

Wildfire Smoke

What is Wildfire Smoke?

Wildfire smoke is a mix of particles and gases containing many different kinds of chemicals. Gases include carbon monoxide, carbon dioxide, and nitrogen oxides. Depending on the material that is burning, the gases could also include other compounds that are carcinogenic.

What are the health effects?

1. **If you have any existing lung or heart conditions, exposure to the smoke may aggravate those symptoms even more. The long term and short-term effects of the smoke depends on:**
 - a. Level of smoke
 - b. Duration of exposure
 - c. Age
 - d. Current medical conditions

2. **In general, long term health risks (cancer or other chronic health problems) from short term exposure at low or moderate levels, are quite low. So, we don't need to freak out.**

Some symptoms include:

- a. Irritation of the eyes, nose, and throat
- b. Headaches
- c. Worsening of allergies

What can I do to limit my smoke exposure at work?

3. **Most of us work outside, exerting large amounts of physical activity, which is not the best scenario for heavy, smoky days. Here are some ways you can protect yourself:**
 - a. Reschedule outside work if possible
 - b. Relocate work to a less smoky area if possible
 - c. Take breaks indoors
 - d. Stay hydrated (to avoid heat stress)
 - e. When driving, keep vents and windows closed, put A/C on re-circulate. Once you get to an area with better air quality, then open the windows to get the CO₂ out.
 - f. PPE-If you feel you require more protection, you can wear a respirator. The most common type is the N95 particulate-filtering face piece respirator.
 - g. Keep in mind that respirators are not the same as masks (i.e., surgical masks, face coverings). Masks are loose fitting and don't have a tight seal that is required.
 - h. If you do choose to use a respirator, you must be fit tested to use them and they have to meet the standards (NIOSH-approved).

What should I do if I experience wildfire smoke symptoms?

If you're experiencing symptoms that you think are related to the smoke, treat it like any other first aid incident and report it to your supervisor.

From there, follow your company procedures for handling first aid.

SAFETY TRAINING TOPIC

Mental Health Awareness

Mental health and wellness, though never included in Safety Week before, may be one of the biggest safety issues on our jobsites today. When people who are struggling with substance abuse, depression, anxiety and personality disorders show up to work they are likely to be distracted and fatigued, and may have severely impaired judgment and perception. This could obviously result in incidents or injuries to themselves or someone else, or – at its worst case – self-inflicted injury or even death.

Construction is the second-leading industry at risk for suicide by men. Statistics show that rates of suicide thoughts, plans, and attempts are more than double that of the general population.

Why does it hit us so hard? There are many factors of our jobs that have an impact. First, it is a high-pressure industry. We are driven by schedule, budget and production demands. We are always pushing, and that can take a toll. Many construction workers travel regularly and are away from their families for extended periods of time. We deal with sleep disruption or deprivation due to shift work, and oftentimes manage seasonal or end-of-project layoffs. Many in our industry suffer from chronic pain that is the result of years and years of hard physical labor, and a high number of that population self-medicates with drugs or alcohol.

Last – but maybe most important, we are an “old school” and “tough” industry. This often prevents people from opening up, sharing shortcomings, or asking for help. This is what we need to fix. For many, a coworker could be a last line of defense. We need to educate ourselves and be on the lookout for warning signs, and we need to encourage people to open up and seek help when necessary.

I encourage you to take care of yourselves, take care of each other, and know who to go to for help. We are all in this together, and together we can eliminate the stigma surrounding mental health and asking for help.

Discuss ways your team can prioritize the mental health of all employees and share resources for where help can be found for those who need it.

Discuss these questions with your crew. Possible answers are listed below each question.

