



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

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*** NEWS ***

Marijuana

Have you been watching state and local regulations regarding marijuana testing? Starting January 1, 2020, most employers in Nevada won't be allowed to test new hires for marijuana use. Though many states have legalized medical and recreational marijuana use, Nevada is the first state to ban pre-employment drug testing for the substance.

Marijuana use remains illegal at the federal level. Thirty-three states have legalized medical marijuana use and 10 states have also legalized recreational use.

Check your drug testing policy and practices to be sure you are in compliance in the areas in which you do business.

Health Insurance

On June 13, 2019, the U.S. Departments of Health and Human Services, Labor and the Treasury issued a final rule allowing employers of all sizes that do not offer a group coverage plan to fund a new kind of health reimbursement arrangement (HRA), known as an individual coverage HRA (ICHRA). Starting January 1,

2020, employees will be able to use employer funded ICHRAs to buy individual-market insurance, including insurance purchased on the public exchanges formed under the Affordable Care Act (ACA).

Depending on your particular business circumstances, this may be a new option to consider.

Minimum Wage

What do you think about raising the feral minimum wage to \$15.00 per hour?

The U.S. House of Representatives may vote as early as August on a measure that would more than double the federal minimum wage to \$15 per hour.

The chances of passage may be low, but it still is a possibility.

Now is the time to think about how this new wage rate would affect your business.

OSHA Changes

A new OSHA rule that takes place July 15, 2019 may streamline processes, reduce paperwork and save money.

The final rule revised 14 standards for record keeping, general industry, the maritime industry and construction. The revisions should make it easier for employers to comply with the workplace safety requirements.

Each employer should review the final rule to determine which revisions affect their business.

You should review your safety policies and be sure you are in compliance with the new changes.

FMLA Updates

The Department of Labor (DOL) recently issued an opinion letter that provides employers with additional guidance on Family and Medical Leave Act (FMLA) compliance.

The two key areas of guidance are:

- Employers cannot delay the designation of FMLA-qualified leave.
- FMLA leave cannot be extended beyond 12 weeks.

If your company must comply with FMLA, you should take the time to review this opinion letter.



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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.

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

- ✓ Maintain all payroll records for a minimum of seven (7) years in a confidential and secure location. There should be a check and balance process for all changes that are made to an employee's time worked. To reduce the risk of Wage & Hours Law claims, take steps to ensure that supervisors and employees understand what counts as compensable working time, employees accurately report all hours worked and supervisors monitor employee work activities to ensure employees do not work off the clock and consistently reprimand any employee who does so.
- ✓ Adopt and publicize a timekeeping policy that clearly defines compensable working time and provides examples.

- ✓ Following proper timekeeping practices and complying with the rule against off the clock work are among the many responsibilities of supervisors and employees.

General Industry Safety Checklist

- ✓ All floor surfaces shall be kept clean, dry and free from protruding nails, splinters, loose boards, holes or projections.
- ✓ Where wet processes are used, drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided where practicable.
- ✓ In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design that shall be supplied and securely affixed by the owner of the building or his duly authorized agent, in a conspicuous place in each space to which they relate.

Construction Safety Checklist

- ✓ The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

- ✓ The use of any machinery, tool, material or equipment that is not in compliance with any applicable requirement of Part 1926 is prohibited.

- ✓ The employer shall permit only those employees qualified by training or experience to operate equipment and machinery



Employee Training

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

Part 10

Training Approaches

Next we discuss different training approaches. We look at several major groups of training approaches. Some of these approaches are used for training and some are used more for development of training.

Cooperative Training

This approach mixes classroom training and on-the-job experiences. There are different forms of cooperative training.

- School-to-work transition - helps people move into jobs while still in school. Companies will make arrangements with local high schools and community colleges. We have worked with clients to establish a relationship with the local career center to help hire qualified machine operators.



