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SAFETY NEWS ALERT

Safety News Alert, part of the Catalyst Media Network, keeps safety pros up to date on the latest OSHA news, safety training ideas, workers' comp cases and injury cases from other companies. Read what more than 334,000 safety pros turn to regularly for occupational safety information. Safety News Alert's editorial staff is led by veteran Editor-in-Chief Fred Hosier.

Medical weed, impairment and the law: What you need to know

■ *Can employers rely on drug tests and federal law?*

Scenario: An employee has a medical marijuana license. A question about impairment and a safety-sensitive job arises. Will a drug test or federal law protect your company?

Increasingly, the answer to that question is no – at least not relying solely on a drug test or federal law.

That was the take-home from the session, In the Weeds, at the ASSP's Safety 2020 conference, featuring three lawyers and Toyota's Senior Medical Director, Gregory Robbins, M.D.

Emphasis gets put on drug testing for marijuana. But current case law shows employers often miss

other important steps when trying to show impairment.

Robbins says a key factor companies miss is defining safety sensitive positions.

How do you define it?

The definitions should be in a written policy based on job descriptions and tasks, not just the title of the job.

The broader the definition, the more likely your policy will be successfully challenged in court.

For example: Operating a forklift qualifies as safety-sensitive.

(Please see Impairment ... on Page 2)

FORM 300A RECORDS

OSHA releases employers' work-related injury data

OSHA has released work-related injury and illness data on the Internet.

Form 300A data for calendar years 2016, 2017 and 2018 are available in a spreadsheet that can be sorted by company name and location.

The records released include:

- establishment name
- total deaths
- total Days Away From Work cases
- total Days Job Transfer or Restriction
- total injuries, and
- skin disorder, respiratory condition, poisoning and hearing loss totals.

Records aren't confidential

The release follows two rulings in Freedom of Information Act (FOIA) cases: one filed by the Center for Investigative Reporting, the other by

the Public Citizen Foundation.

This isn't the first release of the OSHA injury data.

Public Citizen made records for more than 238,000 employers public on its website.

In that case, a U.S. District Court judge found the records weren't confidential.

Electronic submission is required from employers with 250 or more employees that are currently required to keep OSHA injury and illness records, and from employers with 20-249 employees classified in specific industries with high rates of injuries.

OSHA points out that the fact an employer provided data doesn't mean the employer is at fault, has violated OSHA requirements, OSHA has found any violations, or an employee is eligible for workers' compensation.

COVID-19

End quarantine based on symptoms

New guidance from the U.S. Centers for Disease Control and Prevention takes a more symptom-based strategy for ending quarantines for individuals with COVID-19.

Researchers reported people with “mild to moderate COVID-19 remain infectious no longer than 10 days after their symptoms began, and those with more severe illness or those who are severely immunocompromised remain infectious no longer than 20 days after their symptoms began.”

When to discontinue isolation

The CDC states those with COVID-19 symptoms who were directed to quarantine at home can discontinue isolation when:

- at least 10 days have passed since symptom onset, and
- at least 24 hours have passed with no fever without use of fever-reducing medications and other symptoms have improved.

However, the guidance notes that

some people with severe illness may still be contagious beyond 10 days, which could warrant extending their duration of isolation for up to 20 days.

Those who are infected with COVID-19 but don't develop symptoms can discontinue isolation and other precautions 10 days after the date of their first positive test result.

Impairment ...

(continued from Page 1)

But someone at the same warehouse facility who works in Accounting and has to access the warehouse once a month as part of their job – even though that person faces risks on one day each month, saying the job is safety sensitive isn't likely to hold up legally.

What if the office worker has to be in the warehouse a few times a week? Now you've entered a gray area where, if challenged in court, a paper trail showing your company's analysis in designating safety-sensitive positions would be key.

Supervisor training is crucial

The ASSP panel presented examples in which, despite positive drug tests, employers lost in court after an employee with a medical marijuana prescription tested positive.