1. What are some warning signs?

- a. Increased or excessive use of drugs or alcohol*
- b. Anxiety*
- c. Difficulty sleeping or dramatic increase in sleeping*
- d. Lack of purpose or comments about having no reason to live*
- e. Withdrawal*
- f. Dramatic mood swings or uncharacteristic anger*
- g. Recklessness*

2. How can you be an active listener? (getting people to share their struggles)

- a. *Watch non-verbal signs*
- b. *Ask open-ended questions or prompt with "tell me more"*
- c. *Make sure to remain non-judgmental, and resist offering advice*
- d. *Reflect back key feelings or phrases to assure the person they are being heard*
- e. *You don't have to wait for the perfect time*

3. IF you suspect that someone is considering suicide:

- a. *Ask the direct question*
- b. *Thank them for sharing*
- c. *Provide hope and let them know that "we are a team"*
- d. *Keep them safe until they can get professional help*
- e. *Notify and hand off to the professionals*

4. Encourage sharing and story-telling:

- a. *Have you known someone who has dealt with a substance abuse problem?*
- b. *Do you know a teenager who has dealt with depression?*
- c. *Have you ever had a co-worker dealing with serious marital or financial issues?*
- d. *Have you ever known someone who attempted to commit suicide? (partner up for this question)*

Crew Signatures:

SAFETY TRAINING TOPIC

Focus on the Fundamentals

“The minute you get away from fundamentals – whether its proper technique, work ethic or mental preparation – the bottom can fall out of your game, your schoolwork, your job, whatever you’re doing” (Michael Jordan).

Michael Jordan is right; the bottom can fall out of your game without focusing on the fundamentals. In basketball, losing focus on the fundamentals will cause a player to miss a shot, miss a pass or a rebound. In the construction world, ***in our world***, losing focus on the fundamentals can have much more serious consequences. If we lose focus on the fundamentals, someone gets injured or worse.

We are currently in very challenging and trying times. We are having to approach and build our work differently as we try to protect ourselves, our co-workers and our families from the Coronavirus. These challenges cause distractions, which in turn can cause us to lose focus on the fundamentals.

To build our work safely, our employees need to know what the fundamentals are, and why they are important. It is also critically important that our employees follow the principles of Speak Up – Listen Up; that they are watching out for one another. If we can commit to watching out for one another, speaking up and listening, we can ensure that distractions don’t allow any of us to lose focus.

Crew Discussion:

1. What are the basic safety fundamentals on this job?
2. What are some of the safety fundamentals that are unique to this project or task?
3. What safety fundamentals do we need to consider if there is a change in conditions on this project?
4. Why are safety fundamentals important and what are the possible consequences of losing focus on them?

SAFETY TRAINING TOPIC

Confined Space Basics

OBJECTIVES

Upon completion of this safety talk, participants will be able to:

- Be familiar with permit and non-permit confined spaces
- Be aware of methods to minimize the hazards of working in a confined space

There are two types of confined spaces and the level of danger or potential harm determines the category. A non-permit space is a confined space that doesn't have the potential to contain a hazard capable of causing death or a serious injury. A permit confined space is one that has the potential to produce conditions that can cause a serious injury or death. Before you enter a confined space, you should assume that it's permit required until it has been confirmed that it isn't. By assuming it requires a permit, you won't accidentally enter a dangerous situation. Some things to remember when you have to work in or around a confined space follow:

- Conditions change. Before you enter a confined space, be sure you've checked the oxygen level which is well within the safety zone. You must be aware that oxygen levels can and DO change. If the permit has time restrictions, be sure to abide by them, they're there for a reason.
- Permission may be limited. A permit may only apply to specific parts of a confined space. You should be aware of what parts of a confined space the permit allows you to work in safely and stay in that area.
- Heed the permit. All the information on a permit is there for a reason, pay close attention to all of the details. Missing even one item may be fatal for you.
- Be aware of safe work procedures of a confined space and review them as you enter and work in the area. One misstep in procedure can result in tragedy.
- Remember that a permit is only good for the date that it's issued on. The conditions in a confined space have the potential to change quickly, so yesterday's permit will not reflect current conditions. Don't enter the space until you've told the entry supervisor about the date issue and you've gotten approval to proceed.
- Never enter a confined space unless all the conditions of the permit are met. Notify the entry supervisor about any issues you may have with the permit or the conditions of the confined space.
- The danger of a confined space is NOT dependent on the amount of time that you spend in the space. If the space has any dangers associated with it, you need a permit, whether you'll be in the space for 8 hours, 8 minutes or 8 seconds.
- Always obey what the entry attendant requires of you. The attendant is there for a reason, to keep you safe and is sometimes your only link to the world outside of the confined space.

