



PEOPLE POINTERS

Volume 15, Issue 1 January 2018

*** NEWS ***

OSHA Log Posting

Employers that are required to comply with the OSHA recordkeeping guidelines (this includes most employers) must remember to post their OSHA No. 300A (Summary of work-related injuries and illnesses) for the calendar year 2017 from February 1, 2018 through April 30, 2018. The No. 300A should be posted in a conspicuous place where you normally post employee information. Failure to post can result in citations and penalties.



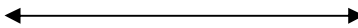
Crane Operators

If your company has crane operators, you will get an extra year to ensure they are certified. A November 9, 2017 final rule by OSHA, delayed the certification deadline until November 10, 2018.

OSHA also extended the employer duty to ensure crane operators are competent to operate a crane safely for the same one-year period.

The deadline will be here before you know it. Take steps now to

ensure you are in compliance with this regulation.



NLRB Makes Changes

On December 14, 2017, the National Labor Relations Board (NLRB) published two decisions affecting employers. The first decision addressed the standard of review for employee handbook policies. The second decision addressed the standard for determining joint employer status.

In regards to handbook policies, the Board's decision did away with the prior "reasonably construed" test and instead explained that the analysis would consider the following.

- The nature and extent of the rule's potential impact on employees' NLRB rights.
- The employer's legitimate justifications associated with the rule.

The NLRB now distinguishes three categories of rules.

- Those that are legal in all cases.
- Those that are legal on a

case-by-case basis.

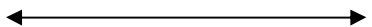
- Those that are always illegal.

Each employer should review the rules in their employee handbook in light of this new regulation.

In regards to joint employers, the NLRB overturned the current rule that held that two entities in a business relationship are joint employers even when one of them has only "indirect control" over the others' employees.

The Board reinstated its "direct control" standard, which means that a company will only be deemed a joint employer if there is evidence that it has exercised direct control over employment terms of that employee.

Take the time to review your relationship with contractors and franchisees to ensure compliance with this new rule.



Compliance Review Checklists

Checking key components of your human resources and safety programs is important to maintaining an effective and up-to-date management program.



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In each issue we will present a checklist of human resources, general industry safety and construction safety key components.

Please take a few minutes to check your compliance with the components that apply to your business.

Human Resources Checklist

- ✓ If you have DOT drivers, someone should be assigned the responsibility to annually review the DOT driver's files to ensure the files remain current at all times. The DOT publishes a list of documents that are required to be in the file and up-to-date.
- ✓ The Department of Labor has numerous regulations that may apply to your business. Each regulation is typically based on the number of employees that you have. Make a list of the regulations that apply to your company. Conduct an audit to ensure compliance.
- ✓ COBRA compliance can be tricky to follow, both at the federal and state level. Review your forms to be sure you are using the most current versions and ensure your administrative procedures are in compliance with the regulations.

General Industry Safety Checklist

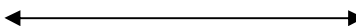
- ✓ When the periphery of the blades of a fan is less than 7

feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than 1/2 inch.

- ✓ Every open sided floor, platform and runway 4 feet or more above the lower level shall have a guardrail to prevent employees from falling.
- ✓ Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer also shall provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting.

Construction Safety Checklist

- ✓ Flammable liquids shall be kept in closed containers when not actually in use.
- ✓ Conspicuous and legible signs prohibiting smoking shall be posted in service and refueling areas.
- ✓ Exposure to toxic gases, vapors, fumes, dusts and mists at a concentration above those specified in the *Threshold Limit Values of Airborne Contaminants* of the American Conference of Governmental Industrial Hygienist (ACGIH), shall be avoided.



Employee Training

By: John M. Turner, Ph.D.,
President

Part 7

Training - Legal Issues

When you design and present training programs several legal issues must be taken into consideration. What criteria will you use to select the employees that participate in the training? It is important to make sure that the criterion is job related. The criteria cannot unfairly restrict employees that are in a protected class. If an employee has a disability and needs an accommodation to participate in the training, you must provide the accommodation in most cases.

Have you ever used a training contract with your employees? A contract can protect your costs and time invested in the training.

Generally, a contract will require the employee to stay employed with your company for a set number of years or they will be required to pay back some or all of the training costs. Contracts are often used when giving highly specialized training.

Training Delivery

Okay, now we have our training designed. We can begin the actual delivery of our training.

