



National Safety
Management
Society

DIGEST

Updating Members on Safety Management News

September 2009

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WELCOMING OUR NEW 2009 NSMS MEMBERS

On behalf NSMS President Roosevelt, the NSMS Executive Committee and the NSMS Board of Directors, we like to thank all members who have proactively renewed their 2009 National Safety Management Society memberships. We would also like to acknowledge, recognize and welcome the following new members to our professional organization:

- **Bryan Chance**, O.S.H.A. Coordinator – Hutchinson Community College (Hutchinson, Kansas)
- **Michael Conmy**, Construction Project Manager – URS Washington Division (Richmond, Virginia)
- **James Donadini**, Safety Manager – Army Safety Office (Arlington, Virginia)
- **Gavin Giere**, Health, Safety & Environmental Trainer – Oceaneering Space Systems [OSS] (Houston, Texas)
- **Rickey Ingram**, Contractor Safety and OSHA VPP Coordinator – British Petroleum (BP) America Production Company (Houston, Texas)
- **Philip Krippner**, Safety & Occupational Health Specialist – Dugway Proving Ground (Dugway, Utah)
- **Bryan Laven**, Safety & Environmental Manager – Louis Padnos Iron & Metal Company (Holland, Michigan)
- **John Paris**, Director of Safety – PACTIV Corporation (Bedford Park, Illinois)
- **Greg Smith**, Safety & Occupational Health Manager – US Army Research Institute of Chemical Defense (Aberdeen Proving Ground, Maryland)

We appreciate your interest in furthering your skills, knowledge and abilities in the management of safety and risks, as well as your interest to networking and professional development. Welcome again to NSMS!

CALL FOR NOMINATIONS – NSMS BOARD OF DIRECTORS

The National Safety Management Society (NSMS) is seeking nominations from its current membership to fill and/or re-elect two (2) “term-expiring positions” on the Board of Directors currently held by the following incumbents:

President, Roosevelt Smith, FSR, CSHM, WSO-CSE, CSI (ML)

Dr. Jeffrey Chung, Ph.D., CSHM, CHFP

The newly elected and/or re-elected Board members will be serving a two-year calendar term (2010-2012). The NSMS is looking for individuals with the talent and experience to help shape the direction of NSMS's future and we are especially interested in candidates of diverse safety management, strategic planning, organizational development and training backgrounds. All current dues-paying members classified as: "Members," "Retired Members," "Life Members," or "Fellows" (who are classified as "Members," "Retired Members," or "Life Members" are eligible to nominate a fellow member or self-nominate. No slate shall have more than one individual from the same firm, agency, or organization,

Please submit your letter of nomination or self-nomination with, along with the candidate's CV/resume, no later than December 1, 2009 and email it to nsmsinc@yahoo.com or physically mail it to:

National Safety Management Society
c/o NSMS Nominating Committee
P.O. Box 4460
Walnut Creek, CA 93496-0460

An electronic ballot will be mailed out to all current dues-paying members. Please make sure your email address is correct in our database.

THE ISHM “CERTIFIED SAFETY AND HEALTH MANAGER” (CSHM) ACCREDITATION HAS BEEN ACHIEVED!

The vision of our early NSMS founders to develop a safety management-focused credential to recognize professional competence in safety leadership has culminated in the official accreditation of the NSMS-created Certified Safety and Health Manager credential by the Council on Engineering and Scientific Specialty Boards (CESB). CESB is a self-sustaining, independent body which accredits certification programs organized and operated consistent with sound credentialing practices tailored to the needs of engineering and technology specialties. CESB is the recognized accreditation body for engineering and scientific certification and specialty certification programs for professional credentials such as the Board Certified Environmental Engineer, Certified Industrial Hygienist and Certified Hazardous Materials Manager.

Our sister organization, the Institute for Safety and Health Management (ISHM) and its Board of Directors deserve all the credit for their leadership, diligence, determination and perseverance in marshalling this monumental effort to fruition. Our CSHM credential holders deserve our gratitude for their patience as this initiative effort went through many trials and tribulations over the years. The Institute for Safety and Health Management is the credentialing organization which administers the CSHM to recognize safety and risk management professionals who, through demonstrated professional experience and the passing of a comprehensive exam, have met ISHM's requirements for mastering the safety management body of knowledge.

The CSHM credential recognizes safety and health professionals who demonstrate knowledge of health and safety management skills and techniques through examination and experience. The CSHM certification program promotes the integration and practice of safety management principles throughout all levels and activities of an organization. In addition to technical knowledge of safety and industrial hygiene, a successful safety and health manager must possess working knowledge of a broad range of business and financial principles and an understanding of related issues such as hazard analyses, accident/incident investigations, safety audits/surveys, workers' compensation, risk management, product safety, human factors, environmental laws, quality, and labor relations. The CSHM program is designed to provide recognition of those who can apply such a broad range of health and safety management tools. NSMS offers to be a resource and facilitator to help those interested in pursuing such a certification.

NSMS' "CERTIFIED SAFETY SUPERVISOR (CSS)" CREDENTIAL NOW ACCEPTED TOWARDS ASSOCIATE SAFETY HEALTH MANAGER (ASHM) DESIGNATION

Associate Safety and Health Manager (ASHM) designation is intended to recognize those individuals who possess some combination of formal training and experience listed below that prepares them for safety and health management responsibilities. The ASHM serves to let potential employers and current employers know that these individuals have been formally educated to address workplace safety and health issues or are ready to step into entry level positions in safety management.