- It isn't uncommon for you to suffer from impaired judgment from low oxygen levels or other factors in a confined space. This is why you must pay attention to the entry attendants' warnings. Since they're on the outside, they aren't affected by the conditions inside the space and will be able to determine your level of safety better than you may be able to.

By being aware of the potential hazards associated with confined spaces and what you can do to protect yourself, you have a better chance of staying safe.

DISCUSSION QUESTIONS

- What is the major difference between permit and non-permit confined spaces?
- When is it possible for a permit required space to become a non-permit space?
- What should you do if you notice that the date on the permit is yesterday's date?
- There are aspects of the confined space that are missing from the permit; what should you do?

SAFETY TRAINING TOPIC

Confined Space - Attendant Duties

OBJECTIVES

Upon completion of this safety talk, participants will be able to:

- Be familiar with what crew members should expect from the entry attendant
- Be familiar with their responsibilities as an entry attendant

When you're working in or around confined spaces one of your most important pieces of safety equipment is the entry supervisor or attendant. And just like any other piece of your safety equipment that you rely on, you have to trust and listen to the attendant. Having a responsible attendant watching out for you can be what keeps you alive. When you're working in a confined space, some things to remember about the entry attendant:

- They should stay in contact with the crew working inside; although, this doesn't mean a running conversation. The attendant should listen for and to the normal work sounds and periodically check in by asking questions like "How are you doing in there" or "What is your oxygen level now?"
- If the attendant must leave the entry post and there is no replacement, the entire crew must exit the confined space.
- You don't have the authority to dismiss an attendant. If the permit requires an entry attendant, not having one violates the permit and no crew can be in the confined space. Although the crew may feel they are safe in the space without the attendant, the attendant cannot leave until they've been replaced.

If you're charged with being the attendant, some of the duties you'll be responsible for include:

- Although being an attendant may not be the most interesting task on the jobsite, it's important to stay as focused as possible. Becoming involved in a conversation, reading the newspaper or listening to music are distractions that must be avoided.
- Never enter the confined space unless a replacement is in place. When you do enter the space, you must observe all entry cautions in the permit, like PPE for example. Even "poking your head in" is considered entering.
- You must be familiar with the confined entry permit before you allow the crew to enter. Everyone stays out until you understand the permit.
- Be sure communication equipment is in working order at the beginning of your shift and periodically tested. Be sure both the crew and your supervisor or first responder can hear you.
- Stay in contact with the crew.

- You're there to GET help, not necessarily provide it. Your communication system is in place to alert first responders that help is needed. Rushing into an emergency situation in a confined space will probably cause you to be yet another person that needs rescuing.
- You should test any extraction equipment that is available for use at the confined space. Before using the extraction equipment always call for help.

Entry attendants are crucial to the safety of the crew working in a confined space. The responsibilities of the attendant must be clear to everyone involved; the attendant and all crew members.

DISCUSSION QUESTIONS

- The attendant offers to make the lunch run before the crew leaves the space to save time; do you let him go?
- You're feeling light-headed in the confined space. What should you do?
- What are the major responsibilities of the entry attendant?
- The permit requires extraction equipment for each crew member. When the 3-man crew shows up; there are only two sets of extraction equipment; what do you do?

Test Your Knowledge

Quiz: Dealing with workplace stress

If jobs were all fun and games, we wouldn't call it "working." But too much stress can take a toll on employees' health.

See how much your workers know about handling stress with this *True or False* quiz.

1. Stress only impacts workers' mental health.
2. Signs of stress include feeling anxious or irritable and trouble sleeping or concentrating.
3. It's the company's job to prevent stress. As a worker, you can only do what they tell you.

4. Workers today aren't as tough as in the past. Stress was never a problem in the past – workers just sucked it up and did their jobs.
5. If you're feeling stressed, resist the urge to pour yourself another cup of coffee or light up a cigarette.