Depending on the type of training, we sometimes will pilot-test the training on a



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selected group of employees to determine if the training needs are being met. There are several approaches and methods that can be used to deliver training.

When selecting a particular method, we consider some or all of the following variables.

- Nature of the training.
- Subject matter.
- Number of employees to be trained.
- Individual vs. team.
- Self-paced vs. guided.
- Training resources and costs.
- E-learning vs. traditional training.
- Geographical location of the employees.
- Time allocated.
- Competition deadline.

Let's look at some examples of using different methods.

- A large company that has many new hires may use the Internet, DVDs, and human resources staff to conduct their new employee orientation program.
- A small company with just a few new hires may have a trained supervisor or the company owner meet with them individually to conduct their new employee orientation program.
- A medium-size company

with several locations may bring the new hires together at one central location and have a trained supervisor present the new employee orientation program.

Internal Training

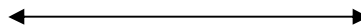
This is a popular method of training if you have in-house trainers because it saves the costs of sending employees to outside training and the costs of hiring a training consultant. Specific skill-based and technical training is often delivered by in-house staff.

Informal Training

This is a type of internal training where interaction and feedback takes place among the employees. Employees can learn their jobs by asking questions and getting advice from their supervisor and other employees. This method often is more effective than a formal training program.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Machine Guards

By: Marc Snitzer, CIH, CSP, RS -
Independent Safety and Health
Consultant

OSHA has a National Emphasis Program for the prevention of

amputations. This program is directed primarily at machine guarding because that is where most amputations occur in the workplace. Common machinery, if not properly used, can easily cause amputations. When most people see a saw, mechanical power press, grinder or conveyor; for example, they understand that these machines can save a lot of time. As a former OSHA inspector, I have seen many injuries caused by machines, so I tend to see them from a different prospective.

Hazards can occur at the point of operation; this is where the work gets done. The point of operation of a table saw, for example, is where the wood is cut. The point of operation of a press is where the die closes and the metal is shaped.

Hazards can also occur in the power transmission apparatus. Gears, drive belts, pulleys and flywheels are examples of these.

Both the point of operation of machines, as well as, the power transmission equipment must be guarded. OSHA standards in many cases do not give much detail in how machines should be guarded. It is interesting to note that the Lockout standard 29 CFR 1910.147, requires lockout during machine repairs and maintenance, unless the machine is effectively guarded. One method of effective guarding accepted by OSHA is to follow consensus standards, such as those published by the American National Standards Institute (ANSI), which in many



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cases, gives detailed guidance on machine guarding.

One of the most common guarding hazard noted in the workplace is guarding of grinders used for off-hand grinding work. The tool rest must be 1/8" from the surface of the wheel; an adjustable tongue guard is required at the top of the wheel and must be adjusted to within 1/4" of the wheel. These serve to contain the fragments of the wheel should it explode during use. Prior to mounting grinding wheels make sure you take the time to ring test it to assure it is not cracked.

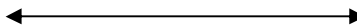
Another common hazard is failure to guard table saws. Table saws are required to have a self-adjusting guard which covers the portion of the blade that protrudes above the table.

Conveyors are very common in the workplace and cause more than their share of injuries. It should be noted that if guards are removed to adjust belt tracking, the machine should be locked out. If it is necessary to have the machine running, with the guards off during this maintenance, then a different type of guarding may be necessary.

While barrier guards are what most people think of when the term, "machine guarding" is discussed, there are many other ways to guard machines and protect workers. Systems are now available that will shut down dangerous equipment

when employees get near a danger zone.

Many other machines require guarding and there is insufficient space here to explain them all; if you have a question about a machine, call us, we can give you guidance over the phone or can schedule a site visit to evaluate the situation.



Overcoming Habitual Negativity

By: Nicholas Dillon, MS, MAED
"The Believe Coach"

Is negativity bringing you down? Every day, you are most likely exposed to a variety of situations. Some, you will perceive as positive, others neutral, and others negative. If the unpleasant ones seem to be the majority in your life, it's great to know that you can do something about it!

Unfortunately, negative experiences are a natural part of life. Maybe your boss got up on the wrong side of the bed today and is a bit cranky. Or maybe your spouse had a rough day at work and is being really vocal about it. These situations set you up for potential negative experiences.

So how do you respond to negative stimuli when they occur?