Individuals who receive the ASHM designation have a period of six years to pass the accredited Certified Safety and Health Manager (CSHM) certification examination. The ASHM designation will permanently expire six years after the date of issue or when replaced by the CSHM designation, whichever comes first. For more information, please visit the ISHM website: <http://www.ishm.org/pages/associate.html>

Upon completion of the application package, approval by the review committee, and payment of the appropriate fees, a candidate who does not have a college degree, but is a holder of a safety certificate recognized by the ISHM Board (<http://www.ishm.org/pdf/certprograms.pdf>), plus nine years of qualifying work experience is eligible for the ASHM designation:

SPECIAL ADVANCED ANNOUNCEMENT:

NATIONAL SAFETY MANAGEMENT SOCIETY Upcoming Special Professional Development Workshop Now Tentatively – Winter 2009 Houston, Texas Area

Many emails have been coming in recommending to NSMS that we offer an interdisciplinary two-day professional development workshop that will enable safety professionals/managers sharpen their skills, knowledge and abilities in interacting with employees and company leadership. We are considering a pilot workshop beginning in the Houston, Texas area and going forth to other regions where our membership would like to have it presented. If we come to your locale or college campus, we hope this will be a more cost-effective opportunity to learn and expand your skills, knowledge and abilities (SKAs).

The tentative workshop fee (early, pre-registration) for NSMS members is \$125 and \$250 for non-members and an on-site (or late) registration of \$160 for NSMS members and \$275 for non-members (includes lunch and program materials). College students majoring in this field of study are also invited to attend (NSMS Student (Affiliate) Members workshop fee is \$100). We need a minimum of 50 attendees to cover this event. (We still currently have 20 respondents) Please email us at nsmsinc@yahoo.com if you are interested in possibly attending so we can begin to establish a headcount. Thank you.

“ENHANCING SAFETY MANAGEMENT SKAs: 2-DAY PROFESSIONAL DEVELOPMENT WORKSHOP”

Instructor: Dr. Jeffrey Chung, CSHM CHFP – NSMS Executive Director

Day One –

- Administrative Business, Introductions and Workshop Overview
- Safety Management Principles and Practices
- Safety Attributes for Best-in-Class Organizations
- Emerging Safety and Health Issues – Aging Workforce, Green Jobs and Special Needs of Foreign Workers
- Psychology of Safety – A Behavior-based Approach; Human Performance Improvement
- Developing Effective Training/Presentation Skills
- Role of Safety Committees; Conducting/Facilitating Effective Meetings

Day Two –

- Understanding Self/Others/Your Organization – SMART Profile
- Strategic Planning Concepts and Process
- Problem Solving and Analytical Tools
- Performance Metrics for Continuous Improvement

- Corporate Communication Strategies for Safety/Risk Management Professionals
- Ethics for the Safety Practitioner and Manager
- Stress and Health Management for the EH&S Professional
- Wrap-up and Workshop Evaluation

NSMS BLOG

Steve Geigle has created and launched the “NSMS Blog” on the NSMS website. It will allow members and others to post comments, remarks and initiate discussions about a variety of safety management topics and issues. You can participate in the Blog by going to the NSMS website (<http://nsms.us>) and look for the link on the home page along the left-hand column of navigation areas. The NSMS Blog can only thrive with the enthusiasm and expertise of its members and readership. We encourage and invite everyone who has an interest in workplace health and safety to be a part of the NSMS Blog and help create a community that helps all organizations be safer, healthier and compliant places to work.

FREE ACCESS: ONLINE CERTIFIED SAFETY AND HEALTH MANAGER (CSHM) EDUCATIONAL AND EXAM PREPARATION REFERENCE MATERIALS

As a benefit for our current and future dues-paying members, NSMS is **permanently** offering free access to the Certified Safety and Health Manager (CSHM) preparation and educational materials. The online resources, created by NSMS member Steve Geigle, can be found at www.cshmprep.com and the only action an NSMS member needs to take is to email Steve requesting access from that website. You will need to include your current NSMS member number (found on your membership card and certificate). Once the number is verified, you will be granted a username and password to access the online reference materials. This is a great opportunity to brush up on your safety management and technical knowledge and prepare for a successful passing of the CSHM certification examination.

IT'S ALL ABOUT YOU! – YOUR PERSONAL POWER AS A SAFETY LEADER CAN MAKE A “HUGE” DIFFERENCE

(By Richard Hawk, Safety Stuff #447 – June 4, 2009)

You are powerful. You can change thousands of lives. You can spread your personal energy throughout your company and community and make good things happen. You can be a strong factor in creating or improving your "safety culture" or any part of the culture you belong to (in this context culture means the actions and beliefs of a social group). Of course this potential you have can vary in its influence depending on how much you use it. But don't make the mistake of thinking how YOU act makes little difference-especially if you are a leader.

