



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

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*** NEWS ***

Exchange Notices

On September 11, 2013, the Department of Labor (DOL) announced there will be no penalty imposed on employers that fail to distribute to workers a notice about available coverage under state and federal government run health insurance exchanges.

However, if your company is covered by the Fair Labor Standards Act (FLSA), you must provide a written notice to your employees about the Health Insurance Marketplace by October 1, 2013.

Model notices may be found at www.dol.gov/ebsa/healthreform.



FMLA

The Department of Labor (DOL) will be conducting more onsite FMLA investigations.

We suggest that you conduct an internal audit to ensure you are ready when the DOL visits your workplace.

According to the DOL the following are some of the common mistakes that

employers make.

- Refusing to authorize FMLA leave for an eligible employee.
- Discouraging a worker from using FMLA leave.
- Manipulating an employee's work hours to avoid responsibilities under the FMLA.
- Making someone's request for or use of FMLA leave a negative factor in employment actions; such as, hiring, promotions or disciplinary actions.
- Counting FMLA leave under "no fault" attendance policies.



Hazard Communication Training Deadline

The Occupational Safety and Health Administration's Hazard Communication Standard is now aligned with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. The first deadline in the implementation phase is

December 1, 2013, the date by which employers must train workers on the new label elements and safety data sheets (SDS).

Have you conducted your employee training yet?



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

- ✓ Your human resources staff should have relative experience related to the human resources field. There should be a significant number of personnel, depending on the size of your organization. On-going training should be provided to keep current each person in



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the human resources department.

- ✓ Your organizational mission and goals should be formally linked to human resources planning (e.g. staffing, training, job classifications). The goals should be used for forecasting long-range staffing and recruiting needs.
- ✓ You should have a formal human resources plan. It should be based on a formal assessment of your mission, organizational goals, staffing needs, training outputs and existing employee data. The plan should be implemented, evaluated and used for long-range strategic planning.

General Industry Safety Checklist

- ✓ Flexible cords and cable shall be protected from accidental damage.
- ✓ Flexible cords and cable may not be used as a substitute for the fixed wiring of a structure.
- ✓ Flexible cords shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

Construction Safety Checklist

- ✓ Only authorized and qualified persons shall be permitted to handle and use explosives.

✓ Explosives and related materials shall be stored in approved facilities required under the applicable provisions of the Bureau of Alcohol, Tobacco and Firearms regulations.

✓ Smoking and open flames shall not be permitted within 50 feet of explosives and detonator storage magazines.



Employee Compensation Management

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

Part 11

Valuing Jobs Using Market Pricing – Market pricing uses market pay data to identify the relative value of jobs based on what other employers pay for similar jobs. Jobs are arranged in groups tied directly to similar survey data amounts. The key to market pricing is to identify relevant market pay for jobs that are good “matches” with your jobs, geographic considerations and your company strategies and philosophies about desired market competitiveness levels.

Advantages – The primary advantage is that it closely ties company pay levels to what is actually occurring in the market. It is not distorted by internal job evaluation. This method also allows you to communicate to your employees that your compensation system is truly

linked to the market. Employees will usually consider this method to be fair and equitable.

Disadvantages – The biggest disadvantage is that it relies on accurate and appropriate market survey data. The scope of market data is a concern. Some employers who are labor market “competitors” may not participate in surveys and the absence of their data can distort the market values used. Also, tying pay levels to market data can lead to wide fluctuations based on market conditions.

So, where do you get the market data?

The answer is pay surveys. A pay survey is a collection of data on compensation rates for employees performing similar jobs in other companies. The key to effectively using pay survey data is to identify benchmark jobs. Benchmark jobs are used because they provide “anchors” against which individual jobs can be compared.

Where do you get a pay survey?

- Surveys conducted by other companies – Bureau of Labor Statistics, professional and national trade associations, Chamber of Commerce, local human resources group.
- Internet data (see below).
- Conduct your own pay survey.



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- Have a human resource firm conduct a customized survey for your company.

Advantages to internet-based pay surveys – First, you can complete the electronic surveys by linking your company payroll database to the survey data requested. Also, submitting the survey data electronically reduces the time needed to enter data and prepare the final report to send back to participating companies.