Try implementing these strategies:

- Step back. Acknowledge that getting involved in negativity is not good for you. The first thing to do is recognize the results of jumping into the stream of negativity. If you truly connect with the idea that you wish to bring only positivity into your life, you will be more focused on making efforts to do so.
- Commit to yourself that you will do whatever is necessary to avoid engaging with negativity. Having the awareness that negativity runs counter to your life goals will motivate you to abstain from participating in it.
- Listen well; then withhold comment. Others' negative remarks can feel quite seductive. Many of us allow ourselves to be pulled into the emotional experience of the situation being discussed. However; if you listen actively, but refrain from commenting, you can avoid making the experience your own.
- Plus, those who are bringing negativity your way will avoid doing so in the future since you did not sign on with their emotional reactions and did nothing to reinforce them.
- Change the subject. When you have just heard some unsavory words, why not



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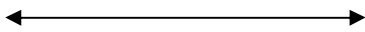
bring up something that's less stressful and more positive? For example, if your co-worker says she's annoyed with your supervisor, you could ask her how another project she's pleased to be working on is progressing.

- If you are in a group, simply ignore the negativity. Most likely, if there are two or three others present when a nonconstructive discussion starts up, you can get by with ignoring the negativity or excusing yourself from the room. Sometimes, you can express the most by saying nothing at all.
- Make an effort to be involved in something else. Involving yourself in something that matters to you is a great method of subliminally refusing to participate in others' negativity. Look through your handbag for that receipt you could not find last night. Search your briefcase for your schedule book or that file with the information you wanted earlier.
- Psychologically reinforce your efforts. Say to yourself, "You handled that really well." or "It was a great idea to leave the table when they all started criticizing how the boss handled something." Allow yourself to feel proud of yourself about not joining in with the negativity around you.

- Avoid letting others' negativity bring you down. Instead, recognize that you would rather not be exposed to such situations and people

When negativity blooms around you, listen and say nothing, change the subject, or ignore it. Reinforce your efforts to avoid habitual negativity every single day, and you can say good-bye to unproductive thoughts. If you find that you still need some coaching or guidance, feel free to sign up for a complimentary session.

The Believe Coach, Nicholas Dillon www.nicholasdillon.com. Try out a complimentary life coaching session with The Believe Coach at www.BelieveUniversity.net.



Extension Cord Safety

By: The Safety Division

OSHA calls them "flexible electric cords." We simply refer to them as extension cords. Extension cords are designed to be conveniences, not hazards. But too often the people who use them convert them into

hazards. Let us go over some of the ways these safety hazards are formed.

Extension cords are often placed in areas where people aren't used to having them around and a tripping hazard results. This type of hazard is one of the more common ones; so, when you use an extension cord, try to keep it out of aisles, work areas and other places where pedestrians might trip over it. When someone trips over a cord, there is not only a chance of injury, but the plug may be jerked to the extent that it's damaged, making it an electrical hazard.

Selecting the right extension cord for the job can eliminate many hazards to start with. All cords should be UL listed, properly grounded, and meet other applicable electrical code specifications. If you're using portable electrical equipment, the equipment should be properly grounded.

Extension cords are items that get considerable usage. Appropriate cords should be used with portable electric tools.

If moisture, heat, or chemicals are present, be sure your cord is the proper type to resist these conditions. A word of caution, if you make a good connection with a live wire carrying even 110 volts, it can be fatal. Wet or sweaty hands make a dangerous connection when at the same time they are in contact with a good ground like a wet surface.

Actually, a lot of the strains on

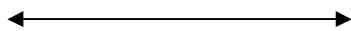


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current-carrying parts of extension cords can be prevented by use of heavy-duty plugs, which are clamped to the cord. This is particularly helpful in cases where the cord is accidentally pulled or jerked. It is important to inspect extension cords before each use. If they are damaged, do not use them and tag it "Out of Service."

Electricity is a silent killer. Use it wisely and don't take it for granted. Low voltage - KILLS!



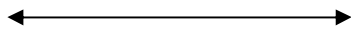
SURVEY

Tough Jobs to Fill

An analysis of pay and hiring information from 2,100 U.S. companies found the following positions to be the most difficult for employers to fill.