I have worked with many men and women who have dramatically improved a culture through their personal power. Of course they enlisted the help of colleagues but even then they did that through their enthusiasm, warmth, vision and fun-loving spirit. Here are three ways YOU can have the same affect on people and improve your influence as a safety leader:

1. **Smile Often:** No, don't walk around with a silly grin on your face. But do make it a habit of smiling often and practice it. When people see you coming they should be happy about it. You don't need to be stern and reserved to be a powerful leader. In fact, the most positively influential humans throughout history such as Mother Teresa and Mahatma Gandhi were usually upbeat and smiled a lot. Smiling gives a boost to the spirit--no matter where you live!
2. **Show Enthusiasm:** If you're not excited about your safety and health program, how do you expect the people you lead to get excited about it? Here's the tough part; it's hard to fake enthusiasm. You need to regularly think about how much your contribution is making a difference in other people's lives. Keep this in mind--you are saving other humans from pain and suffering--perhaps even death. As a safety leader and speaker I remind myself regularly that what I'm doing is a wonderful service to my fellow humans. It makes me feel good and gives me an energy boost.
3. **Have Fun:** Every time it's studied "having fun at work" is shown to improve performance. (Fun is not the same as play. Fun in this context is energetic enjoyment.) Southwest Airlines has made having fun part of their business model. Note: they have one of the best safety records of any major airline. So try to "make safety fun." Start with YOU and work on enjoying your life more. Read about it. There are plenty of well-written books on the subject.

ARE YOU TUNED INTO THE STEPS NETWORK AND SAFE LANDUSA?

(By Rick Ingram, BP America Production Company and Roosevelt Smith, Tetra Technologies, Well Servicing September/October 2009 – July 31, 2009)

The intent of this article is to provide a brief history and current status of the National STEPS Network, and an initiative born from the STEPS Network — SafeLandUSA. These two programs are both based on teamwork, open communication and trust.

First, the South Texas Exploration and Production Safety Network — commonly known as the STEPS Network — began in September 2003 when the OSHA Corpus Christi area office reached out to the oil and gas E&P industry in an attempt to reduce the regions high fatality rate. Compliance Assistance Specialist Marianne McGee suggested to then Area Director John Giefer, and Assistant Area Director Vee Redden, an open meeting to bring the industry together.

After receiving a letter from OSHA and the initial shock subsiding, most of the solicited oil and gas companies agreed to attend the meeting, and in turn invited their primary contract partners. Approximately 70 individuals found themselves face-to-face with OSHA representatives for the first time, not quite knowing what to expect. The OSHA staff surprised us. Instead of verbally raking us over the coals for poor performance, they asked for our help. The passion for

improvement from both sides was evident. We discovered from OSHA that E&P in south Texas suffers from the highest fatality rate in the nation. One-third of all fatalities in the region were our own workers.

The group agreed that while most companies are leaders in health and safety, others have little understanding of how to ensure safe operations. In order to make positive changes, we met in October 2003 and officially founded the STEPS Network (www.stepsnetwork.com). We began holding monthly meetings, which included statistical updates from OSHA, presentations by industry experts including AESC, IADC, the FBI, Texas Department of Insurance and many others. Incidents and best practices from around the country were discussed. The companies with many resources voluntarily shared with others who needed them.

While monthly meetings continued and attendance grew, a committee was formed to develop a simple charter and set of bylaws, with an emphasis on inclusion, and written to allow for expansion in other regions. Peers from competing companies who had never met prior to the network became colleagues, often visiting each other's worksites, sharing ideas regarding energy isolation, record keeping, training methods and even co-sponsoring monthly meetings. OSHA provided valuable explanations of standards and training, and also worked with our regulatory personnel.

In 2004, a formal Alliance was signed among the STEPS Network, Texas Workers' Compensation Commission and OSHA. In 2006, OSHA Region VI (Texas, Oklahoma, Arkansas, Louisiana and New Mexico) Regional Administrator Frank Strasheim recognized the STEPS Network as a best practice, and encouraged the expansion of the program. Incoming Region VI Administrator Dean McDaniel has continued support of the program since his appointment in 2007, stating "The STEPS Network is a fine example of what can be accomplished when industry and OSHA combine their efforts to promote safety and health." McDaniel continues to warmly welcome guests at each new network in his region and to provide valuable insight. Working with OSHA as a partner has been a key to sustainable success.

Currently the STEPS Network has grown to nine independent organizations in six states with expansion continuing at a rapid pace across additional producing states. Are we making a difference? In the south Texas region, fatalities have dropped from an average of seven per year for the last several years to one in fiscal year 2008, while the industry was still booming. Although this reduction is significant, no fatality is acceptable. We have proven that we can work without serious incidents and strive for continual improvement.

We recently embarked on the next phase of our journey. The first National STEPS Network meeting was held in Houston, Texas, in December 2008. (We changed the acronym to Service, Transmission, Exploration and Production Safety.) The long-term vision is to establish a network in each producing region of the U.S. The National STEPS Network (www.nationalstepsnetwork.com) is comprised of over 625 companies and 2,400 members. Other non-voting advisory members include OSHA and other federal and state agencies, AESC, IADC, ASSE, API, EPA, NIOSH, TEEEX and many others. As an umbrella organization, STEPS is an effective foundation for sustainable change. We invite you to explore the possibilities.

SafeLandUSA

The initiative born from the STEPS Network — SafeLandUSA (www.safelandusa.org) was formed to develop a nationally recognized orientation. The challenge of the original STEPS Network was the development of a standardized basic orientation for the south Texas region. A focus group determined that over \$2 million was spent annually in south Texas on at least eight separate orientations containing roughly 90 percent redundant information, resulting in a frustrated and confused workforce and wasted resources. Hence, the need for SafeLandUSA.

SafelandUSA was founded in October 2005. Our ongoing project is the development of a broadly accepted basic orientation for all U.S. onshore contract workers. The orientation rollout to all U.S. land-based operations is planned for January 1, 2010. PEC, IADC and ISNetwork have agreed to work together in providing access to orientation records through linked databases. Access to a large network of qualified trainers and educational facilities spanning the U.S. is a benefit of SafelandUSA. Many well-known industry organizations and educational institutions are preparing to provide the SafeLandUSA orientation. Photo ID cards with access to worker information by scanner, computer or telephone are an important element, as is quality assurance through an audit program and oversight committee.