Example: In Arizona, a Walmart employee injured their foot on the job. The worker was fired after a positive drug test. The employee sued and Walmart lost when a court ruled the positive drug test by itself wasn't enough to prove impairment.

What helps is supervisor documentation noting employee actions that caused suspicion of impairment.

Documentation combined with a positive drug test is more likely to stand up in court, according to the experts at the session.

More good expert advice: Keep up to date on your state courts' decisions on medical marijuana. They vary from place to place, and unless you want to, it's best not to be a test case.

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ CAN TEMP AGENCY BE FINED FOR CLIENT SAFETY PROBLEM?

I'm officially done with summer, Safety Manager Pete Travers thought as he stopped to inspect a fire extinguisher.

Attorney John Jenkins walked up as Pete finished checking the extinguisher.

“It's too hot, the sun's too bright, there's too many bugs and I'm just ready for fall,” Pete said as he turned toward John.

“Sick of summer?” John asked.

“Yeah,” Pete replied.

No chance to inspect jobsite

“What can you tell me about the OSHA citation involving the temporary worker?” John asked as the two men entered Pete's office.

“The temp – his name is Roy Donegal, I think – worked here at the main plant for about week,” Pete said. “But then a supervisor sent him to work at one of our other facilities for a few days.”

“What's the problem with that?” John asked. “Our employees fill in at other plants from time to time.”

“A different supervisor made a verbal agreement with the temp agency that they'd get to inspect a jobsite before one of their people was sent there to work,” Pete explained. “They inspected this facility, but not that one.”

“Then OSHA showed up at the other facility and said fall protection there wasn't adequate, so the inspector cited us and the temp agency since their employee was onsite,” Pete continued.

The temporary agency fought the OSHA citation. Did it win?

■ *Make your decision, then please turn to Page 6 for the ruling.*

SAFETY COMPLIANCE *Alert*

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RISING COMP COSTS

Workers' comp 'mega claims' on the rise

■ CLAIMS OF \$3M AND ABOVE ARE BECOMING MORE FREQUENT

Workers' compensation mega claims – those that cost \$3 million or more at 2018 cost levels – are on the rise, according to a recent study by a group of 10 U.S. rating agencies.

About 4,500 claims with incurred loss in excess of \$3 million were reported from 2001 to 2017 as of Dec. 31, 2018, which is about one out of every 2,500 indemnity claims reported, a report based on the study states.

Of those claims coming in at \$3 million and above:

- 57% were between \$3 million and \$5 million
- 33% were between \$5 million and \$10 million, and
- 10% were in excess of \$10 million.

Mega claims don't happen nearly as often as more typical claims, but "with costs comprising between \$1 billion and \$2 billion each year, these claims are a highly unpredictable component of most workers' compensation systems," according to the report.

However, mega claims are occurring with more frequency because of:

- medical advances
- improving mortality patterns for those with serious injuries
- increasing prevalence and cost of home healthcare, and
- reform-related cost reductions in some states that have less impact on mega claims.

Other findings

The data also shows:

- Mega claims for 2016 and 2017 were up significantly compared to previous years, but this may be due to insurers being able to identify them earlier.
- The construction sector had about 40% of the mega claims that occurred during the study period while having less than 20% of all indemnity claims.
- Brain and head injuries made up 30% of claims in excess of \$10 million and 17% of those between \$3 million and \$5 million. Such claims fall well below 5% of all indemnity claims in most states.

RISK MANAGEMENT

Mixing chemicals triggers disaster, \$2 million in fines

Any risk management and process safety plan worth its salt makes clear, accurate and up-to-date labeling of pipes and containers a must.

Otherwise you force people to guess what's what – and that can lead to disaster when you're dealing with dangerous chemicals.

Hospitals packed as fumes spread

Case in point: Two Kansas companies, Harcros Chemicals and Midwest Grain Products, each paid \$1 million fines after pleading guilty to negligence under the Clean Air Act.

In 2016, a Harcros truck driver delivered sulfuric acid to Midwest's facility, which manufactures distilled

spirits and food ingredients.

The driver connected a hose to what he thought was a supply line for a sulfuric acid tank, only the line was connected to a tank of sodium hypochlorite.

