



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

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*** NEWS ***

OSHA - Hazard Communication Standard Changes

The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This update to the Hazard Communication Standard (HCS) will provide a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets. Once implemented, the revised standard will improve the quality and consistency of hazard information in the workplace, making it safer for workers by providing easily understandable information on appropriate handling and safe use of hazardous chemicals. This update will also help reduce trade barriers and result in productivity improvements for American businesses that regularly handle, store and use hazardous chemicals while providing cost savings for American businesses that periodically update safety data sheets and labels for chemicals covered under the hazard communication standard.

In order to ensure chemical safety in the workplace,

information about the identities and hazards of the chemicals must be available and understandable to workers. OSHA's Hazard Communication Standard (HCS) requires the development and dissemination of such information:

- Chemical manufacturers and importers are required to evaluate the hazards of the chemicals they produce or import, and prepare labels and safety data sheets to convey the hazard information to their downstream customers.
- All employers with hazardous chemicals in their workplaces must have labels and safety data sheets for their exposed workers and train them to handle the chemicals appropriately.

Major Changes to the Hazard Communication Standard

- **Hazard classification:** Provides specific criteria for classification of health and physical hazards, as well as, classification of mixtures.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category.

Precautionary statements must also be provided.

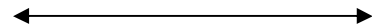
- **Safety Data Sheets:** Will now have a specified 16-section format.

December 1, 2013 - Employers are required to train workers on the new labels elements and safety data sheets format to facilitate recognition and understanding.

December 1, 2015 - Distributors shall ship containers labeled by the chemical manufacturer or importer with the GHS label.

June 1, 2016 - Employers must update alternative workplace labeling and hazard communication programs.

It is not too early to start preparing for these changes in your workplace. The deadlines will be here before you know it.



Paycheck Fairness Act

The Paycheck Fairness Act stalled in the U.S. Senate when supporters failed to muster enough support on June 5, 2012, to end a filibuster of the politically charged measure.

The bill would have prohibited companies from retaliating against workers who inquire

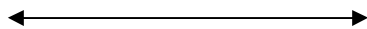


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about pay disparities. In addition, the measure would have allowed workers to sue their employees for punitive damages if there is evidence of wide variances in salary levels when comparing the pay of male and female employees.

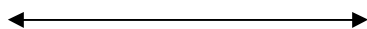


Are You Ready For a DOL Visit?

More Department of Labor (DOL) investigators are showing up unannounced at worksites and seeking to conduct immediate wage and hour investigations, says Alfred Robinson, Jr., acting administrator of the DOL's Wage and Hour Division.

Are your employees properly trained to handle the investigation? Do you have the required documents ready and in order for an inspection?

Now is the time to review your procedures and documentation and be prepared. Don't be taken off guard by a surprise visit.



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.

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

- ✓ Supervisors should review employee time cards/sheets for several reasons. First, supervisors are familiar with their employees' work hours and can ensure that time records accurately reflect all hours worked. Supervisor review also ensures that time records are properly completed and include all required information.
- ✓ It is extremely important to verify that the "rules" applied by automated time keeping systems are correct. Employers also should verify that their payroll systems are using proper computation. For example, the Fair Labor Standards Act (FLSA) requires additional compensation, such as shift premiums, commissions or non-discretionary bonuses to be included in overtime calculations. Unfortunately, many payroll systems do not do this.
- ✓ An employer's effort to prevent off-the-clock work will be a key element of its defense to an off-the-clock work claim. Accordingly, adopting and publicizing a procedure for reporting payroll errors or instructions

to work off the clock is crucial. An effective policy clearly defines proper and improper conduct and provides employees with a means to report misconduct or improper instructions. The reporting procedure could be modeled on the one for reporting harassment or discrimination claims.

General Industry Safety Checklist

- ✓ Overhead cranes shall have stops at the limit of travel of the trolley. Bridge and trolley bumpers or equivalent automatic devices shall be provided.
- ✓ The rated load of the crane shall be plainly marked on each side of the crane and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block and this marking shall be clearly legible from the ground or floor.
- ✓ Pendant control boxes shall be clearly marked for identification of functions.

Construction Safety Checklist

- ✓ Extension cords must be of the three-wire type. Extension cords and flexible cords used with temporary and portable lights must be designed for hard or extra hard usage (for example, types S, ST and SO).
- ✓ Listed, labeled or certified equipment shall be installed



and used in accordance with instructions included in the listing, labeling or certification.