The SafeLandUSA advisory group is careful to note that the orientation is awareness level information only and should not be considered training. We also encourage companies to develop simple site-specific orientations including emergency management, process information for PSM facilities and muster points, which could not be effectively included in a general industry orientation. Reciprocal agreements will be established with participating companies ensuring that basic elements of the course syllabus are not repeated in site specific orientations. Cost will be kept at a minimum. To date, approximately 58,600 equivalent PEC and 43,400 IADC U.S. Land Rig Pass orientations have been completed with approximately 5,000 from an ongoing south Texas pilot. The SafeLandUSA orientation will establish solidarity among companies with high health, safety, security and environmental expectations while increasing efficiency by reducing redundancy.

Many regional groups and organizations have developed fine basin-wide or industry orientations, including the API WorkSafe program (see *Well Servicing* May/June 2009 issue). It is not the intent of SafeLandUSA to exclude the work by these groups, but to provide a means to unite our efforts. We also give credit to those involved in SafeGulf, who helped set a fine example for us to follow.

Conclusion

We have a proud heritage in the U.S. onshore E&P industry. It is a heritage of independent, tenacious and innovative American explorers with strong work ethics and high ideals. Unfortunately, we have also gained a reputation, in some cases, of accepting worker injury. By working to promote exemplary health, safety and environmental practices, we will not only provide much needed cost-effective and environmentally-friendly energy for our country, but a work environment among the safest of all industries. Please join the effort to prove we can work incident and injury free. Teamwork is key.

OSHA APPROVES ILLINOIS OSHA PUBLIC EMPLOYEE PROTECTION PLAN

(By Laura Walter, EH&S Today Magazine – September 1, 2009)

On Sept. 1, Illinois became the newest state to receive approval from OSHA to administer its own occupational safety and health plan for public employees in the state.

Illinois joins New Jersey, Connecticut, New York and the Virgin Islands as one of five states and territories authorized by federal OSHA to administer a safety and health program of standards and enforcement specifically for state and local government employees. The Illinois plan is the first new state plan to be approved since New Jersey was added in 2001. Twenty-one states, in addition to Puerto Rico, have OSHA-approved plans for the private sector that also extend coverage to state and local government employees.

The 29 CFR Part 1956 regulation, under the Occupational Safety and Health Act of 1970, allows states and territories to establish plans that cover only state and local government employees who are excluded from federal coverage.

“We applaud the state of Illinois for its ongoing commitment to the safety and health of public employees,” said acting Assistant Secretary of Labor for OSHA Jordan Barab. “It’s an honor to recognize this accomplishment, and we welcome Illinois as OSHA’s newest state plan partner.”

The plan will be administered by the Illinois Department of Labor, Safety Inspection and Education division. The program covers more than 1 million public workers, including 161,200 state government workers and 690,000 municipal workers, along with workers in the public education sector. Illinois has provided protection to its public employees for many years but will now meet the additional requirements of the federal OSHA program. Private sector employees remain under the jurisdiction of federal OSHA.

Illinois will adopt and enforce standards identical to most federal OSHA safety and health standards and has committed to bringing all its standards in line with OSHA requirements. The state plan also provides that future OSHA standards and revisions will be adopted by the state.

Once a state plan has been approved, federal OSHA funds up to 50 percent of the program’s operating costs. Federal OSHA is awarding a \$1.5 million grant for the \$3 million Illinois Public Employee Only program.

To be eligible for initial approval as a public employee-only state plan, a state must be able to operate an occupational safety and health program that is, or will be, at least as effective as the federal program.

ARE YOU LIABLE IF YOUR EMPLOYEES DO IT?

(Safety-X-Change - March 12, 2007)

Today's vehicles are loaded with state-of-the-art safety features. Today's roadways are better lit and more safely engineered. But highway safety still boils down to the driver. And today's drivers are a disaster. They're driving with rage; they're driving with cell phones attached to their ears. They're also driving tired. In a recent National Highway Transportation Safety Association study, 11 of 100 drivers admitted to dozing off behind the wheel at least once in *the past year*. Who knows how many more of the respondents were guilty of the same offense but didn't admit it?

The drowsy driving syndrome raises an important question for safety directors to consider: Is your company liable if one of your employees gets so tuckered out from work that he falls asleep and causes a traffic accident while driving home from his shift? The law of employer liability for drowsy driving by employees is only starting to emerge. But a new case from the State of Texas is likely to encourage victims of such traffic accidents to sue employers for damages.

What Happened

Meet Robert Ambriz. He's an employee for an oil and drilling company in Texas. It's Saint Patrick's Day, 1998, and Mr. Ambriz has just completed a graveyard shift. Working 12 hours at a drilling site is gruelling under the best of circumstances. And the circumstances of this shift were anything but optimal. Workers were under enormous pressure to complete repairs to a rig. As the foreman would later testify, the entire crew was exhausted. Mr. Ambriz was no exception.

While driving home on Highway 490, Mr. Ambriz's vehicle improperly crosses the highway median and collides head-on with a vehicle coming from the other direction. Five people are killed - Mr. Ambriz, the driver of the other vehicle and his three passengers.