The resulting toxic chlorine gas formed a visible plume, and the strong smell of chlorine spread making people choke for air.

More than 140 community members, employees from both companies and emergency responders needed medical treatment. Shelter-in-place orders were given, and at-risk individuals were evacuated.

Info: kansascity.com/news/local/crime/article243039356.html

TRENDS TO WATCH

Watch what's happening in various states. Some actions indicate trends.

■ WORKERS WITH SOME COVID SYMPTOMS CAN STILL WORK?

In Michigan, an Aug. 27 executive order by Governor Gretchen Whitmer replaces a similar order prohibiting employers from retaliating against employees who stay home from work after testing positive for COVID-19, but with two big differences.

The new order recognizes certain symptoms could be explained by medical conditions outside of COVID-19, which shouldn't prevent an employee from reporting to work.

Additionally, it recognizes employees shouldn't be required to stay home only because they display one of the more innocuous symptoms of COVID-19 on its own.

The order is meant to clarify that workers who have a known medical condition causing their symptoms need not stay home, according to law firm Dykema Gossett.

In other words, an employee whose symptoms are explained by known allergies doesn't need to stay home just because they have a sore throat and loss of smell.

■ ELIMINATE AMBIGUITY IN BLACK LUNG CLAIMS

The West Virginia Office of Insurance Commissioner wants self-insured employers and insurers to follow proper processing procedures in claims involving black lung disease.

Claims for black lung must follow the usual processing procedures for personal injury claims, as well as apply six criteria outlined in West Virginia law to determine if it results from employment since the illness is alleged.

The commissioner's office released a bulletin Sept. 4 requesting any ambiguity be eliminated before the initial compensability decision is made.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/finesdef for more OSHA fines and injury settlements.

Fatal trench collapse leads to \$58K fine for contractor

A Georgia telecommunications contractor was cited by OSHA after an employee was fatally injured in a trench collapse.

The employee was performing fiber-optic connections while in the excavation when the trench at the De Soto, GA worksite collapsed.

Inspectors found the company failed to train employees how to recognize trench safety hazards, have a competent person conduct trench inspections and provide a safe means of egress from the excavation.

Fine: \$58,025

Company: Triple S Communications, Moultrie, GA

Business: Telecommunications contractor

Reasons for fine:

Five serious violations for failure to:

- train employees in recognition and avoidance of unsafe conditions
- place safe means of egress in excavation 4 feet or more in-depth
- take adequate precautions to keep water from accumulating in excavation
- ensure competent person inspected excavation prior to start of work
- protect employees from cave-ins by using adequate protective system

One other-than serious violation for failure to:

- report work-related death within eight hours

Gas station clerk's murder leads to \$21K IOSHA fine

Indiana OSHA cited a gas station after a clerk was shot and killed on the premises in February.

Police were dispatched to the same gas station more than 250 times between Feb. 2015 and Feb. 2020, according to the citation.

Inspectors found the employer didn't maintain safety measures such

as having employees close protective doors and windows, exposing them to robbery and assault, according to a Fox 59 News story.

Indiana OSHA also found product displays impaired employees' view of their surroundings, which factored into hazards involving robbery and assault.

Fine: \$21,000

Company: College Street Gas Station Inc., Indianapolis

Business: Gas station

Reasons for fine:

Three serious violations for failure to:

- have employees close protective doors and windows, exposing them to robberies with weapons, threats of violence and assaults
- ensure employee vision wasn't impaired by product displays, which prevented observation of surroundings, exposing them to robberies with weapons, threats of violence and assaults
- develop and implement workplace violence prevention program

Meat processor fined \$13K for COVID-19 violation

OSHA cited a Smithfield Packaged Meats Corp. facility in South Dakota for failing to protect its employees from exposure to the coronavirus.

The citation is the result of a coronavirus-related inspection of the facility.

Inspectors found that at least 1,294 Smithfield workers contracted the coronavirus and four employees died from COVID-19 in the spring of 2020, according to an OSHA news release.