- ✓ Employers must not allow employees to work near live parts of electrical circuits, unless the employees are protected by one of the following means: (1) deenergizing and grounding the parts, (2) guarding the part by insulation, or (3) any other effective means.



Employee Compensation Management

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

Part 6

There are two types of equity that come into play.

External Equity – This is a comparison between what your employee is paid and what similar jobs are paying in other companies. Your employees will certainly make this comparison. This perception will affect your ability to attract and retain qualified employees. Companies can use pay surveys to determine where their pay rates are in comparison to other companies.

Internal Equity – This means that employees receive pay in relation to the knowledge, skills and abilities they use in their jobs, as well as, their

responsibilities and accomplishments. There are two key elements to internal equity.

- Procedural justice is the perceived fairness of the process and procedures used to make decisions about employee's pay rate.
- Distributive justice is the perceived fairness in the distribution of outcomes. For example, if a hard working employee with outstanding performance receives the same pay rate as an employee with performance and attendance problems, then inequality may be perceived.

In order to address these perception issues, you may consider implementing a pay appeal process. Employees are encouraged to contact the human resources department with their pay concerns.

How open are you with your pay information?

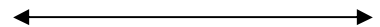
Typically, companies keep information about what employees make, what raises employees receive, pay grades and ranges very secretive. Some companies have policies that prohibit employees from discussing their pay with other employees. The courts have ruled that this type of policy violates the National Labor Relations Act (NLRA), even if you are not unionized.

We are seeing more companies opening up their pay systems to some degree by providing

employees with more information on compensation policies, distributing a general description of the compensation system, and indicating where an individual's pay is within a pay grade. Although this approach is different than the "norm" it allows your employees to make more accurate equity comparisons. It can have a positive effect on employee retention and organizational effectiveness. If you currently hold all your pay information a secret, it might make sense for you to consider sharing some of the information with your employees.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Security vs. Insecurity: What's Holding You Back?

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

Security is one of the most basic human needs. Most people value security because feeling secure feels good. But is it possible that your need for security is actually inhibiting the fullness of your life?

If we look at most of the successful self-made people in the world, we'll see that many of them had to endure what would



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be considered a large degree of insecurity. For example, according to studies, the average self-made millionaire went broke more than 3 times on the way to their monetary goals.

Most of us crave financial security, yet how many of us would be willing to put ourselves in situations where we might end up broke, just to achieve that security? Do these successful people have less need to feel safe? Perhaps they simply see security differently.

Here's their secret...

Most very successful people feel secure the majority of the time. They're secure in themselves and in their abilities. They always have those two things available to them, regardless of their external events. Not having enough money is just a nuisance. While not ideal, it's nothing to get bent out of shape about.

Risk vs. Reward

Most of us would feel more secure with \$250,000 in the bank, a house that's paid off, a stable job, and health insurance. The problem is that by the time most of us achieve all of these things, we're nearly out of time. No one lives forever.

So to achieve the things that make us feel secure, the fastest path is usually to take action that might create a feeling of insecurity in the short-term. Taking some risk may be necessary to create a life that's

full of security. As with many things, security frequently comes down to risk vs. reward.

Starting your own business might be "risky." You might go broke. You might have to sleep on your friend's couch. But is that really the end of the world? Did you know that Sylvester Stallone was completely broke and his wife was pregnant when he was trying to sell his script for Rocky?

He even turned down \$200,000 for the script because that particular film company wouldn't let him star in the movie. He ultimately took less for the script, just to be able to be in the movie because he knew it was worth the risk. Stallone is now worth over \$275 million.

Would you have taken the same chance? If your sense of security came from within you, then yes!

Inner vs. External Security

So, how can you change so that your feeling of security comes from inside you rather than from the outside? First, you need to simply decide that you're going to perceive things differently. You also need to believe that you have the capacity to handle any bumps that occur along the way. That's it! Just those two things are all you need.

Avoid letting your need for security undermine the achievement of your dreams.

Hazard Control Strategies

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Hierarchy of Controls: The Control of Workplace Hazards is Accomplished through the Use of the Hierarchy of Controls.

Controlling exposures to occupational hazards is the fundamental method of protecting workers. Traditionally, a hierarchy of controls has been used as a means of determining how to implement feasible and effective controls. One representation of this hierarchy can be summarized as follows:

- Elimination
- Substitution
- Engineering controls
- Administrative controls
- Personal protective equipment

The idea behind this hierarchy is that the control methods at the top of the list are potentially more effective and protective than those at the bottom. Following the hierarchy normally leads to the implementation of inherently safer systems, ones where the risk of illness or injury has been substantially reduced. The use of the hierarchy of controls prevents incidents and injuries in the workplace.



