



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

Volume 11, Issue 4 October 2014

*** NEWS ***

NLRB - Internet

The National Labor Relations Board (NLRB) has identified the phrase "inappropriate discussions" as unlawfully vague language in a nonunionized employer's internet policy. The NLRB stated its belief that employees would reasonably believe the rule banned any discussions about the terms and conditions of their employment deemed inappropriate by the company. An employer rule is unlawfully overbroad when employees reasonably interpret it to encompass protected activities. The NLRB gives numerous examples of overly broad rules. Writing appropriate and legal handbook language can be very challenging. In light of this recent ruling, all employers should review their employee handbook to make sure it does not contain any language that would violate the NLRB's rulings.

Mailing FMLA Notices

A recent court ruling states that an employer may not rely on the "mailbox rule" to prove that the employer provided an employee with notice of his or her rights under the Family and Medical Leave Act (FMLA). The FMLA

requires that employees going on FMLA leave receive specific notice that their leave will be designated as FMLA, as well as a summary of their rights and responsibilities. In this case, the employee claims she never received the notice. Simply mailing the notice was not enough. It is a good practice to use certified mail and communicate to the employee using more than one method.

AEDs

Around 10,000 sudden cardiac arrest events occur each year in the workplace, according to the Occupational Safety and Health Administration (OSHA). Most of these victims will die. Sudden cardiac arrest is the leading cause of death in the workplace. An automated external defibrillator (AED) is the only treatment for restoring a regular heart rhythm during sudden cardiac arrest. They are easy to operate for laypersons with no medical background. When sudden cardiac arrest strikes, being prepared and acting fast is the only way to save lives. Do you have an AED in your workplace?

Temporary Workers

The Occupational Safety and Health Administration (OSHA) has published guidance on the joint responsibilities of staffing agencies and host employers to

protect temporary workers from safety and health hazards on the job. The guidance focuses on ensuring that staffing agencies and host employers collaborate to ensure that OSHA requirements are fully met. The recommended best practices include the following: evaluate the host employer's worksite, train agency staff to recognize safety and health hazards, ensure the employer meets or exceeds the other employer's standards, assign safety and health responsibilities in the contract, track injuries and illnesses, conduct safety and health training, establish an injury and illness prevention program, investigate accidents, and maintain contact with workers. If you are a staffing agency or use temporary workers, you should become familiar with these best practices and take steps to implement them in your business.

FCRA Lawsuits

It looks like Fair Credit Reporting Act lawsuits are on the rise, particularly multi-million dollar class-action lawsuits. Some of the complaints include the following: employer background check disclosure forms contained language not limited to the disclosure required by the statute, the employer failed to provide a pre-adverse action notice, and the



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employer did not wait the right amount of time before taking final adverse action against an individual. If your company uses background checks, it is a good time to review the requirements and ensure you are in compliance.

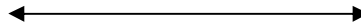
Ohio - Minimum Wage

Effective January 1, 2015, Ohio's minimum wage will increase to \$8.10 per hour for non-tipped employees and to \$4.05 per hour for tipped employees plus tips. The increases will apply to employees of businesses with annual gross receipts of more than \$297,000 per year. For companies with less than this amount in annual gross receipts and for 14 and 15 year olds, the state minimum wage is \$7.25 per hour. This is the same as the federal minimum wage.

OSHA Recordkeeping

The Occupational Safety and Health Administration (OSHA) announced that effective January 1, 2015 there are new reporting requirements. Employers will be required to notify OSHA of work-related fatalities within eight hours and work-related in-patient hospitalizations, amputations or loss of an eye within 24 hours. Previously, OSHA's regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single

hospitalizations, amputations or loss of an eye was not required under the previous rule. All employers covered by OSHA, even those who are exempt from maintaining injury and illness records, are required to comply with the new regulation. OSHA has also updated the list of industries that are exempt from the requirement to routinely keep injury and illness records. The new rule maintains the exemption for any employer with 10 or fewer employees. You should check this list to determine if the changes affect your business.



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

✓ Complete I-9 forms for each employee hired after November 6, 1986. These forms should be filed in a separate 3-ring binder,

separated by active and terminated employees. The I-9 form must be retained for 3 years after the date the person begins work or 1 year after the person's employment is terminated, whichever is later. The I-9 form has been changed several times. Check to be sure you are using the most current version.