Fine: \$13,494

Company: Smithfield Packaged Meats Corp., Sioux Falls, SD

Business: Rendering and meat byproduct processing

Reasons for fine:

One serious violation for failure to:

- provide workplace free from coronavirus hazards that can cause death or serious harm

WORKERS' COMP DECISIONS

Can salesman collect after being injured in crash?

A traveling salesman was injured in a crash while on personal business during his work day. Can he collect?

What happened: During his work day, a traveling salesman made a side trip to drop off a four wheeler at a property owned by his brother, who was employed by the same company. The salesman dropped off the ATV along with a sales list for his brother – who he knew wouldn't be there – and then got involved in a crash on his way home.

Company's reaction: Your injuries aren't work-related.

Decision: He couldn't collect. While he did drop off the sales list for his brother, he would've made the personal trip regardless, so the court found his injuries were not work-related.

Cite: *Sims v. Delta Fuel*, MS Court of Appeals, No. 2019-WC-00244-COA, 3/17/20.

Her boss says she didn't report the injury: Benefits?

A worker slipped and fell at work, but her manager claims she didn't report it. Can she collect benefits?

What happened: After flushing the toilet, the worker saw septic water begin to flow out of a nearby floor drain. As she attempted to leave, the worker slipped and fell, injuring her ankle. She used a company-issued two-way radio to call for help.

Company's reaction: You didn't report the injury until months later.

Decision: She could collect. The worker's convincing testimony and medical evidence supported her claim, the court stated.

Cite: *Matter of Kotok v. Victoria's Secret*, NY Court of Appeals, No. 529769, 3/16/20.

WHAT'S WORKED FOR OTHER COMPANIES

SCA subscribers include a broad range of small, medium and large firms involved in all types of economic activity. In this regular section, three of them share a safety success story.

1 **Key to being prepared: Know your audience**

As a safety professional, part of the job involves influencing others through presentations.

You try to influence workers to follow the rules so they can stay safe, and you attempt to influence the C-suite to change policies and the like.

One very important key to influencing others is preparation.

If you don't prepare, your presentation is much more likely to fail.

For example, one way to prepare is

to think about who your audience is.

It's a lot different when you're talking to your colleagues compared to when you're out talking to a field team or on a construction site talking to construction workers.

So it's absolutely important you know who you're going to talk to, so you can prepare yourself properly to speak with confidence.

Practice = confidence

Practice is a key component to preparation.

We've all heard it before, "Practice

makes perfect."

But practice really is vital to presentations because it allows you to be calmer when you're speaking.

Being prepared in knowing who your audience is and what you're going to say to them will help calm you down.

This, in turn, allows you to speak with confidence which makes a big difference in how effectively you influence others.

(Based on a presentation by Carl Sall, Associate VP of Safety, WSP, Exton, PA, at Virtual AIHce EXP 2020)

REAL PROBLEMS, REAL SOLUTIONS

2 **3 questions to become a better safety leader**

As Safety leaders, we all have blind spots that can significantly hurt our credibility among our co-workers.

The blind spots can affect our influence and challenge our leadership.

I'll give you an example of one of mine and how I came to be aware of it.

Ask 3 people

This was years ago, and I was given an assignment by a mentor of mine at the time.

She said she wanted me to go to

three people and ask them three questions:

1. What are three things that work for me?
2. What are three things that get in the way of becoming the leader that I can be?
3. What are some resources that could help me fill the gap?

I went to someone who was a few levels above me at work and asked him the questions.

One of the things he said to me was, "You know what Jason? Sometimes it seems you're a little full of it."

It was like a punch in the gut,

but he elaborated.

He said I came across sometimes as too cheerful and as long as I did that, I would lack credibility.

He recommended that as a leader I stick with the facts and knowing what's truly going on within the organization.

Asking three people the three questions is one of the best exercises you can do. It will serve you well as a leader.

(Jason Kunz, EHS Cultural Excellence Evangelist, 3M, Minneapolis, at the Virtual AIHce EXP 2020)

3 **Building a safety plan that has resiliency**

When it comes to safety, success and failure are considered two completely separate things.

