



# JMT & Associates, LLC

*Human Resources & Safety Consulting*

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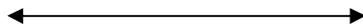
## PEOPLE POINTERS

Volume 10, Issue 1 January 2013

### \*\*\* 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 2012 from February 1, 2013 thru April 30, 2013. 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.



#### President Obama / OSHA

President Obama's re-election will most likely cause the Occupational Safety and Health Administration (OSHA) to pursue its regulatory and enforcement agenda with more vigor than it did in the first term.

Employers should continue to expect more scrutiny from OSHA. Let's take a look at some of the areas that are in focus.

**Injury and Illness Prevention Program:** This rule would

require employers to implement an injury and illness prevention program (I2P2). Employers would be required to "find and fix" all hazards at their worksites, regardless of whether there is a specific OSHA standard.

**Crystalline Silica:** OSHA's draft proposed regulatory text considers lowering the permissible exposure limit for the substance and implementing extensive housekeeping requirements.

**Injury and Illness Reporting:** OSHA would like to propose expanding reporting requirements for serious injuries and revising the list of industries exempt from injury and illness recordkeeping requirements.

**Confined Spaces in Construction:** This standard is designed to bring the construction industry the same level of protection from confined space hazards that exists in general industry.

**Walking Working Surfaces:** Proposed revisions will include specific criteria for personal fall protection equipment that are consistent with industry voluntary consensus standards.

**Hazard Communication:** Employers must begin to comply with the new rule which includes the Globally Harmonized System of

Classification and Labeling of Chemicals (GHS).

**Whistle-Blower Enforcement:** OSHA announced the formation of a Whistle-Blower Protection Advisory Committee.

As you can see, it is going to be a very busy year for OSHA. Employers should stay up-to-date with these areas of focus and take the necessary steps to keep their companies in compliance.



#### Ohio Employers

Did you remember to post the 2013 minimum wage poster at your worksite on January 1?



#### OSHA's Top 10

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has announced the preliminary top 10 most frequently cited workplace safety violations for fiscal year 2012.

Are you in complete compliance with all of these standards that apply to your business?

1. Fall protection.
2. Hazard communication.

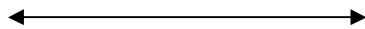


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3. Scaffolding.
4. Respiratory protection.
5. Ladders.
6. Machine guarding.
7. Powered industrial trucks.
8. Electrical - wiring.
9. Lockout/tagout.
10. Electrical - general.



### **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**

- ✓ Periodically call supervisors' and employee' attention to the importance of proper timekeeping practices, the prohibition against off-the-clock work and the avenues for raising any questions or concerns.
- ✓ Consider having your president send an annual letter about the company's non-harassment and conflict of interest policies, including timekeeping practices and the

off-the-clock work prohibition.

- ✓ The Fair Labor Standards Act requires no particular form for payroll records, but does require that the records include certain identifying information about the employee, data about the hours worked and the wage earned. Be certain that your records contain the required information.

#### **General Industry Safety Checklist**

- ✓ Areas in the vicinity of dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.
- ✓ All dip tanks exceeding 150 gallons liquid capacity or having a liquid surface area exceeding 4 square feet shall be protected with a least one type of automatic extinguishing facility.

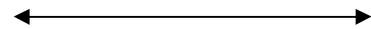
- ✓ Dockboards shall be strong enough to carry the load imposed on them.

#### **Construction Safety Checklist**

- ✓ Flexible cords must be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.
- ✓ Equipment or circuits that are deenergized must be rendered inoperative and must have tags attached at all

points where the equipment or circuits could be energized.

- ✓ The estimated location of utility installations shall be determined prior to opening an excavation.



### **Employee Compensation Management**

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

#### **Part 8**

#### **Compensatory Time Off**

This is hours given to an employee in lieu of payment for extra time worked. It is sometimes called comp time. It must be given to non-exempt employees at a rate of one and one-half times the number of hours over 40 that are worked in a week. Comp time cannot be carried over from one pay period to another. There is an exception for public-sector employees. There are specific limits to the amount of comp time that can be accumulated.

#### **Do you have any Independent Contractors?**

An independent contractor is very much different than an employee. The Internal Revenue Service (IRS) has very specific guidelines to use when you decide to classify a worker as an independent contractor.



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Characteristics of an employee include:

- Must comply with instructions about when, where and how to work.
- Renders services personally.
- Has a continuing relationship with the employer.
- Usually works on the employer's premises.
- Normally is furnished tools, materials, and other equipment by the employer.
- Can be fired by the employer.
- Can quit at any time without incurring liability.

Characteristics of an independent contractor includes:

- Can hire, supervise, and pay assistants.
- Generally can set their own hours.
- Usually is paid by the job or on a straight commission.
- Has a significant investment in facilities or equipment.
- Can make a profit or suffer a loss.
- May provide services to two or more unrelated persons or companies at the same time.

- Make services available to the public.

Classifying someone as an independent contractor rather than an employee offers a major advantage. The employer does not have to pay social security, unemployment, or workers' compensation costs. Be careful! If you misclassify a person the penalties can be very costly. Check the IRS website for the latest criteria before making your decision on how to classify a person.