Answers to the quiz

1. *False.* Stress has physical effects too. It can lead to aches and pains, and even makes you more susceptible to the flu or common cold.
2. *True.* Other signs of stress include apathy or loss of interest and using drugs or alcohol to cope. Recognizing symptoms is the first step toward getting better.
3. *False.* There are ways you can help yourself, too. Getting regular exercise and eating healthfully are two key factors to limiting the effects of stress.



4. *False.* It's not about mental toughness. Stress can happen whenever the demands of a job weigh heavily on a worker, regardless of mental makeup.
5. *True.* Caffeine actually increases stress hormones and cigarette smoking causes long-term stress levels to rise.



New OSHA Rule Lets Union Reps Participate in Safety Inspections



by Carol Warner

April 8, 2024

OSHA

3 MINUTE ENGAGEMENT



SHARE ON



A new [OSHA](#) rule – the so-called “[walkaround](#)” rule – clarifies that employees may designate a non-employee third party, such as a union rep, to be their representative and accompany OSHA inspectors during workplace safety inspections.

The [final rule](#) was published in the Federal Register on April 1 – and is set to take effect on May 31.

Why was the rule changed?

In *Nat'l Federation of Independent Business v. Dougherty*, No. 3:16-CV-2568-D, 2017 U.S. Dist. LEXIS 15915 (N.D. Tex. 2/3/17), a federal court in Texas found that OSHA's practice of allowing “third parties to be employee walkaround representatives was a valid interpretation of the law but was not consistent with the regulation as then written,” the agency explained.

Shortly after the court's decision, OSHA began the rulemaking process to correct the deficiency.

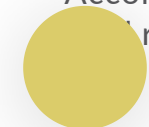
What did the new OSHA rule change?

Prior to the new OSHA rule, employees' representatives generally had to be employees of the company, unless an OSHA inspector decided a third-party expert was “reasonably necessary” to conduct “an effective and thorough physical inspection of the workplace.”

The reg included specific examples of professionals who qualified as a third-party expert, such as an “industrial hygienist or safety engineer.” In such cases, the third-party expert was allowed to accompany the OSHA compliance officer during the inspection.

Under the new rule, employees will have the right to choose whether the representative is an employee or a third party. Even so, the representative must be “reasonably necessary” to aid the inspection.

According to an [FAQ guidance sheet](#) released by OSHA, the revisions in the walkaround rule clarify that:



- The representative(s) authorized by employees may be an employee of the employer or a non-employee third party
- Employees' options for third-party representation during OSHA inspections are not limited to individuals with formal credentials, such as an industrial hygienist or safety engineer, and
- A third-party rep authorized by employees may be reasonably necessary to conduct an effective and thorough physical inspection of the workplace by their knowledge, skills, or experience. OSHA says this may include technical knowledge or practical experience about the processes and hazards present in the workplace, or language and communication skills that facilitate feedback from employees.

Conditions on third-party reps

In some cases, third-party reps can be denied access to participate in the safety inspection.

First things first: The OSHA compliance officers still have the authority to determine whether a third party has been authorized by employees to be their walkaround representative.

Plus, OSHA compliance officers have the authority to “prevent an individual from participating in the walkaround inspection if their conduct interferes with a fair and orderly inspection.”

Moreover, the new OSHA rule does not affect the employer's right to limit the entry of employee-authorized reps into work areas that contain trade secrets.

What does this mean for employers?

A new OSHA rule often means new compliance obligations.

In this case, the rule clarifies employees' right to designate a walkaround rep during an OSHA safety inspection but “does not impose any compliance obligations for employers,” OSHA clarified in the FAQ guidance.

The final rule “does not provide employers with a [mechanism to object](#) to the selection of a non-employee third-party representative,” according to employment

attorneys [Tim Garrett](#) and [Maja Hartzell](#) of the firm [Bass, Berry & Sims](#).

According to the FAQ guidance, employers may object to a representative by raising concerns to the OSHA compliance officer, who has the authority to resolve the dispute.

Employment attorney Jon Hyman [predicts](#) the rule “will almost certainly face a court challenge before” it is scheduled to take effect.

It’s unclear whether additional guidance will be published before May 31 when the new rule takes effect. We’ll keep you posted.