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What is a Hazard Control Program?

A control program consists of all steps necessary to protect workers from exposure to a substance or system, and the procedures required to monitor worker exposure and their health to hazards such as chemicals, materials or substance, or other types such as noise and vibration. A written workplace hazard control program should outline which methods are being used to control the exposure and how these controls will be monitored for effectiveness.

How do I Know What Type of Control is Needed?

Selecting an appropriate control is not always easy. It often involves doing a risk assessment to evaluate and prioritize the hazards and risks. In addition, both "normal" and any potential or unusual situations must be studied. Each program should be specially designed to suit the needs of the individual workplace. Hence, no two programs will be exactly alike.

Hierarchy of Controls:

1. Elimination Strategies
2. Substitution Strategies
3. Engineering Controls
4. Administrative Controls
5. Personal Protective Equipment (PPE)

Elimination and substitution, while most effective at reducing hazards, also tend to be the most difficult to implement in an existing process. If the process

is still at the design or development stage, elimination and substitution of hazards may be inexpensive and simple to implement. For an existing process, major changes in equipment and procedures may be required to eliminate or substitute for a hazard.

Administrative controls and personal protective equipment are frequently used with existing processes where hazards are not particularly well controlled.

Administrative controls and personal protective equipment programs may be relatively inexpensive to establish but, over the long term, can be very costly to sustain. These methods for protecting workers have also proven to be less effective than other measures, requiring significant effort by the affected workers.

Engineering controls are used to remove a hazard or place a barrier between the worker and the hazard. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions to provide this high level of protection. The initial cost of engineering controls can be higher than the cost of administrative controls or personal protective equipment, but over the longer term, operating costs are frequently lower, and in some instances, can provide a cost savings in other areas of the process.

Let's look at each type of control in order to gain insight

on how each can be used to protect workers at our work site.

Elimination Strategies

Elimination is the process of removing the hazard from the workplace. It is the most effective way to control a risk because the hazard is no longer present. It is the preferred way to control a hazard and should be used whenever possible. All other hazard controls strive to reduce the level of hazard exposure to acceptable levels.

Substitution Strategies

Substitution occurs when a new chemical or substance is used instead of another chemical. It is sometimes grouped with elimination because, in effect, you are removing the first substance or hazard from the workplace. The goal, obviously, is to choose a new chemical that is less hazardous than the original. An example would be substituting a less toxic chemical for a more toxic chemical.

Engineering Controls

Engineering controls are methods that are built into the design of a plant, equipment or process to minimize the hazard. Engineering controls are a very reliable way to control worker exposures as long as the controls are designed, used and maintained properly. The basic types of engineering controls are:

- Process control.



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- Enclosure and/or isolation of emission source.
- Ventilation.

Examples include a ventilation hood system, machine guards, noise dampening materials, and isolating hazardous processes in separate buildings or enclosures.

An Engineering control changes the environment in which the employee works.

Administrative Controls

Administrative controls change how the employees perform their work. Administrative controls are often called “management controls” due to the fact that the manner in which the employee performs the work is “managed” in order to control the level of exposure to hazards.

Examples of administrative controls include:

- Work Practices, Procedures, Standard Operating Procedures, Methods.
- Education and Training.
- Scheduling and Job Rotation.
- Lockout/Tagout - Control of Hazardous Energy Procedures.
- Permit-Required Confined Space Entry Procedures.
- House Keeping Procedures.

The key to identifying an administrative control is that the employee must perform the work in accordance with management directives, procedures, schedules, or a process to control the level of exposure to the workplace hazards.

Personal Protective Equipment (PPE)

Personal protective equipment (PPE) includes items such as respirators, protective clothing such as gloves, face shields, eye protection, and footwear that serve to provide a barrier between the wearer and the chemical or material. It is the final item on the list for a very good reason. Personal protective equipment should never be the only method used to reduce exposure except under very specific circumstances because PPE may "fail" (stop protecting the worker) with little or no warning. For example: "breakthrough" can occur with gloves, clothing, and respirator cartridges. No matter which type of PPE is used, it is essential to have a complete PPE program in place. PPE is “The Last Level of Control.” PPE is the very last barrier between the employee and the exposure to the workplace hazard.