✓ Review your current application form. Does it contain any "illegal" questions? Every job candidate should complete an application form. Do not just accept a resume. Make sure your application contains all of the applicable disclaimers and releases that relate to your business.

✓ When was the last time you reviewed your new hire paperwork? There are many forms that are required to be completed by a new employee. Some examples include: tax forms, I-9 form, personal information sheet, safety acknowledgment, handbook acknowledgement and emergency contact sheet. The exact list of documents will depend on your business.

General Industry Safety Checklist

✓ Overhead power lines must be de-energized and grounded by the owner or operator of the lines, or other protective measures must be provided before work is started.

✓ Protective measures, such as guarding or insulating the



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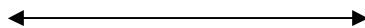
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lines, must be designed to prevent employees from contacting the lines.

- ✓ Unqualified employees and mechanical equipment must be at least 10 feet away from overhead power lines of 50kV and below. If the voltage exceeds 50kV, the clearance distance should be increased by 4 inches for each additional 10kV over 50kV.

Construction Safety Checklist

- ✓ Firefighting equipment shall be conspicuously located and readily accessible at all times, shall be periodically inspected and be maintained in operating condition.
- ✓ Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.
- ✓ If the building includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service, as soon as applicable laws permit, following completion of each story.



Employee Compensation Management

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

Part 15

Lump-Sum Increases (LSIs)

A lump-sum increase is a one-time payment of all or part of a yearly pay increase. The base pay is not increased. For example, an employee making \$12.00 per hour would receive a 3% LSI calculated as follows:

\$0.36 per hour x 2080 working hours in the year = \$748.80.

The base rate remains \$12.00 per hour. This method slows down the progression of your base wages.

The major advantage of an LSI plan is that it heightens employee's awareness of what their performance "merited." Another advantage is that your company can use LSIs to slow down the increase of base pay, and thus reduce or avoid the compounding effect on succeeding raises.

One disadvantage of LSI plans is that employees who take a lump-sum payment may become discouraged because their base pay has not changed.

Summary

This article has discussed the components of a compensation strategy. We have presented many of the common pay practices. Let's review some of the key points of this article.

- Compensation can come directly through base pay and variable pay and indirectly through benefits.
- Compensation practices are closely related to the strategies, objectives,

culture, and philosophies of your company.

- The two main compensation philosophies are the entitlement philosophy and the performance philosophy.
- HR metrics should be used to measure the effectiveness of compensation.
- Compensation practices for international employees are much more complex than those for domestic employees, because they are affected by many more factors.
- Decisions about compensation must always consider market competitiveness and positioning.
- When designing your compensation program, you should consider internal and external equity, organizational justice and pay openness.
- The Fair Labor Standards Act (FLSA) is the major federal law that affects pay systems. There are many requirements contained in this regulation and you must familiarize yourself with them to ensure your company is in compliance.
- Your base pay system should be developed using information from valuations of jobs and pay surveys.



- The values of jobs can be determined using either job evaluation or market pricing.
- After collecting pay survey data, you can develop a pay structure composed of pay grades and pay ranges.
- Individual pay must take into account the placement of employees within pay grades.
- Individual pay increases can be based on performance, seniority, cost-of-living adjustments, lump-sum increases, or a combination approach.

As you can see, developing an effective compensation program will take time and a lot of effort. However, the positive payback will be worth the effort you put into designing and implementing your program.

When was the last time you thoroughly reviewed your compensation program?

A regular review is critical to a successful program. Based on the material presented in the article, how does your program measure up?

This is the last article on Employee Compensation. The next topic will be Employee Training. It will begin in our next newsletter edition.

Note: Previous articles are available on our website.



Are You Struggling with Insecurity?

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

Being comfortable in our own skin can be one of the greatest challenges that we ever face. Yet a secure person is likely to experience more success, have meaningful relationships, and gain respect from others.

People who experience a lack of confidence tend to find difficulty in a variety of different aspects of their lives. If you're battling insecurity, it may be holding you back and preventing you from achieving your dreams.