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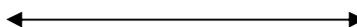
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- Internship - combines job training with classroom instruction from schools, colleges and universities. Interns get "real world" job experience. Companies get a cost-effective source of labor and a chance to see an intern at work before making a final hiring decision. Review the Fair Labor Standard Act (FLSA) rules for interns to avoid violating the law.
- Apprentice training - provides an employee with on-the-job experience under the guidance of a skilled and certified employee. Trade unions and government agencies use this method. Certain requirements for training, equipment, time length and proficiency levels are monitored. Depending on the occupation, an apprenticeship can last from two to five years.
- Instructor-led classroom and conference training - this is one of the most prevalent approaches to training. Employer-conducted short courses, lectures, and meetings usually consist of classroom training, whereas employee development courses offered by professional organizations, trade associations and educational institutions are examples of conference training. It is important to recognize that adults in a classroom setting have different expectations and learning styles from those of younger students.

- Distance training/learning - a growing number of college and university classes are using some form of Internet-based course support. Interactive two-way televisions can be used. The instructor can be in one location with the students in several other locations. One of the universities that I taught at had this technology. One instructor could present a class to several campuses at the same time.
- Simulations and training - computer-supported simulations within company training can replicate the psychological and behavioral requirements of a task. It can also include some amount of physical resemblance to the employee's work environment. Some common uses are in aerospace, military, and the medical fields. Technology is becoming embedded in the learning and training processes. As learning and work merge closer, technology will play an even bigger role in training.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Permit Required Confined Spaces (PRCS)

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

The OSHA standard for Permit Required Confined Spaces, was meant to reduce hazards to employees entering these spaces for work and also to reduce the death toll to workers who attempt to rescue others who become trapped in confined spaces.

Work is done in many locations that workers may consider to be restricted spaces. A very small office, closet or machine shop workstation may be small, but would likely not meet the OSHA definition of a confined space. There are three factors to determine if a space is a confined space.

- The space must be large enough that the employee can enter fully. This means that the employee must be able to fit his or her entire body into the space. A small fuel tank would not be a confined space if a worker could only fit his upper body into the tank. A tank at a bulk fuel facility would meet this criterion if a worker could get their whole body into the tank.
- The space is not designed for routine continuous occupancy. A worker who welds an automobile chassis under an assembly line for his entire work shift, for



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example, would likely not meet the definition for a confined space because this space is designed for continuous occupancy. A welder who enters a fuel tanker to repair baffles is entering a space that is normally fully occupied by the fuel; this would meet this part of the definition.

- The space must have a restricted entry. Restricted entry can mean that a ladder is used to enter the space or entry is only through a hatch way. If you must bend, stoop or use your hands for balance, the entry would likely be considered to be a restricted entry.

Some employees have the mistaken impression that a space must have only one entry to be considered a confined space and this is not true. A confined space can have many entries and still be considered a confined space. An example of this would be a grease pit with a ladder at each end.

Examples of confined spaces include: some attics, crawl spaces, culverts, sewers, pipes, boilers, ducts, all types of tanks, manholes, sumps, pits, freight containers, silos, storage bins, electrical vaults, baghouses and the interior of machines.

Some spaces can meet these definitions and be considered confined spaces but are not permit required confined spaces and are not covered by the Standard. If a confined space has a serious hazard that could

prevent an employee from exiting the space or which can cause a serious injury or illness it would meet the definition of a PRCS. Examples of these hazards are an atmosphere with insufficient oxygen or a chemical contaminant, a material; such as, grain or water which can engulf the employee or a sloping floor which can cause an employee to slide or become trapped. There could also be a mechanical hazard; such as, an auger or mixing blade that could cause a serious injury. If the machine started when the employee was in the space serious injury or death could result.

Sometimes employees doing work in the space can cause conditions to change. Welding or shoveling up sludge in a tank; for example, welding fumes or solvent vapors from the disturbed sludge can overcome an employee. Oxygen deficiency has also occurred in an empty water tank when rusting consumed oxygen in the tank.

Entry to a permit required confined space is determined to have occurred when any part of the body enters the space. If an employee reaches a hand into the space and a PRCS permit was not prepared, this would be a violation.