If we make a plan and follow it, everything will be safe, right?

When something goes wrong with the plan, someone can be injured.

If that's true, then all we have to do is define what we want and you'll never fail.

Is that true? Not always

It turns out, success and failure result from the same conditions. The

way people fail is inherently tied to the way they succeed.

Employees adjust their performance to deal with unexpected situations, and that leads to both failure and success.

That's why we need more than planning to be successful.

Capacity to change

The concept of Resiliency Engineering can be applied to safety.

Resiliency is the capacity to be successful in varying conditions.

We're going through that right now with COVID-19.

There are four parts:

- **Respond** to the issues in front of you.
- **Monitor** the results.
- **Anticipate** changes in your organization, the environment, and ourselves, and
- **Learn** what your capabilities are to respond, monitor and anticipate.

Resiliency engineering says it's not about controlling the work. It's about having the capacity to maneuver when circumstances change.

(Based on a presentation by Ron Gantt, Director of Innovation & Operations, Reflect Consulting Group, San Ramon, CA, at ASSP's Safety 2020)

AMENDED STANDARD

Revised final beryllium rule for construction, shipyards issued

OSHA has published a final rule revising the 2017 beryllium standards for construction and shipyards.

The rule takes effect Sept. 30, 2020. Enforcement of the 2017 permissible exposure limits for beryllium began in May 2018.

OSHA has amended these paragraphs in the beryllium standards for construction and shipyards:

- Definitions
- Methods of Compliance
- Respiratory Protection
- Personal Protective Clothing and Equipment
- Housekeeping
- Hazard Communication
- Medical Surveillance, and
- Recordkeeping.

Paragraph removed

OSHA has removed the Hygiene Areas and Practices paragraph because protections are provided by existing OSHA standards for sanitation.

The agency says the amendments will clarify the rule and make compliance easier.

The goal is to tailor the construction and shipyard standards to the exposures in these industries because of partial overlap between the

beryllium standard requirements and other OSHA standards.

CDC issues warning on counterfeit respirators

The U.S. Centers for Disease Control and Prevention warns counterfeit respirators that may not provide appropriate protection are again being falsely marketed as NIOSH approved.

Counterfeit respirators may have:

- no markings at all
- no approval (TC) number
- no NIOSH markings
- NIOSH spelled incorrectly
- claims it is approved for children
- ear loops instead of headbands.

Understanding the ADA 'direct threat' and COVID

The ADA requires employers to make reasonable accommodations for employees with disabilities, to allow them to perform their jobs.

However, even an employee who has a disability as defined by the ADA, and can perform the essential

functions of the job, may be fired based on his or her disability if the employee poses a "direct threat."

So, under the direct threat defense, employees exhibiting symptoms of COVID-19 can be legally banned from being in the workplace

An employee isn't protected by the discriminations provisions of the ADA if that employee is properly deemed a direct threat.

That's because a direct threat poses a significant risk of substantial harm to the health or safety of the individual or others that can't be eliminated or reduced by reasonable accommodation.

If someone with a disability poses a direct threat despite reasonable accommodation, he or she is not protected by the nondiscrimination provisions of the ADA.

Subjective observations aren't enough to label an employee a direct threat.

Assessments of whether an employee poses a direct threat in the workplace must be based on objective, factual information such as the duration of the risk, the nature and severity of the potential harm, the likelihood that potential harm will occur; and the imminence of the potential harm.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, the temporary agency won. The court found the temporary agency had no control over its worker or the jobsite at the time of the inspection.

The temporary agency claimed that since it didn't get the chance to inspect the jobsite for safety problems before its worker was sent there then it had no knowledge of the violations, so couldn't be held responsible.

The Washington State Department of Labor & Industries argued the temporary agency was the primary employer and knew or should have known about the conditions at the jobsite.

But the court found it was the client company, not the temporary agency, that had control over the worker since it

controlled his job duties while he worked on its jobsite. The temporary agency had no supervisors or any other workers onsite, so its control was limited, according to the court.