Here are some signs that may indicate insecurity:

1. Defensiveness.

People with a lack of self-confidence can be sensitive to criticism, and they may often react with defensiveness. If you feel uncomfortable with yourself, it can be more challenging to accept your flaws.

Secure people are capable of handling criticism. If you're secure, you'll be open to hearing different ways that you may improve. If you disagree with whatever criticism you receive, you probably won't feel the need to argue because you're happy with the way you are.

2. Inability to enjoy silence.

Some people who feel insecure are unable to deal with any sort of silence. This may challenge you if you find yourself filling every moment with chatter. Perhaps you're doing this in order to avoid reflecting on yourself.

Secure individuals can tolerate silence and often enjoy it. When you're secure, you can allow others to talk without ever having to interject with your own opinions.

3. Joking excessively.

If you're insecure, you may use excessive joking as a coping mechanism. A sense of humor is good for emotional health, but if you feel insecure, you may joke excessively without understanding limits of appropriateness.

The best joke tellers are confident individuals. You will be much funnier, and your jokes will be better received if you deliver them with confidence. You'll also have a better sense of when joking is acceptable, and when it may be hurtful instead of funny.

4. Self-promotion.

Although this may seem contradictory, sometimes those who suffer from low self-esteem talk about themselves constantly, as if trying to prove themselves to others.

Confident people don't need to promote themselves in this manner. When you're confident, you know that how you live



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your life is a testament to your positive traits. Even if you're confident, you will still need some validation from others, but you will find appropriate ways to ask for it, and won't need it constantly.

5. Bullying.

Because self-esteem challenged individuals often feel threatened by other people, a coping mechanism that sometimes develops is the drive to bully others. If you feel threatened by secure individuals, you may be feeling the power that they hold over themselves.

6. Overly competitive.

Although competitiveness is natural, when this trait is taken to extremes, it's often indicative of a problem. If you can't handle losing without making a huge emotional display, then you may have a challenge with insecurity.

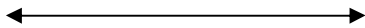
Keep in mind that secure individuals win and lose with grace. Grace relates to respecting your competitors. If you're comfortable with your own self, then you will lose and win with poise.

Nothing dictates that an insecure individual must feel that way forever. If you recognize these characteristics in yourself, know that you can take positive steps to overcome your insecurity and build a better self-image. Confidence and security in yourself and your abilities will improve every aspect of your life by changing how you view

yourself and the world around you.

If you believe you are struggling with insecurity, reach out to Nicholas Dillon, The Believe Coach by going to www.BelieveUniversity.net.

Sign up for a complimentary Life Coaching Session.



Tool Safety

By: Safety Division

In this article, we will look at some basic tool safety tips. All hand tools, power tools and other similar equipment, whether furnished by the company or the employee, shall be maintained in a safe condition. Personnel assigned to tool rooms should be responsible for the inspection and repair of tools under their control.

Hand Tools

- Insulated or non-conducting tools should be used when

working near energized electrical circuits.

- Tool handles shall be tightly fitted. Wooden handles should be carefully checked, tightened with wedges, if necessary, and split or splintered handles shall be replaced.
- All impact tools: such as, chisels, punches and wedges, shall be regularly dressed to eliminate "mushrooming."

Power Tools

The majority of power tool accidents are caused by improper handling or poor maintenance. The following applies to all types of power tools:

- Only authorized personnel shall be permitted to operate or repair power tools.
- Maintenance of power tools should be systematic. All worn or damaged tools should be promptly repaired or replaced. All tools should be cleaned, tested and inspected regularly.
- Power tools shall not be used if safety devices; such as, shields, tool rests, hoods and guards have been removed or otherwise rendered inoperative.
- Employees using tools under conditions that expose them



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to the hazards of flying objects or harmful dusts shall be provided with the required personal protective equipment.

- All electrically powered tools shall be properly grounded, or of double insulated construction. Outlets used for 110 volt tools shall be protected by ground fault circuit interruption devices, or as per the Assured Equipment Grounding Conductor Program.
- Gasoline powered tools shall not be used in unventilated areas. Gasoline shall be dispensed only in UL approved safety cans.
- Portable grinders should be provided with hood type guards with side enclosures that cover the spindle and at least 50% of the wheel. All wheels should be inspected regularly for signs of fracture.
- Bench grinders shall be equipped with deflector shields and side cover guards. Tool rests shall have a maximum clearance of 1/8-inch from the wheel and tongue guards adjusted to a maximum clearance of 1/4-inch.