- Information technology
- Engineering
- Finance/accounting
- Sales
- Supply chain/logistics

Source: Hay Group Division of Korn Ferry, Los Angeles



INTERESTING FACT

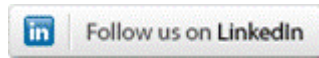
Seventy-four percent of recent college grads who turned down a job opportunity because of the delay at which they received the offer.

Source: Yello

SOCIAL MEDIA

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Please visit us at the following social media sites:



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www.twitter.com/JMTHR

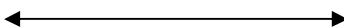


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SERVICE UPDATES

The JMT Network Program

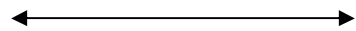
The JMT Network Program is up and running. Please visit www.jmt-associates.com (Click on the link located on the left-hand side of the home page.) to read about the latest developments.

Mechanical Power Presses

Do you have a mechanical power press? As you know, mechanical power presses can be very dangerous. The OSHA standard is complicated and can be confusing. We can perform a comprehensive safety audit and determine if you have any safety hazards and if you are complying with the OSHA standard.

Monthly HR & Safety Programs

JMT & Associates, LLC offers a monthly HR program and a monthly safety program (general industry and construction) specifically designed for the small business. A comprehensive, customized program is offered for low monthly payments.



EDUCATIONAL BOOKS

John M. Turner, Ph.D. has written the following books:



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"Office Safety - Hidden Dangers - Book A"

Safety is Priority Number One. Safety First. Think Safety. Always Work Safely. Safety slogans like these are very common. Companies want to provide a safe workplace for their employees. No one wants to have an accident.

When you think of workplace safety, what types of businesses do you think of? Construction, factories, manufacturing, saw mills, logging, commercial fishing, and foundries . . . office workers.

Even though we don't normally associate safety with office workers, there are hazards and health concerns associated with working in an office environment. Serious accidents can and do occur.

In this book, information is provided for the following office safety topics:

- Slips, Trips, and Falls.
- Office Lighting.
- Housekeeping.
- Ergonomics.
- Back Injury and Safe Lifting.
- Office Equipment.
- Electrical Safety.
- Chemical Safety.
- Material Handling and Storage.
- Air Quality and Ventilation.

You will learn what the hazards are, how to recognize the hazards, and how to avoid an injury.

This book includes the following tools:

- Real-life office accident scenarios.
- The Occupational Safety and Health Administration (OSHA) standards that apply to an office.
- Office safety tips.
- Office safety checklist (audit form).

"Office Safety - Hidden Dangers - Book B"

Working in an office environment is safe, right? You might be surprised by the number of employees that suffer an injury while working in an office.

Most office accidents are minor, but you could have a serious accident that results in time off from work.

Every office employee has responsibilities for safety. These responsibilities include having the knowledge to identify office safety hazards and working in a manner to avoid causing an injury either to themselves or a co-employee.

In this book, information is provided for the following office safety topics.

- Noise.
- Emergencies in the Office.
- Stress.
- Office Furniture.
- Workplace Violence.
- Germs in the Office.
- Getting Hit—Ouch!
- Bloodborne Pathogens.

- Reporting Accidents and Near Misses.
- Employee Safety Training.

You will learn what the hazards are, how to recognize the hazards, and how to avoid an injury.

This book includes the following tools:

- Real-life accident scenario.
- Office safety tips.
- Office safety checklist (audit form).
- Sample employee safety training topic agenda.
- The components of a typical emergency action plan.
- Stress relieving exercises you can do at your desk.

"The Employee Hiring Process – Who Are You Hiring?"

This book is an employer's guide to knowing who you are hiring – before it is too late.

This is a must have book for anyone who is hiring employees. You will learn how to hire your next great employee.

This book comes with a workbook to help you practice and understand the process of hiring employees.

All the sample hiring forms and policies are included so you can customize them for your company.

"How Are Your Employees Performing? Employee Performance Appraisals – Book 1."



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Why do supervisors dislike giving employee performance appraisals so much? The answer lies in the understanding of what an effective employee performance appraisal program consists of:

- Employee performance appraisal program overview.
- Developing the employee performance appraisal measurement criteria.
- Establishing the employee performance appraisal process procedures.
- Conducting the employee performance appraisal meeting.

This book provides the framework and roadmap to develop an employee performance appraisal program or to review a current program. A self-assessment worksheet and a performance improvement plan agreement are included. A sample employee performance appraisal policy is also part of this book.