Why It Happened

We know *what* happened; but we don't know why. Mr. Ambriz's widow and the families of the four victims in the other vehicle claim that the accident is the result of Mr. Ambriz's fatigue. He was so tuckered out from work that he fell asleep behind the wheel, they argue. So they sue the company for damages. The company settles with the families of the four victims in the other vehicle. But the negligent case brought by Mr. Ambriz's widow against the drilling company goes to trial.

In the lawsuit, an expert witness testifies that, yes, fatigue *was* the cause of the accident. His conclusion is based on the results of research, interviews and tests involving the conditions of workers after putting in 12-hour shifts. The jury finds the explanation credible.

Was the Employer Responsible?

The jury now has to decide if the drilling company was responsible for Mr. Ambriz's drowsy driving. If so, the company can be held liable for the accident under the law of negligence. A person can be guilty of negligence if:

- It has a duty to use reasonable care to protect another;
- The person violates that duty; and
- The violation of that duty results in injuries to the other person.

The drilling company denies owing a duty to the victims. The accident was Mr. Ambriz's fault, not ours, it claims. The accident also happened while Mr. Ambriz was off duty. Normally, an employer is not responsible for what an employee does after work. But that can change under two conditions:

1. **The Employer Knows the Off-Duty Employee Poses an Unreasonable Risk of Danger to Others:** The drilling company had such knowledge, the jury finds. It knew that the work was fatiguing. Company officials and supervisors testified to this effect at trial. So the company couldn't claim ignorance.
2. **The Employer Could Have But Didn't Control the Risk:** The jury finds that the company did have such control. It deliberately scheduled long shifts, requiring employees to work 12-hour graveyard shifts for one week straight. But it didn't provide training to acquaint employees with the dangers of fatigue. All it did was appoint a "safety captain" to keep an eye on employees to ensure they weren't wearing out and spell anybody showing signs of fatigue from active duty. Unfortunately, nobody knew who the captain was most of the time. And the captains didn't bother monitoring whether employees were fit to drive home after their shifts.

The Ruling

The Texas state court finds the drilling company liable of negligently causing the death of Mr. Ambriz. Thus, the company must pay damages to his estate [*Escoto v. Estate of Ambriz*, 200 S.W.3d 716; 2006 Tex. App. LEXIS 4961 (Ct. App. Texas, 13th Dist., 2006)].

Conclusion

To put the case into perspective, consider that the law of negligence varies from state to state and province to province. The *Ambriz* case serves as direct and immediate precedent only in the State of Texas. But it would be a mistake to dismiss *Ambriz* as irrelevant to you because you're not from Texas. I didn't check for similar rulings in other states; my hunch is that there are such cases to be found for those who have the time to look for them. I also did a quick and cursory sweep for similar cases in Canada but couldn't find any. But I could easily have missed something; and even if it hasn't yet happened, a case like *Ambriz* is bound to take place in Canada at some point.

But the point of this article isn't to research the law of each state and province in the U.S. and Canada. That's an article worth writing, but it will have to wait for another day. The significance of *Ambriz* is that it shows how courts can adapt old theories of negligence law to hold an employer liable for an employee's drowsy driving - even if the accident occurs after work. As such, the case strongly suggests that employers have a legal duty to provide training and systematic management of fatigue, both during and after shifts.

MOTIVATING EMPLOYEES IN TOUGH TIMES

(By Sandy Smith, EH&S Today Magazine – August 1, 2009)

Despite tough economic times, a new white paper indicates there are steps employers can take to sustain employee engagement.

Every employer and employee in the United States has been on an economic roller coaster ride for the past 2 years. Business is up. Business is down. We're hiring. We're downsizing. Many employers who wanted nothing less than 10 percent growth every year are settling for not losing money.

In this age of pay cuts and “lean” everything, employers need to remember that employees are their biggest contributing factor for success or failure in the drive to do more with less.

According to a new white paper, “Optimizing Human Capital Assets in Tough Times,” “No matter what the business model, value propositions have become increasingly knowledge-based and service driven. Smart executives know that, rather than any new technology or product offering, it is the ability and attitudes of their people that's more likely to set a firm apart from its rivals. People spur innovation, cultivate customer loyalty, drive productivity and ignite economic growth.”

“As today's executives wrestle with sustained economic uncertainty and frequently changing value propositions, they need to hold fast to the idea that engaged employees can set their firm apart,” says Karen Renk, CAE, executive director of the Incentive Marketing Association (IMA). IMA's Performance Improvement Council (PIC) published “Optimizing Human Capital Assets in Tough Times.”

“Even though raises and bonuses have all but disappeared from the economic landscape, we wanted to help employers understand that non-cash recognition can still be a very powerful employee motivator,” adds Renk. The new white paper examines:

- How companies can sustain their corporate culture through employees;
- How employees can drive much-needed innovation;
- How employers can reinforce the right behaviors; and
- What it takes to keep the best performers.

SUSTAINING CORPORATE CULTURE

Employees might be an employer's largest cost, but they also can be the greatest resource. Progressive business leaders are searching for effective ways to optimize their investment in their employees.

While there certainly are costs associated with recruiting, hiring, training and providing benefits for employees, direct compensation is how many companies “show their love” to employees. As employers tighten their belts, salaries are being frozen or cut, and traditional annual raises or bonuses are becoming scarce. This means that managers have limited ways to show appreciation for their employees.

The PIC white paper notes that with a shrinking compensation pool to draw from, many employers and managers are left wondering how they can continue to motivate employees to reach goals that are crucial to the success of the business and to attract and retain good employees while not offering the generous compensation and bonus packages that were standard in better economic times.