OSHA requires every employer to evaluate the workplace and determine if there are any permit required confined spaces then:

1. If employees will not enter the space, methods must be

implemented to prevent employees from entering.

2. If the space has hazards which can be controlled through lock-out or other methods, the space can be reclassified as non-permit required.

3. If the space has atmospheric hazards that can be eliminated by continuous forced air ventilation then alternate entry procedures can be used. This involves monitoring the space to confirm that there is no hazard in the space and that employees exit immediately if a hazard develops in the space.

4. If the space is a PRCS, a permit must be prepared, and conditions must meet all the requirements of the standard.

A written program must be developed to implement the PRCS permit. The written program must provide for measures to prevent entry to PRCS without a permit, identify particular atmospheric and other hazards in the space, describe procedures for testing atmospheric conditions, list protective equipment to be used in entries, identify job titles in the program and establish rescue procedures. It is important to understand that the program must be specific for the PRCS in the particular workplace; a generic program is not acceptable.

Before confined space entry work is undertaken, workers must be trained in what their job duties will be and assure that they understand the work, the



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hazards of the entry, how to safely use the equipment, methods of non-entry rescue and how to summon rescue assistance. This is very important since many fatalities occur when untrained employees attempt to rescue employees.

During all PRCS entries an attendant must remain outside the space and be ready to perform non-entry rescue, maintain contact with workers in the space and order evacuation of the space if necessary. The attendant cannot be assigned any other work which will prevent him/her from closely monitoring work in the space.

Procedures for rescue must be implemented before entry to the space is made. All entrants must wear a full body harness; if feasible, which is attached to a retrieval line. If employees on the site are not trained in entry rescue, then contact must be made with the local emergency squad to assure that they are ready and capable of performing rescue. In addition, they must be given an opportunity to periodically practice rescues in the space.

Just because a space does not meet the definition of a confined space does not mean there are no hazards that must be addressed. An employee who leans into an open drum which contained a solvent could easily be overcome by the vapors. A drum would likely be too small to be considered a confined space; however, this hazard would be addressed by other OSHA standards.

At JMT we have certified, experienced, trained professionals who can help you develop your confined space program and also can provide training for your management and employees in the hazards of confined space and how to conduct an entry in your particular confined spaces.



Building Self-Awareness

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

Would you like to see some changes in your life? You can begin making these changes by building self-awareness. Self-awareness is a self-conscious state where you're focused on yourself and your well being.

It's often said, "We cannot change what we will not see." Self-awareness is the process of acknowledging not only our strengths, but our weaknesses as well. Becoming self-aware entails listening to your body and feelings and taking action based on what you hear.

If you're in tune with your body, you'll know when to say no to that extra piece of cake or say no to staying up late. You'll become more in tune with your body the more often you respect it. Self-awareness is a process. The more we do it, the better we become at it.

How do you become self-aware?

These tips will help you in your journey to self-awareness:

Reflect on who you are and who you'd like to become. While it's important to notice your faults and weaknesses, it's equally important to acknowledge your strengths.

The better you understand yourself, the better you're able to accept yourself as you are or change the things you'd like to be different. Self-awareness requires you to be honest with yourself and have the courage to change the things you can.

A full recognition of yourself gives you the opportunity to become the self-fulfilled person you're destined to be.

Looking deep within your soul, you'll find the many character traits that make you unique. Begin by acknowledging the positive things. This will strengthen and encourage you to face the less favorable character traits without abandoning your new venture.

On the other hand, when evaluating your strengths, don't let your ego get the best of you. If you magnify either your strengths or your weaknesses, you can't possibly get a realistic picture of yourself.

Until you examine the truth of who you are, you cannot move into the person you can become.

Pay attention to your likes and dislikes. Far too often, people make life-changing choices without acknowledging deeply



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rooted personal preferences.

Before you embark on goals for your future, have a full awareness of the things you especially enjoy and those you prefer not to have in your life.