- Hoses supplying pneumatic tools shall have couplings secured to prevent accidental disconnections.
- Air-supply lines should be protected from damage, inspected regularly and maintained in good condition. Couplings shall be secured by positive means.
- Air sources supplying hoses exceeding 1/2-inch ID shall be protected by excess flow valves to prevent "whipping" in the event of hose separation or failure.
- The pressure of compressed air used for cleaning purposes must be reduced to 30 PSI or less.

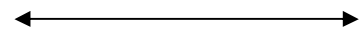
Powder-Actuated Tools

Only employees who have furnished evidence of having been trained in its use shall be allowed to operate a powder-actuated tool. Eye protection shall be worn by all personnel exposed to the use of this type of tool. Hearing protection shall also be worn if the tool is used for extended periods.

- Tools shall not be loaded until just prior to use. Loaded tools shall not be left unattended.
- Tools shall not be used in an explosive or flammable atmosphere. Cartridges

(power source) shall be kept separated from all other material.

- Account for all cased power loads. Check the area and remove used cases.
- Powder-actuated tools shall meet all applicable requirements of ANSI 10.3.
- Fasteners shall not be driven into very hard or brittle materials including, but not limited to cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.
- Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.



Control the Hazards Created by Compressed Gas Cylinders on the Job Site

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Part 4

Use and Operation

Only properly trained personnel should handle compressed gas cylinders.

Back off the pressure adjusting screw of the regulator to release spring force before opening the cylinder valve.

Open the valve slowly and only with the proper regulator in place. Stand with the cylinder between yourself and the regulator (cylinder valve outlet facing away) when opening the cylinder valve.

Acetylene or other flammable gas cylinder valves should not be opened more than 1/2 turns of the spindle, and preferably no more than 3/4 of a turn. This reduces the risk of explosion and allows for the cylinder valve to be closed quickly to cut off the gas flow.

Never heat a cylinder to raise the pressure of the gas (this can defeat the safety mechanisms built in by the supplier).

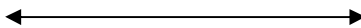
Keep the cylinder clear of all electrical circuits, flames, and sparks.

Never leave the valve open when equipment is not in use, even when empty; air and moisture may diffuse through an open valve, causing

contamination and corrosion within the cylinder.

Do not refill a cylinder; mixing of residual gases in a confined area may cause a dangerous reaction.

This article will continue in our next newsletter edition.



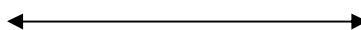
SURVEY

Slaying The Productivity Killers

Seventy-three percent of 2,138 hiring managers and HR professionals polled, say they have implemented some measures to mitigate productivity killers at work, including:

- Blocking certain Internet sites - 36%
- Prohibiting personal calls or use of a personal cell phone - 25%
- Monitoring emails and Internet usage - 22%
- Scheduling lunch and break times - 19%
- Allowing people to telecommute - 14%

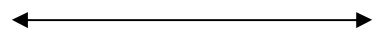
Source: CareerBuilder, Chicago



INTERESTING FACT

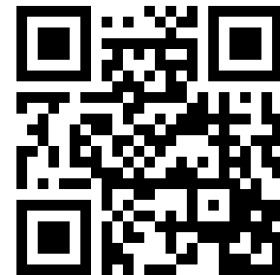
Fourteen percent of 532 surveyed employees say their boss loses his or her temper "all the time" or "often."

Source: AMA Enterprise, New York

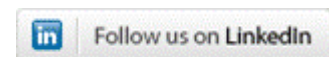


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www.twitter.com/JMTHR



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



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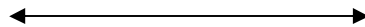
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SERVICE UPDATES

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.

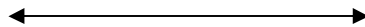
Monthly HR & Safety Programs

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.

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:

"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



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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.

“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.



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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

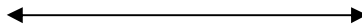
very important not to unlawfully discriminate against job candidates during the interviewing process. Even accidental discrimination can put your company at risk.

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.

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



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- 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

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