We must all realize that our PPE is the “Final Barrier” and remember to:

- Use the correct PPE for the workplace hazards present.
- Maintain our PPE in a good and operable condition at all times.
- Realize the limitations of the PPE.
- Know when to replace the PPE.
- Store our PPE in a safe place when not in use.

Why it is Important to Monitor and Review Your Hazard Control Program?

It is important to monitor both the hazard and the control method to make sure that the control is working effectively and that exposure to the hazard is reduced or eliminated.

Some tools include physical inspection, testing, exposure assessment, observations, injury and illness tracking, employee feedback/input, occupational health assessment and other methods.

A review will identify areas that may need more improvement or refinement. It is important to know if all workplace hazards are identified, assessed and appropriately controlled. Communication about the hazards and how to control them must be done for all employees of the organization.



Identifying Marijuana Abuse In Your Employee

By: Robert Erb
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All Ohio Training Group

Once a “niche” drug used by relatively few, marijuana has become much more mainstream despite the fact that it remains illegal nationally. A sea change is taking place among American youth in which use of alcohol is at a 30 year low while daily or



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near daily use of marijuana is at a 30 year high. This trend is supported by imagery in the music industry that boosts the profile of this substance while states and municipalities decriminalize this drug. Increased frequency of use coupled with a ten-fold increase in potency sets the stage for widespread workplace problems in the near future. Despite uncertainty about how the legal system will address marijuana it is important to remember that repeated use of this substance leads to measurable changes in performance. As teenagers mature and enter the workforce it will be increasingly important to understand, identify and address the results of marijuana use.

Identified by many as a “soft drug” marijuana is often missed as a problem substance in the workplace. Despite this reputation; marijuana, like any other mood altering chemical, can be addictive and can result in accidents and changes in workplace performance. Marijuana is classified as a cannabinoid and is unique in its properties. As such it has some unique symptoms as well. In my 20+ years as drug counselor and consultant I have observed a variety of common symptoms among heavy users that would be of concern in the workplace. Symptoms can be split into both the short and long term.

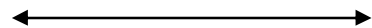
Short-term symptoms of marijuana use include general intoxication, alteration in perception of time and space, alteration in motor skills as well

as changes in mood; including but not limited to, dopey, relaxed and humorous states. Like any other drug marijuana can only subtract from an employee’s skill base. Other observable short-term symptoms include red or bloodshot eyes, increased appetite and the smell of marijuana.

It is particularly difficult to identify a user on short-term symptoms. I personally would not remove an employee for suspicion testing based exclusively on blood shot eyes or a change in appetite. However, the smell of marijuana, or any other mood-altering chemical, is unprofessional and can be used as grounds for a test. Long time users may not display marked changes in demeanor as they have become quite accustomed to working under the influence.

Long-term symptoms of marijuana use are due to the fact that THC, the chemical responsible for marijuana’s high, is fat-soluble and may stay in the body for up to several weeks after use. Long-term symptoms appear to be more common in heavy users and include marked decrease in memory and motivation. Heavy users are often characterized by what they are NOT getting done as opposed to specific symptoms. This makes marijuana unique as heavy weekend or evening users may be impaired during work hours even though they may not be “high” at the time.

It is important to remember that there can be other reasons for changes in motivation and productivity in the workplace. A well-trained supervisor or human resources professional should supplement normal disciplinary functions with a coherent drug-free safety program that includes a policy, employee and supervisor education, urine testing and referral for assistance if needed.

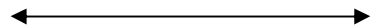


SURVEY

Snooping Around

When 113 IT professionals were asked which department they think is more likely to snoop around the network and look at confidential information, 12 percent named the HR department, trailing only the IT department, itself, at 56 percent.

Source:
Cyber-Ark, Newton, Mass.



INTERESTING FACT

Workplace discrimination claims filed with the Equal Employment Opportunity commission were 99,922 in 2011 compared to 65,844 in 1987.

Source:
Equal Employment Opportunity
Commission, Washington



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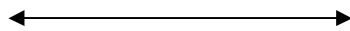
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SERVICE UPDATES

The JMT Network Program

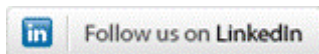
The JMT Network Program is up and running. Please visit www.jmt-associates.com (Click on the link located on the left-hand side of the home page.) to read about the latest developments.



Social Media

JMT & Associates, LLC is now 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 is now offering 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.”

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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.

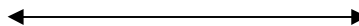
We offer extensive "real-world" experience in a variety of industries, including manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors.

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



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

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