■ ANALYSIS: SHARED RESPONSIBILITY FOR TEMPS

In this case, the client company was ultimately held responsible for the temporary worker's safety since it had control over the worksite.

The client company failed to follow the verbal agreement with the temporary agency, which removed the shared responsibility for worker safety the agency seemed to be reaching for. This resulted in an unsafe jobsite and a citation for the client company.

Cite: *Department of Labor & Industries of the State of Washington v. Tradesmen International LLC*, Washington State Court of Appeals, No. 79634-8-1, 8/17/20. Dramatized for effect.

Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetycompliancealert.com/category/federal-activities).

HOURS OF SERVICE

The Federal Motor Carrier Safety Administration is seeking public comment on its proposed pilot program allowing certain commercial drivers to pause on-duty driving periods with an off-duty period 30 minutes to three hours.

This pilot program would pause a driver's 14-hour driving window if the driver takes 10 consecutive hours off-duty at the end of the work shift.

FMCSA wants to "hear directly from drivers about the possibility and safety of an hours-of-service pause pilot program," according to an agency news release.

To participate in the program, drivers must:

- not have had their license suspended, revoked or canceled within the past two years
- not have had any conviction of state or local law relating to traffic control – other than parking violations – in connection to a crash and no record of a crash in which they were found to be at fault
- operate a commercial motor vehicle as their main source of employment
- have a valid CDL
- maintain a valid medical certificate
- have employer approval for participation in the study
- operate a property-carrying vehicle, not a passenger-carrying vehicle
- agree to release specific information to FMCSA for purposes of the pilot program, and
- agree to study procedures.

The pilot program is scheduled to operate for three years or less and would gather "statistically reliable evidence to analyze the safety and feasibility of such a modification to the hours-of-service rules."

The comment period will be open

for 60 days.

Further information can be found on the proposed program's page on the FMCSA website.

COVID & WORKPLACE VIOLENCE

The Centers for Disease Control and Prevention warns customer-based businesses: [Prepare your employees to face people who don't want to follow COVID-19 restrictions and may become violent.](#)

The threat to retail, food service and other service employees is real.

A man has been charged with shooting an employee after being asked to wear a mask in a cigar shop in Pennsylvania.

That's just one example.

The CDC has provided these recommendations for these employers and their employees:

- Don't argue with a customer if they make threats or become violent.
- Don't attempt to force anyone who appears upset or violent to follow COVID-19 prevention policies.
- Report perceived threats or acts of violence to your manager.

LARGE OSHA FINE

An [Ohio trucking company](#) was slapped with a \$1.57 million OSHA fine after a hazardous materials incident that caused the deaths of two workers.

The fine is the fifth highest the agency has issued since January 2015 and involves 40 willful violations.

On Feb. 20, an employee of Great Lakes Tank & Vessel entered a tanker trailer to scrub it out and was overcome by fumes. A second employee went to help their co-worker and was also overcome, according to WKYC News.

Both were taken to the hospital where they later died from their injuries.

OSHA opened an investigation into the incident Feb. 21 and found 40 willful and six serious violations dealing with permit required confined spaces, PPE and hazard communication.

WHERE TO GET HELP

■ UPCOMING VIRTUAL EVENT ON RISK MANAGEMENT

The American Society of Safety Professionals (ASSP) is offering a two-day virtual event giving occupational safety and health professionals a road map to effectively assess and manage the risks employers face.

"SafetyFOCUS: Risk Assessment and Management" takes place Oct. 20 and 21 and covers topics including:

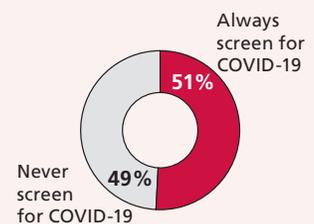
- supply chain risk management
- managing cyber risks, and
- HR's relationship to risk management.

Participants receive 30-day on-demand access to the event and can earn up to 1.6 continuing education units to maintain certifications.

For more information, visit [SafetyFOCUS.assp.org](https://www.safetyfocus.assp.org).