When you use a pay survey, the following factors should be used to determine if the data is relevant and valid.

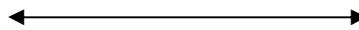
- **Participants** – Does the survey cover a realistic sample of employees with whom you compete for employees?
- **Broad-based** – Does the survey include data from employers of different sizes, industries, and locales?
- **Timeliness** – Has the survey been conducted recently?
- **Methodology** – How established is the survey and how qualified are those who conducted it?
- **Job Matches** – Does the survey contain job summaries so that appropriate matches to job descriptions can be made?

Legal Issues with Pay Surveys

One reason to use outside sources for pay surveys is to avoid charges that the employers are attempting “price-fixing” on wages. There are several cases where the federal government has filed such lawsuits.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Self - Empowerment

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

Self-empowerment is the ability to make choices and then transform them into the action and outcome to make the choices you made a reality. You are the only one that can give yourself self-empowerment. Your family cannot, your friends cannot, only you. If you are depending on other people to make you feel empowered, do you really think you will feel self-empowered?

Self-empowerment means, taking charge of your own life. You have the power to take what you want of your life and make it happen. You are the only one that can control and decide what you want out of life and make it work to get what you desire. The first thing to know is that we all are self-empowered, each and every one of us. The only difference between those who own and

know their power and use it appropriately and those that don't, is the **personal belief system** they have, that they cannot have that power.

You must be able to make decisions in order to empower yourself and others. By being able to make decisions, you will be able to make the right choices in any circumstance. You need to build a resource of information to make your self-empowerment grow and flourish.

You need to practice positive thinking as it does not come naturally to most people. Each time you find yourself thinking negative, take a deep breath and redirect your thoughts to only the positive thoughts on any given thought. Even a negative can be made positive by finding a way around a bad situation. When you find yourself in a bad situation, think of any ideas you can that can make it better. Now, repeat all the positive ideas to yourself until you work things out.

Empowerment means you are assertive. You need to know what you want and go after it. Sometimes you will have to stand up for yourself in order to get what you want. You can do this without being overpowering; however, you must stand up for your own rights when necessary to achieve your final goal.

When you feel good about yourself, it will show in all you do. Others will notice it and want to help you as you will be



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perceived as someone who people can depend on to do things right. Within each and every one of us is the ability to obtain self-empowerment as you are the controller of your own destiny.

These tips will help you find the tools you need to make your life as you want it to be. Feel free to print these tips and put them in a folder to read and re-read every time you start feeling you are overwhelmed on your quest toward self-empowerment.



Weather

by: Safety Division

WHY TALK ABOUT THE WEATHER?

Actually, we have no control over rain, snow, sleet, wind, lightning or sunshine. But we can control what happens on our job as a result of the elements. Some of the biggest problems on construction jobs are caused by wind and lightning. Wind probably causes the most

accidents; lightning can be deadly.

WATCH OUT FOR WIND

Don't let the wind catch you off guard. This applies not just to tornadoes or hurricanes, but to everyday winds and unexpected gusts. Wind just loves to pick up anything it can and sail it away. So when it's windy, securely tie or weight down supplies and materials. It's amazing what a little wind can do. Some gusts can pick up a 4 x 8 sheet of plywood from the top of a high rise building and carry it several blocks. The wind could blow you off a scaffold.

Don't loiter on the leeward side of unbraced walls, lumber stacks or anything else that can be blown over by a sudden gust of wind. In many instances, workers have been seriously injured when an unbraced wall or form was blown over on them while they were sitting in its shade during lunch or before starting work.

LIGHTNING KILLS

Every so often we read about workers being struck by lightning. The situation is generally very bad.

We all like to keep things moving until we're rained out. But when lightning is around, it's safer to take shelter early. Very often an electrical storm occurs without rain. Or a lightning storm precedes the rain. So, if you're working with a crane, on top of steel frame-work, or around other projecting

equipment, the safest thing to do is to seek shelter when you see lightning. You'll be reasonably safe from lightning inside a structure, particularly when it's equipped with lightning rods. You'll also be fairly safe in an automobile or truck. But never take shelter under an isolated tree or where you're in contact with a tractor, crane, or other equipment. If you get caught out in the open, stay as low as you can. It's much safer to be down in a ditch than on top of the ground.