If increasing an employee's salary isn't an option, then employers need to find other ways to sustain culture and retain employees. It might not be as hard as you think.

In the article “Employee Motivation: A Power New Model” (*Harvard Business Review*, August 2008), the authors argue that people are guided by four basic emotional needs that are not completely satisfied by traditional forms of compensation.

According to the article, compensation works for some of those needs. For example, employees are motivated by their desire for more money to acquire tangible things such as homes and cars. Employees also are motivated by a desire to defend what they already have, ie., by being able to make mortgage payments.

However, the *Harvard Business Review* paper also contends employees need to learn and bond with others to feel fulfilled. This means that employees need to learn new skills and acquire new knowledge in order to feel fulfilled and motivated to come to work. It also means that employees seek connections with customers, managers and coworkers. They want to contribute to the success of a group and feel part of that success.

A smart employer wishing to show appreciation for workers fosters these human relationships and provides employees with stimulus to make their days at work interesting.

DRIVING INNOVATION

The PIC white paper declares, “We need to feel needed,” adding that most people grow frustrated if they feel their efforts are not contributing to the good of the business or are not being recognized.

“Good sales people and customer-facing employees in particular have these traits at higher levels than say an accountant. But all employees ... all people ... take pleasure in knowing they are important parts of the groups they value,” say the authors of the PIC white paper.

Dr. James Oakley from Purdue University examined the impact of compensation and the role it plays in fostering and sustaining culture in his study, “The Road to An Engaged Workforce.” In Oakley's opinion, all forms of compensation must be leveraged to drive the culture that's right for your business. According to Oakley, the effective use of recognition, such as using non-cash rewards that are distinct from ongoing compensation, is a powerful tool for sustaining culture, driving innovation and rewarding the right behaviors across the corporation.

All employers acknowledge that the “old” way of running any business isn't effective in today's economy, requiring a need to respond to the marketplace with true creativity. Research and development departments traditionally have been tasked to create new products, services and processes. But according to a 2005 CEO survey conducted by IBM, over 40 percent of new ideas are coming from employees across the business. By comparison, just 14 percent of new ideas were attributed to R&D departments.

“It's the employees who are dealing directly with customers and wrestling with business challenges who are best equipped to generate the next game-changing concept,” say the authors of “Optimizing Human Capital Assets in Tough Times.” “Recognition can be an important catalyst in sparking these innovations. Everyone wants to know his/her contribution makes a difference, especially when the need is great.”

In a study done by a marketing company that explored the motivators for submitting business improvement ideas, the No. 1 reason given was “the pride of seeing my idea implemented.” Formal recognition is a way to tangibly recognize an employee's contribution.

“The payoff for promoting and recognizing employee creativity can be enormous,” claim the authors of the white paper. “In the 2008 Employee Involvement Association Suggestion System Survey, the 33 participating companies reported a total savings of over \$564 million, with an average savings of nearly \$9,000 per implemented suggestion.”

ACKNOWLEDGING THE RIGHT BEHAVIORS

Wise employers don't encourage short-term business results at the expense of the long-term value of the brand. You need to recognize employees who actively live the company's stated values.

Progressive companies are finding ways to acknowledge how well employees contribute to their vision of corporate social responsibility (CSR). And there's a payoff: many consumers seek to spend their money with companies who exhibit concern for the environment and for causes such as disaster relief or charities.

Encourage employees in their philanthropic efforts to make your company more environmentally friendly and acknowledge and celebrate their efforts throughout the company.

Implement their conservation suggestions, offer to sponsor them in races or walks that benefit charities or offer paid time off to employees who wish to volunteer as mentors in local schools or at organizations such as food banks. You'll be surprised the value these small acknowledgements will have to your company's reputation in your community. And your employees will be proud to work for you.

KEEPING THE BEST PERFORMERS

As a complement to compensation strategies, reward and recognition practices promote the company's culture, drive innovation and foster the behaviors that help a company deliver on its brand promise. At the end of the day, building a culture of recognition is about retaining great employees.

In a national study on the link between recognition and performance, nearly 80 percent of employees stated it was “very or extremely important [for employees] to be recognized by managers when they do good work.” It's good for the corporate bottom line too: A 2005 Gallup survey found that organizations where employees have above average attitudes toward their work had 38 percent higher customer satisfaction scores, 22 percent higher productivity and 27 percent higher profits.

John Stumpf, president and CEO of Wells Fargo, very publicly stated his support for recognition of employees in an ad in the Wall Street Journal. In that ad, Stumpf wrote that the recognition energizes employees. “It inspires them and their team members to want to create an even better experience for our customers ... We believe our profits actually increase by rewarding and recognizing our best performers.”

Stumpf recognized that praising, acknowledging and rewarding employees can help sustain his corporate culture and reputation, drive innovation, reinforce the right behaviors and attract and retain good employees.

“Nearly every organization today is re-examining every aspect of its business, debating every cost and looking for even more ways to trim costs while still hoping to find effective ways to exploit competitive advantage,” says Mike Ryan, current president of the PIC. “People are clearly that competitive advantage, the challenge lies in finding cost effective ways to unleash human innovation, promote the right behaviors and keep the right people performing to the optimum level despite the economic chaos.”