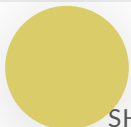


Washington State to honor 17 workers who saved lives while on the job



by Merriell Moyer
September 27, 2023

SAFETY CULTURE
1 MINUTE ENGAGEMENT



SHARE ON



Washington State is honoring 17 workplace heroes who saved lives while they were on the job.

The annual Lifesaving Awards are scheduled to be presented Sept. 28, 2023, during the opening ceremony of the state's Governor's Industrial Safety and Health Conference

"When faced with a [life-threatening situation](#), these ordinary people took extraordinary measures to rescue their co-workers and, in some cases, complete strangers," [said Craig Blackwood, assistant director of the Washington State Department of Labor & Industries](#). "I'm inspired by their stories and thrilled to be honoring these workers."

In each case, the award winners "acted quickly, decisively and compassionately to identify someone in jeopardy, assess the situation, take action and call in [emergency](#) aid when needed."

Among the 17 award winners are:

- three workers who helped put out a van fire along a highway and save the occupants
- two public utility workers who rescued a person stranded and freezing in the snow
- a counselor who administered Narcan to save a youth home resident who [overdosed](#), and
- several workers who performed CPR or used an automatic external defibrillator to save lives.

Award recipients are selected by a committee of business and labor representatives. To be eligible for this year's award, the heroic act must have occurred during work hours between June 1, 2021 and May 31, 2022 and the nominee must have performed hands-on aid.



Merriell Moyer

Merriell researches and writes about occupational health and safety. He was an investigative and breaking news reporter for the Lebanon Daily News - part of the USA Today Network.



You Be The Judge

Sleep apnea may have caused trucker's accident: Can he still get comp?

Here's a challenging legal scenario: It's been determined that a truck driver's accident was caused by sleep apnea. The driver files for workers' comp, and the company denies the claim. What did the court say?

Safety Manager Pete Travers was looking through a supplies catalog when company attorney John Jenkins darted into his office.

"Hey Pete, you busy?" John said.

"Nope," Pete said. "Just looking through the new PPE catalog. What's going on?"

"Another comp claim," John said. "Mitch Gallagher is claiming he's owed workers' comp for that truck accident he was involved in last month."

"It's really a shame what happened to Mitch," Pete said. "I've called to check in with him every day since the accident."

"Good," John said. "But the tricky part about his claim is he says he has no recollection of what happened right before the crash, and he can't remember if he fell asleep or passed out."



Wasn't tested for sleep apnea

"Mitch is a hard worker," Pete said. "He was probably exhausted and just fell asleep at the wheel."

"Maybe," John said. "But did we ever test Mitch for sleep apnea?"

"Nope," Pete said. "We aren't required to do so."

"Well he may have the condition, and if so, he's at fault. And we'd need to prove he had sleep apnea to get his claim tossed," John said.

"OK then, let's get him examined by a sleep apnea expert," Pete said. "I'd hate to see him not get comp, but it sounds like you're right, and he may have been at fault."

Pete's company tried to fight the comp claim. Did it win?

The Decision

No, the court awarded benefits to the employee.

Pete's company cited the testimony of a doctor it hired who, after reviewing medical records, determined Mitch might have sleep apnea. The doctor sent him to a sleep apnea expert for testing.

The expert diagnosed Mitch with obstructive sleep apnea, but couldn't determine whether Mitch had the condition at the time of the accident.

In its decision, the court cited the "concurrency rule," which says that personal risk (e.g. falling sleep as a result of sleep apnea) doesn't prevent a person from receiving compensation as long as the accident or injury is a result of a combination of the personal risk and conditions of employment.

The court also said that while it was clear Mitch's accident occurred while he was working, it was unclear what caused it. According to the court, "accidents happen



for unknown reasons,” but can still be compensable.

Analysis: Consider conducting sleep apnea testing to protect your company

Sleep apnea is a health condition linked to deadly transportation accidents, and it affects 22 million people in the U.S., though it's much more common in men.

While sleep apnea testing is not required by the federal government, it's a good idea to have your company conduct the tests to prevent a situation like this.

Cite: *Stepter v. LKQ Corp.*, Court of Appeals of Kansas, No. 117-002, 10/6/17.