### **Do you have a Contract with the U.S. Government?**

If so, there are several compensation-related acts that may apply to you.

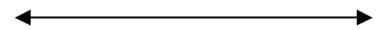
The Davis-Bacon Act of 1931 affects compensation paid by companies engaged in federal construction projects valued at over \$2,000. It deals only with federal construction projects and requires that the "prevailing" wage be paid on all federal construction projects. The prevailing wage is determined by a formula that considers the rate paid for a job by a majority of the employers in the appropriate geographic area.

Two other acts require companies with federal supply or service contracts exceeding \$10,000 to pay a prevailing wage. Both the Walsh-Healy Public Contracts Act and the McNamara-O'hara Service Contract Act apply only to those who are working directly on a federal government contract or who substantially affects its performance.

If you are a federal contractor you must be familiar with these Acts and pay your employees accordingly.

*This article will continue in our next newsletter edition.*

**Note: Previous articles are available on our website.**



## **Are You Staying Present?**

By: Nick Dillon, MAED  
Independent Human Resources and Safety Consultant

A great skill to learn is that of being more present. Being present is simply being focused on your environment and your current task or situation. *It means that your mind is not thinking about anything else other than what is right in front of you.*

There are so many great benefits that come from being present in the moment. For example, it's relaxing! It's about the only time your brain isn't buzzing along thinking about 20 different things. You get to actually live your life, as opposed to either thinking about the past or the future. And you're far more productive, too.

**These techniques can help you live more fully in the present:**

**Pay attention to what is going on around you.** If you're not actively engaged in doing



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something productive, take a good look at what's going on around you. Suppose you are taking a walk. Notice everything: the cars driving by, the trees blowing in the wind, various animals running around, the clouds, and more. See everything.

- Listen to everything. What can you hear? How many different sounds can you pick out?
- What can you feel? The cool air moving across your arm? A sore foot? The ground beneath your feet? Your cold hands?
- What can you smell?
- In general, if you're not really doing something then you should be focused on your surroundings. Because, at that moment, that's your life.

**Focus on your current task.** If you're mowing the grass, focus on mowing the grass. If you're writing a report, focus on writing the report. Your mind should stay on task. It takes practice to do it reasonably well, so practice all the time. *When you start thinking about something else, gently come back to the task and let go of your previous thought.*

- You will get so much more accomplished when you are focused on your task. You will also eliminate worry and stress. How can you be stressed if you are only thinking about what is in

front of you? There's no room for stress.

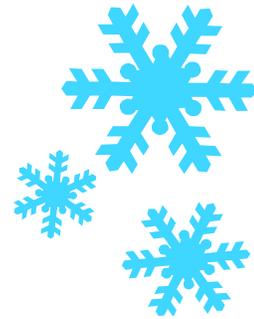
**If you are having a hard time focusing on your work or environment, focus on your breathing.** Your breath is like a constant in the universe; it is always with you. It also helps to get your brain and body in sync. Focus on your breathing and don't let your mind drift. If this does happen, gently bring it back to your breath.

- After 10-15 minutes, you should be ready to transition to focusing on something else.

**Practice all the time. Make a game out of it.** See if you can wash the dishes without thinking one stray thought; even thinking about how glad you will be when it's done would be a stray thought. Do this with everything that you do, all day long.

**At night, focus on your breathing.** Lying in bed is a great opportunity for most people to get themselves all worked up. We think about how horrible work was or about how we have so much to do tomorrow. None of this has ever helped anyone. Focus on your breathing until you fall asleep.

Make the effort to be more present. *You will be amazed at how much better you feel and how much more you can get done.* It's not easy at first. Think of it as exercise for your brain. With practice, you will get a little better each day. Keep at it; the rewards are worth it!



## Cold Weather Safety

by: Safety Division

Summer and fall are gone and the winter months are upon us. Even though it's cold outside we still have to work and get the job done. There are several things we can do to keep warm and prevent cold weather related accidents.

The first thing we want to do is to keep our body temperature at or about normal, 98.6F. This can be accomplished by wearing layers of clothing both inside and outdoors. Wear cotton or lightweight wool next to the skin and wool layers over your underwear. Keep dry by having proper rain gear available and a pair of good, waterproof boots. An extra pair of clean, dry socks can really come in handy. Don't forget to protect your neck and ears; you can lose a lot of heat from these two areas, and a good pair of gloves is essential.

### Do You Know the Signs of Frostbite?

Our skin will become white and you won't have much circulation. In the worst case, blisters will form but you won't



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feel any pain. First aid for frostbite is as follows: NEVER rub the frozen part of the body with snow -- add extra clothing or use a blanket to cover the frozen area -- get out of the cold and into a warm location -- the frozen area may be immersed in warm water but NEVER use hot water -- if the condition does not improve seek professional medical attention.