WHAT TO DO WHEN OSHA COMES KNOCKING ON YOUR DOOR

(By J.J. Keller & Associates, Reliable Plant Magazine)

Many companies fear the day when OSHA shows up at their door – and not necessarily because they feel that they have something to hide. There is simply a lack of understanding of what an employer should do during an OSHA inspection – what they will ask for and what you are expected to do.

Why does OSHA conduct inspections?

OSHA conducts workplace inspections in order to determine if employers are complying with standards issued by the agency for safe and healthful workplaces. Inspections are conducted by OSHA Compliance Safety and Health Officers who are trained in the OSHA standards and in the recognition of safety and health hazards. If your state has its own occupational safety and health programs, it may conduct inspections using qualified state compliance safety and health officers.

Will we receive notice if OSHA is coming?

Actually, inspections are typically conducted without advance notice. Alerting an employer without proper authorization in advance of an OSHA inspection can result in a fine of up to \$1,000 and/or a six-month jail term. This is true for both OSHA compliance officers and state inspectors. There are special circumstances under which OSHA may give notice to the employer, but the notice would still be less than 24 hours. Circumstances include, but are not limited to:

- Imminent danger situations that require correction as soon as possible;
- Inspection that must take place after regular business hours or which require special preparation;
- Cases where notice is required to assure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than 5 working days when there is good cause; and
- Situations in which the OSHA area director determines that advance notice would produce a more thorough or effective inspection.

Can we refuse to let the compliance officer in?

You have the right to refuse to let the compliance officer inspect your premises. However, the inspector will report such refusals to the OSHA Area Director who may initiate the process to obtain a search warrant for your facility.

Will OSHA tell us why they are inspecting our operations?

When OSHA comes to your facility, they'll conduct an opening conference in which they explain the reason for the inspection, for example, because of an employee complaint, because the company falls into a high hazard category, or because the business falls into an enhanced enforcement plan.

What types of materials and records will the compliance officer likely ask to see?

You should always assume that the compliance officer will ask to review worksite injury and illness records and posting of the official OSHA poster. Other records, appropriate to the inquiry, may also be requested, such as written plans and programs, training records, equipment inspection records, or any other records that pertain to the inspection.

LIFT TRUCKS: DID DEATH TAKE A HOLIDAY?

(By Tom Andel, Wall Street Journal - August 31, 2009)

Death always gets your attention. That's why the following headline that appeared in *The Wall Street Journal* recently worked on me:

“Workplace Deaths Fell 10% in 2008”

On the surface, falling fatalities is great news. But when you realize that unemployment was going in the opposite direction at the time, you also realize death might not have been taking a holiday after all. The old geezer probably just had fewer targets.

In fact when it comes to lift trucks, some say the busier operators are, the safer. I just hosted a [webcast on lift truck usage](#) trends with training specialists [Jim Shephard](#) and [Ken Van Hook](#). Training was a big part of the discussion, and the three of us continued chatting about safety even after the webcast. When I mentioned this article to them, both Jim and Ken agreed there were probably several factors behind mortality's lower productivity.

Jim says there may have been fewer fatalities, but during a slowdown there are often more injuries. You tend to lose momentum when business gets sluggish. He told me about a mill he was visiting just last week.

“They're seeing an increase in random incidents, which are hard to track and hard to prepare for,” he said. “When lift truck operators are slowed down they're out of their momentum. They're like race car drivers who can drive safer at 200 mph than at 50 mph. We just did a survey of contractors and employees and did a 10-year backtrack of all the incidents in this mill. They have the worst safety record during the slow times than when they're really pumping it.”

Yeah, last year's slow times may have yielded the lowest body count since the Labor Dept. started keeping track of workplace fatalities in 1992, but it's the headcount you have to worry about. Many well-trained veteran lift truck operators were laid off in '08. Ken Van Hook says half of the people his company trained last year are gone. He doesn't think the people replacing them in the operator cabs are being trained as well.

“Management doesn't know how long they'll keep those guys and they don't want to spend the money on training right now,” Van Hook told me.

What if OSHA finds out?

“Some are rolling the dice right now, taking a chance they won't get fined,” he said.

Say one of these employer's people does get hurt and OSHA investigates. Then say OSHA finds out only half of their people are trained. They could be fined as much as \$30,000. But Van Hook says in some cases like this, if the employer trains quickly and shows OSHA they're back on track, they might get a substantial reduction in their fine.

“Lazy, stupid, but lucky” is not an effective business philosophy. So now that the economy seems to be coming back, why not plan for business acceleration? If you’re budgeting for more lift trucks and more bodies to put on them, why not include training in that budget? You’ll have a better chance at not only keeping those bodies on staff, but keeping them alive.

LESSONS LEARNED: PINE CITY COMPANY REQUIRED WORKERS TO REPORT PRESCRIPTION MEDS, EEOC SAYS

(By Chris Serres, Star Tribune – September 1, 2009)

The federal government has accused a Pine City, Minn., manufacturer of violating civil rights law by requiring employees to report their use of legal prescription drugs. The U.S. Equal Employment Opportunity Commission (EEOC) accused a Pine City company of illegally firing a worker for taking prescribed drugs for his back pain.

In a lawsuit filed late Monday in U.S. District Court in St. Paul, the (EEOC) alleged that Product Fabricators Inc. fired longtime employee Dennis Anderson of Pine City because he was taking a low dose of prescribed Vicodin for his back pain. The EEOC said the company incorrectly perceived that the narcotic made him unfit for work.