RAIN CAN RUIN A JOB

Rain may be good for the farmer but it can play havoc with a construction job. It can turn it into a gigantic mud hole. Water seems to get in everywhere. Rain can ruin building materials and supplies and generally make things down right messy. Steel gets slippery, equipment gets stuck, and we get wet. By covering equipment, materials, tools, supplies and ourselves, we don't give rain a chance to do as much damage as it could. We can eliminate slipping hazards by sweeping water out of low areas used as passageways inside of buildings under construction.

DON'T SLIP ON ICE AND SNOW

When we work in colder climates, ice and snow make things slippery. Clean and sand any work surfaces, such as scaffolds and passageways, where there is ice and snow. You can turn planks over. We



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need the best possible footing we can get.

CONTROLLING THE WEATHER

We can control the weather only as far as it affects the job. The key is to use common sense depending on the specific situation.



Excavation and Trenching Safety

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Part 3:

Backfill trenches as the work progresses. Working in an excavation exposes employees to many hazards of which a cave-in is the chief hazard. You must protect employees exposed to potential cave-ins in all excavations by one of the following:

- Sloping or benching the sides of the excavation.
- Supporting the sides of the excavation.
- Placing a shield between the side of the excavation and the work area.

Designing a protective system can be complex because of the number of factors involved.

Such as, soil classification, depth of cut, water content of soil, changes due to weather and climate, or other operations in the vicinity.

The OSHA standard provides several methods and approaches for designing protective systems that can provide the required level of protection against cave-ins.

One method of ensuring the safety and health of workers in an excavation is to slope the sides to an angle not steeper than 1.5 horizontal to one vertical - 34 degrees measured from the horizontal. Excavate these slopes to form configurations in accordance with those for Type C soil found in Appendix B of the standard. A slope of this gradation or less is considered safe for any type of soil. All simple slope excavations shall have a maximum allowable slope of 1.5 to 1.

A second design method, which you apply for both sloping and shoring, involves using tabulated data; such as, tables and charts, approved by a registered professional engineer. These data must be in writing and must include sufficient explanatory information to enable the user to make a selection, including the criteria for determining the selection and the limits on the use of the data.

Keep at least one copy of the information, including the identity of the registered professional engineer who approved the data, at the work site during construction of the protective system.

When the system is complete, store the data away from the job site, but make a copy available, upon request. Contractors also may use a trench box or shield that is either designed or approved by a registered professional engineer or is based on tabulated data prepared or approved by a registered professional engineer.

OSHA standards permit the use of a trench shield — also known as a welder's hut. It must provide protection equal to or greater than the protection the appropriate shoring system would provide. The shield can be constructed of timber, aluminum or other suitable material.

Employers can choose the most practical design approach for any particular circumstance. Once you select an approach; however, the system must meet the required performance criteria.

The standard does not require the installation and use of a protective system when an excavation is made entirely in stable rock or less than 5 feet deep and a competent person has examined the ground and found no indication of a potential cave-in.

Stop and Ask Questions!



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If you are unsure of any safety concern while performing work in or around any excavation or trench STOP and ASK YOUR SUPERVISOR how to safely proceed.

You may not have a second chance to get it correct when dealing with excavation and trenching hazards So Get It Right the First Time!

WORK SMART - WORK SAFE



SURVEY

Gossip Central

When asked to name the most popular place to go for office gossip for the Workplace Index Survey on the Nature of Work, 700 office workers listed the following as their top three responses:

Office kitchen or break room - 36%

Co-worker's desk, workstation or office - 33%

E-mail or instant messenger - 10%

Source:
Steelcase, Grand Rapids, Michigan



INTERESTING FACT

U.S. employers must pay \$73.1 billion each year for obesity-related issues among full-time employees.

Source:
ComplianceandSafety.com, Middletown, Delaware



SERVICE UPDATES

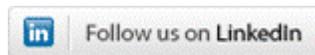
The JMT Network Program

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.

Social Media

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



<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



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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 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



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assistance be required the company is advised to utilize the services of a competent legal professional.

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