Another area of concern during cold weather is the use of portable heaters. If they are not maintained properly they can cause accidents. Carbon monoxide can result from defective ventilating and from incomplete fuel burn. All portable heaters should be checked by a competent person before being put into use. Locate fuel containers, regulators, piping and hose where they will not be subject to damage. LP gas containers not in use should be stored upright, in a specified outside location and protected against damage. Containers in use must be kept in an upright position and secured. Always be sure to protect the valves from physical damage.

Cold weather is here to stay for a few months -- keep your guard up against cold weather injury.



### **Lockout Tagout Basics**

By: Jeffery K. Dennis, MS, CSP,  
CHMM, CET, CIT, CSSM, WSO-CSE  
Industrial Safety Solutions, Inc.  
President

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PO Box 26068 - Birmingham, AL 35260

Part 2:

#### **Lockout Procedures**

When a lockout procedure occurs, the employee who will be working on the equipment, or the designated person in charge, should first warn all employees in the area of the stoppage. One person should be responsible for the lockout. He/she will place energy control devices, locks, tags, or other blocks on all of the machine stop/start mechanisms and all the power sources that would affect the machine's operation. The lock should be accompanied by a tag that boldly states that the equipment and power are off and should only be restarted by the person who stopped it. The tag should be signed or initialed. The person who locks the locks or blocks should keep the keys in his/her possession or in a locked box where only he/she can access. Locks and tags will remain until the equipment is deemed ready for restart and all employees are safely away from the operating parts or the power sources.

A lockout procedure specific to each machine at the worksite must be part of your written safety program. Each lockout procedure provides a step-by-step procedure to (1) notify all affected employees and supervisors of the lockout, (2) clear the area of all personnel, (3) identify each hazardous energy source, (4) identify each

energy control device, (5) apply each energy control device, (6) apply locks and tags, (7) perform the maintenance and/or servicing, (8) the removal of the locks/tags and re-energization of the equipment, and (9) notification of all affected employees that the machine is operational.

#### **Restarting Equipment**

Before restarting equipment or power, the person in charge must check the area for any tools or equipment left where they can cause harm. The person in charge will alert workers in the area to stand clear, then unlock and restart the power and equipment. Always notify all affected employees prior to restarting equipment and verify that no employee is still in the "Danger Zone" prior to restarting equipment.

#### **Additional Information**

Additional information regarding control of hazardous energy is available in your written safety program. Information is also available at the OSHA website: [www.osha.gov](http://www.osha.gov).

#### **Remember**

- Do not take chances and shortcuts with hazardous energy - you may pay with your life or the life of your coworker.
- Follow all control of hazardous energy lockout/tagout procedures



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during EACH lockout/tagout.

- Inconvenient and infeasible are not the same thing - always control all forms of hazardous energy prior to performing servicing and/or maintenance tasks.
- Never take short cuts - short cuts cause injuries and fatalities.
- If you do not know what you are supposed to do - STOP - and ask your supervisor for immediate guidance.
- Do not take unnecessary risks.
- If you do not have the correct hardware or procedure - STOP - and alert your supervisor immediately.
- Your safety and the safety of your coworkers depends upon following control of hazardous energy procedures during all servicing and maintenance activities.



### **SURVEY**

#### **Don't Follow Me**

In a survey of 2,243 U.S. workers, 75 percent say they would not allow their employer to install an app on their personal smartphone, thereby

giving it the ability to locate them during work and non-work hours in exchange for receiving access to corporate email and resources.

Source:  
Harris Interactive, New York



### **INTERESTING FACT**

Twenty-three percent of recent college graduates said they wouldn't take a job if they weren't allowed to make or receive personal telephone calls.

Source:  
Adecco Group, North America



### **SERVICE UPDATES**

#### **New Associate**

Please welcome **Vince Fantin** to our team of consultants.

Vince offers a diverse range of experience that includes over 20 years in product design, marketing, purchasing, sales and strategic planning. Areas of expertise include federal corrections and medical grade plastics that meet safety and quality standards, heated and refrigerated meal transportation and feeding systems, automobile sales and service, as well as sales of perishable food products. Other areas of

expertise include hands-on meat manager, meat cutting and perishable foods. Vince has strength in consensus building which helps bring teams together.

Vince's education includes an Associates of Applied Science in Perishable Product Marketing from Ohio State University – ATI, Wooster, Ohio, and a Bachelor of Arts in Business Management from Malone University, Canton, Ohio.

Additionally, Vince holds certificates in OSHA safety training, medical billing and computer technology and meat cutting.

Vince spends his free time with his wife and two daughters and is active in 4-H and the Keystone Saddle Club where he has served as treasurer since 2010, turning around a club deficit.

#### **The JMT Network Program**

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

#### **Social Media**

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

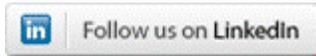
Please visit us at the following social media sites:



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**SKYPE: JMT-001**



<https://plus.google.com/117077074727697779296>



### 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 specifically designed for the small business. A comprehensive, customized program is offered for low monthly payments.

### Construction Safety Training

JMT & Associates, LLC offers the OSHA 10 hour and 30 hour construction industry outreach training programs.

### Educational Books

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

*“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.”*

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

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

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

Please visit our website at [www.jmt-associates.com](http://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



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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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