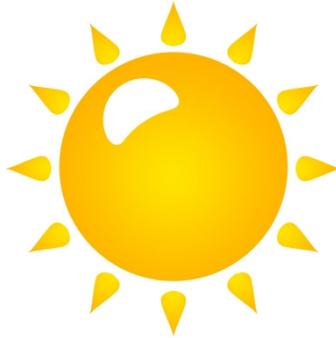
Face your inner self. During your self-awareness process, think about your motivations, dreams, fears and stressors. Think about why you feel the way you do, then begin to work toward overcoming these inner battles.

Ask your loved ones' opinions. Talk to people who know you best and really listen to what they see as your dominant character traits and motivations. Ask them to be completely honest with you and be prepared to hear their opinions.

You may not be your own best judge of character. Accept the way your loved ones see you as part of this process. Consider their opinions along with your own analysis in order to see the full picture of who you are.

Self-awareness is a necessary part of self-esteem and change. If you want to grow as an individual, begin with a complete and honest picture of who you are now. This total awareness will start your journey to becoming the best you can be.

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



Summer - Hot Weather

By: The Safety Division

Summer is here and we need to think serious about working in heat and high humidity. Too much heat and humidity can make employees sick and in some cases, even cause death. Everyone reacts differently to heat but we all need to know how to recognize and treat heat emergencies.

Normally the body cools itself by sweating. When the outside temperature is equal to or above the temperature of the body and the humidity is high, our sweat does not evaporate and the body can become overheated. Heat emergencies fall into three different categories:

Heat cramps cause painful spasms of the leg and stomach muscles resulting from loss of fluids and salt from sweating. Treatment is simple: massage the cramped muscles and drink fluids.

Heat exhaustion causes the skin to be cold, pale and clammy

from perspiration. You may feel fatigue, nausea and have a headache; you may also feel weak and faint. Treatment is to move the employee to a cooler place and lay them down with their feet elevated. Have them drink small amounts of fluids at frequent intervals. Medical follow-up may be advisable.

Heat Stroke is the most serious and potentially deadly heat emergency. There is a malfunction in the body's regulating system resulting in lack of sweating. Heat stroke is a medical emergency and requires immediate treatment by a doctor. Symptoms include mental confusion; the victim may stagger or even lapse into unconsciousness. The skin will be dry, hot and flushed. Treatment is to call an ambulance and the nearest first aid responder immediately. Move the employee to a cooler place and lay them down with the head elevated. Sponge with cool water until help arrives.

Here are some basic things we can do to prevent heat emergencies and make it easier for our bodies to handle the heat and humidity. Get a good night's sleep, eat moderately on hot days, wear loose fitting, lightweight clothing, drink plenty of cool water, avoid intake of alcohol, drugs, etc. Even some prescription drugs may affect your tolerance to heat. Never ignore the symptoms of heat illness in yourself or a co-worker. Get help immediately!





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SURVEY

Top Jobs

When 1,055 executives were asked to rank the most sought after C-suite positions, they responded:

- 87%-Chief executive officer
- 86%-Chief operating officer
- 59%-Chief marketing officer
- 47%-Chief commercial officer
- 45%-Chief information officer
- 36%-Chief financial officer
- 25%-Chief HR officer

Source: Korn Ferry, Los Angeles

INTERESTING FACT

Fifty-five percent of more than 1,800 recruiters surveyed say they have changed their minds about a candidate based on something they saw on a social media profile.

Source: Jobvite, San Mateo, California

SOCIAL MEDIA

JMT & Associates, LLC is on LinkedIn, Twitter, Facebook, and Skype.

Please visit us at the following social media sites:



www.linkedin.com/company/jmt-&-associates-llc



www.twitter.com/JMTHR



www.facebook.com/pages/JMT-Associates-LLC/144214645671881

SKYPE: JMT-001

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:

"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



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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."

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.



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“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 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.

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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

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.

If you or a colleague would like to be added to our newsletter's email list, please email: jmt@jmt-associates.com

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