Anderson had worked at Product Fabricators between 1994 and 2007, and the company "had not raised any concerns about his performance," said Nick Pladson, a trial attorney and spokesman for the EEOC in Minneapolis. Mark Murphy, a plant manager at Product Fabricators, which employs about 50 people at its sheet-metal fabricating plant in Pine City, said the company would not comment on the allegations.

The EEOC also alleged that Product Fabricators violated federal law by requiring all employees to report whether they were taking a prescription or over-the-counter medication. According to the EEOC, this policy is in violation of the federal Americans with Disabilities Act because it is not related to the ability of employees to do their jobs, and could force employees to disclose information about any disabilities they might have. "We've seen more employers use policies where they're seeking information about their use of medications or other types of medical treatments that may not have any relevance in how they do their jobs," Pladson said.

The EEOC is asking the court to order the company to change its policy requiring employees to disclose their use of medication. The agency is also seeking back pay and other monetary damages on Anderson's behalf.

LESSONS LEARNED: INDICTMENTS IN DEATHS OF FIVE WORKERS

(By Richard Pierson, JournalStar.com – August 31, 2009)

Xcel Energy, Public Service Company of Colorado and a California-based company contracted by the utility to perform maintenance work on its Georgetown hydro plant were all indicted last week by a federal grand jury in the deaths of five workers.

The indictment alleges that a lack of safety precautions and violations of workplace safety rules on the part of RPI Coating, Inc., Xcel and Public Service Company of Colorado led to the October 2007 deaths.

The five RPI employees who died were Gary Foster, Dupree Holt, James St. Peters, Don DeJaynes and Anthony Aguirre. Performing relining work on the Cabin Creek Hydro Plant's penstock — a 4,000-foot water pipe — a fire erupted and the men became trapped inside the tunnel, dying within an hour from asphyxiation due to inhalation of carbon monoxide produced by the fire, according to the indictment. The grand jury said all three companies knew of the serious risks associated with the project, but did not acquire the required confined space permit and did not post signs informing workers of the danger.

The indictment also alleges that the three companies knew of previous incidents that posed health and safety hazards to employees working inside the penstock, but did not take appropriate action to correct the problems.

The three companies should have also conducted life safety rescue drills, said the grand jury. Specifically named in the indictment is Philippe Goutagny, owner and president of RPI, and James Thompson, vice-president of the company.

"This catastrophe could have been avoided if the companies had followed their critical safety procedures," said Greg Baxter, regional administrator for the Occupational Safety and Health Administration. "There should never be such disregard for the safety of employees."

Tim Taylor, president and chief executive of Public Service Company of Colorado, expressed the company's "deepest sympathies" to the five families and others injured during the fire. But in a statement, he then went on to defend the company's safety practices.

"Safety has always been a top priority and a core value at Public Service Company of Colorado," said Taylor. "We have an extensive safety organization, made up of experienced safety professionals who work hard to implement our numerous safety training programs and policies. We have a long and strong safety record. But safety is a job that is never done." Colorado U.S. Attorney David Gaouette stressed the importance of following OSHA guidelines. "Following OSHA rules and regulations are critical to the safety of all workers in this country," he said.

The three companies are each charged with five counts of violating OSHA regulation and causing death — punishable by a fine of not more than \$500,000 per count.

Goutagny and Thompson, however, are each charged with five counts of violating the OSHA rules and face as much as six months in jail and a fine of up to \$250,000 for each count.

Michael Connelly, general counsel for Xcel, appeared insulted by the grand jury's indictment. In a statement, he called the incident a simple accident.

"The general public is familiar with the legal system, and people understand that accidents are treated differently from criminal acts," he said. "This was an accident — a tragic accident. But we reject any attempt to characterize the Cabin Creek events in any other way, and we look forward to the opportunity to present our case."

LESSONS LEARNED: OSHA SAYS ROCHESTER WASTE COMPANY STILL HAS VIOLATIONS

(By Jim Stinson, Democrat and Chronicle.com – August 31, 2009)

The U.S. government may impose \$304,000 in additional fines on Heberle Disposal Service Inc., a Rochester-based solid waste collection company, according to the U.S. Department of Labor's Occupational Safety and Health Administration.

Officials from OSHA said the company has failed to correct hazards cited during a 2008 inspection, and has new and recurring safety hazards at its Alvanar Road work site on the city's west side.

Officials from OSHA cited the company in June 2008 for 12 serious violations. A 2009 follow-up inspection found that five of the 12 cited hazards remained uncorrected. The violations include improper transfer of flammable liquids, and allowing spark-producing equipment near flammable paint spray areas.

Herberle Disposal has 15 business days from receipt of its citations and proposed penalties to comply, meet with OSHA or contest the items before the independent Occupational Safety and Health Review Commission, OSHA officials said.

SAFETY TIDBITS

(from "Safety Stuff" by Richard Hawk Inc. <http://www.richardhawkinc.com>)

- Sunglasses first became popular in the 1920s, when movie stars wore them to protect against reporters' flashbulbs.
- There have been more than 200 deaths and 12,600 injuries attributed to road rage in the U.S. since 1960.
- During soccer's 2006 World Cup, Germany's heart attack rate tripled on days the German team played.
- Statistically speaking the fourteenth day of any given month is the most lethal on U.S. roadways.
- The largest known bacterium can grow to the size of the period at the end of this sentence.
- A Vancouver, Washington woman was tired of her downstairs neighbor's habit of playing music at full blast, so she retaliated by forcefully stomping up and down on the floor. Apparently, her stomping became too forceful and the woman was taken to the hospital after she broke both her legs about four inches below the knee.