“How Are Your Employees Performing? Employee Performance Appraisals – Book 2.”

This book builds upon the framework and roadmap introduced in "How Are Your Employees Performing? Employee Performance Appraisals - Book 1."

Book 2 provides additional guidelines and resources you can use to ensure your program is successful.

Topics covered include:

- Employee performance appraisal program's legal considerations.
- Common mistakes to avoid and/or correct.
- Communication tips to make the performance appraisal meeting productive.
- The benefits of an annual employee performance appraisal audit.
- Applying information learned through scenario analysis.
- Employee performance appraisal forms and instructions for a variety of job types.

“Interviewing for Success – Finding the “Right” Person – Book 1.”

Interviewing job candidates can be a challenging and frustrating task. However, it is one of the most crucial tasks of your job. Hiring the right people to staff your company is very important to the success of your company. Hiring the wrong people will cost your company valuable time and money.

The task of interviewing can be made more effective once you know the keys to successful interviewing. Also, having the right tools in your toolbox can greatly improve your success rate of hiring the “right” person.

This book provides the tools to help you:

- Develop an effective interviewing plan.

- Evaluate your employment application.
- Save time and be more efficient when reviewing resumes.
- Conduct effective telephone interviews.
- Conduct effective face-to-face interviews.

This book provides the following samples:

- Interviewing policy.
- Employment application.
- Resume/employment application review worksheets for several different types of jobs.
- Telephone screen worksheet.
- Telephone questionnaire worksheet.
- Candidate interview evaluation form.
- Sample candidate rejection letter.

“Interviewing for Success – Finding the “Right” Person – Book 2.”

The task of interviewing job candidates contains many hidden pitfalls. Mistakes that are made during the interviewing process can cost your company valuable time and money. It is very important not to unlawfully discriminate against job candidates during the interviewing process. Even accidental discrimination can put your company at risk.

Experienced interviewers can make a costly mistake without proper preparation. The key to effective interviewing is the preparation. Reviewing mistakes



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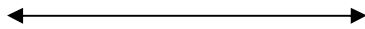
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that others have made during the interviewing process can teach you valuable lessons about what NOT to do.

This book provides information about the following interviewing topics:

- Interviewing without discrimination.
- Common interviewing mistakes.
- Americans with Disabilities Act interviewing.
- Questions not to ask during an interview.
- Sample interview questions.

Please visit our website at www.jmt-associates.com or send us an email for additional information.



ABOUT US

JMT & Associates, LLC is a full service Human Resources (HR) and safety solutions provider. We partner with small, mid-size, and large companies to develop and improve HR processes and procedures.

We offer extensive "real-world" experience in a variety of industries, including manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors.

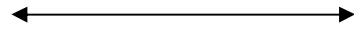
Our level of involvement ranges from complete management of your HR needs to providing project-based assistance to your in-house HR person, depending on your specific business requirements. These services range from basic policy development to in-depth HR strategic planning.

We begin with a comprehensive HR assessment of your current policies and procedures, then we provide a detailed analysis and a "roadmap of recommendations" to maximize your HR investment. We then provide the necessary follow-up to ensure process effectiveness.

Areas of Expertise:

- Coaching & Leadership Development
- Compensation & Benefits
- HR & Safety Compliance
- Employee Handbooks
- Employee Relations
- General HR Practices
- HR Assessments
- HR Policies & Procedures
- HR Strategy & Planning
- Labor Relations
- Organizational Development
- Performance Management
- Job Analysis
- Job Descriptions
- Employee Assessments
- OSHA Written Programs

- OSHA Audits
- OSHA Citation Abatement
- HR & Safety Training Courses



ABOUT THIS NEWSLETTER

Legal Note: JMT & Associates, LLC provides services in conformance with best practices of the human resource (HR) profession, but is NOT engaged in rendering legal advice or services. While implementation of effective HR management programs and systems significantly reduces potential legal liability, should legal assistance be required the company is advised to utilize the services of a competent legal professional.

While the information in this newsletter has been compiled from sources and documents believed to be reliable, its accuracy is not guaranteed, nor is any responsibility assumed or implied for any damage or loss resulting from inaccuracies or omissions.

Guest Authors: Articles written by guest authors express their own views and information. JMT & Associates, LLC in no way endorses or is responsible in any way for the content or views of their articles.

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