What safety officers told us

Are employers screening their on-site employees and customers for COVID-19 symptoms?



Source: "Workplace PPE, symptom checks rise as more workers return" Gallop poll

More on-site workers reported their employers were performing coronavirus screenings in July than they did in April when only 35% were said to be always screening.

Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.

WHAT WOULD YOU DO?

Here's a challenging scenario you could encounter. We've asked three of your peers what they'd do. How would you handle it?

Supervisor let sick employee work, saying it's just seasonal allergies

The Scenario

"Hey Mike, wait up!" Supervisor Janet Costello called out.

Manager Mike Kelly stopped in his tracks as Janet approached.

She stopped a safe distance away from Mike – both just came from a meeting on COVID-19, so social distancing was fresh on their minds.

"What's up, Janet?" Mike asked.

"I know you're heading to another meeting, so I'm going to cut right to the chase," she said. "There's a sick employee working in Manufacturing."

"How's that possible?" asked Mike. "If they were screened they'd have been sent home, and everybody is supposed to be screened before they come in."

"I don't know, but employees came to me about it, and I checked

for myself – he's sneezing and coughing like crazy," Janet said. "Even with masks, I'm afraid he could be spreading the coronavirus, if he has it."

'No fever, no big deal'

Mike went straight to Manufacturing to find the sick worker, but ran into the department supervisor, Ken Dawson, first.

"Hi Mike," Ken said.

"Hey Ken, sorry to be blunt, but do you have a sick employee working over here?" Mike asked.

"Well, I wouldn't say he's sick exactly," Ken replied. "He's got seasonal allergies, that's all. No fever. No big deal, in my opinion, so I let him work. We're all masked, so I didn't see a problem."

If you were Mike, what would you do in this situation?

 Click www.safetycompliancealert.com/category/what-would-you-do/ to see other safety pros' comments on challenging scenarios

Reader Responses

1 Gordon Webb, Medical Director, LOHS, Alexandria, LA

What Gordon would do: In this case I believe the employee should be sent home and required to provide a negative COVID-19 PCR test report.

Reason: The downside is your employee may lose a day or two of work. The upside is that if he does have COVID-19 you may prevent your entire staff becoming sick and avoid an OSHA visit.

You might encourage his acceptance by offering to pay him for the missed days if his report is negative.

2 Tara Crisp-Schwartz, Director of Safety, Assured Partners Colorado, Denver, CO

What Tara would do: I believe it's

federally mandated that the employer pay for any days missed due to COVID required testing.

Reason: We have seen some workers' compensation providers pick up the tab for the test and missed days, but not all.

3 Kim Rappo, Safety Specialist, OPEX, Moorestown, NJ

What Kim would do: You need to ask some more questions.

Reason: Most people know their own allergy symptoms and when that becomes something more.

If they have a fever and symptoms are indicative of COVID-19, they will be sent home and then to be tested.

We have provided additional paid time off, so employees feel safe reporting illnesses.

Masks and social distancing are required in our facilities, but we do not send employees home for allergies.

OUTSIDE THE LINES

■ VENDING MACHINES: SKIP THE CHIPS, PICK UP THE PPE

Vending machines are typically viewed as distributors of salty, greasy snacks; desserts that could survive nuclear fallout; and caffeine-laced, sugar-laden drinks.

You don't usually associate "health" with vending machines.

Until now.

Marshall University, located in West Virginia, recently installed several vending machines containing PPE to help prevent the spread of the coronavirus.

RapidMask2Go announced four vending machines on Marshall's campus filled with masks, hand sanitizer, gloves and disinfectant wipes, according to WCHS 8 News.

The company was launched in May and has had success with such machines in New York City.

If only I could find some change...

Did you know ...

Prevent workers from using one another's equipment



To **prevent** the spread of **COVID-19**, OSHA recommends **discouraging employees** from **sharing** tools and other **equipment**.

Source: OSHA

Because the coronavirus is transmitted through droplets, there's a chance tools could become contaminated, so sharing of these items should be discouraged.

This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.