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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.

Airborne COVID-19 transmission: It all comes back to the mask

■ Too many unknowns with virus make PPE a must

Is six feet really the limit for person-to-person COVID-19 transmission?

Unfortunately for businesses, the answer to that question seems to depend on who you ask.

Recently, it may also have depended on when you ask.

On Sept. 18, the CDC posted on its website that the coronavirus is transmitted mainly through the air.

This would mean the virus can travel more than six feet, particularly indoors.

Four days later, the CDC removed the language from its website, saying the post was premature and they were still reviewing the issue.

Early in the pandemic, "superspreader" incidents were identified, with the implication that certain people infected with the coronavirus were more likely to infect a larger number of people.

Superspreader buildings?

Now, a growing number of scientists are looking at these incidents differently: It's not a person, it's a building's poor indoor air circulation that's the cause of superspreading.

While the CDC makes up its mind on the issue, this summer, more than 200 scientists urged the World Health

(Please see The mask ... on Page 2)

EMPLOYEE DRUG USE

Quest: Positive drug test rates hit 16-year high

Workforce drug positivity rates hit a 16-year high in 2019, with positive marijuana test rates climbing by double digits across almost all testing categories, according to Quest Diagnostics' annual Drug Testing Index.

Positivity rates in the U.S. workforce increased in urine drug tests to 4.5%, the highest level since 2003, and more than 28% higher than the 30-year low of 3.5% that occurred from 2010 to 2012.

Marijuana continues to take the top spot as most commonly detected illicit substance in all testing methods – urine, oral fluid and hair – and across the entire U.S. workforce.

Positivity for marijuana increased by almost 11% in urine testing – 2.8% in 2018 compared to 3.1% in 2019 – and by 29% since 2015.

Opiate positivity in urine drug tests

continued to decline in 2019, with a drop of more than 19%, from 0.31% in 2018 to 0.25% in 2019.

Several industries saw significant increases in positives, with Retail Trade having the highest overall positivity rate for the past five years, climbing from 5.1% in 2015 to 5.5% in 2019.

Impact of COVID-19

Drug deaths increased by about 13% in the first few months of 2020, due in part to social isolation and other disruptions caused by COVID-19, Quest states.

Quest acknowledges workplace drug positivity rates were going in the wrong direction before the coronavirus pandemic, but "the enormous strain caused by COVID-19 may prove to be an accelerant on this disturbing trend."

CAL/OSHA

2 employers hit with massive COVID fines

Cal/OSHA cited a frozen food manufacturer and its temporary agency and issued more than \$200,000 in fines each for failing to protect hundreds of employees from the coronavirus at two facilities.

Neither company took steps to install barriers or implement social distancing procedures or investigate any of the more than 20 COVID-19 infections among its employees, including one death, according to Cal/OSHA.

Complaints lead to inspection

An inspection was opened with Overhill Farms Inc. and Jobsource North America Inc. after Cal/OSHA received complaints of hazards related to COVID-19, according to a news release issued by the agency.

The inspections included visits to two facilities in Vernon, CA, where the state agency found hundreds of employees were exposed to serious illness from COVID-19 due to the lack

of physical distancing procedures.

Overhill Farms is facing \$222,075 in proposed fines for the coronavirus violations along with an additional \$14,450 in fines for non-COVID violations.

Jobsource received \$214,080 in proposed penalties.

Both companies were also cited for two prior machine guarding incidents.

The mask ...

(continued from Page 1)

Organization to seriously consider that the coronavirus can be airborne spread by tinier aerosol droplets for distances greater than the length of an average room, not just larger droplets that travel a maximum of six feet.

HVAC experts weigh in

ASHRAE, the organization that sets voluntary standards for heating, ventilation and air conditioning (HVAC), says, for the coronavirus, "airborne transmission in some circumstances seems probable."

On April 14, 2020, ASHRAE adopted a new Position Document on Infectious Aerosols. It states "that facilities of all types should follow, as a minimum, the latest published standards and guidelines and good engineering practice."

ASHRAE's coronavirus resource page spells out various strategies.

In its coronavirus guideline materials, ASHRAE says no HVAC system can completely eliminate the aerosol transmission of viruses.

On top of that, making certain changes to a building's HVAC system doesn't exactly come under the category of "things a safety manager can do today to reduce the hazard of coronavirus spread."

As a safety pro, you know that PPE is the hazard control of last resort.

However, because we still don't know many things about the coronavirus, this is a situation in which PPE – cloth masks – is a must.

It's a simple mantra: Wear the mask.

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.

■ WAS WORKER TERMINATED BECAUSE OF HIS DISABILITY?

Safety Manager Pete Travers stared into his mug, which was filled with coffee – no sugar, no cream.

I really want a pumpkin spice latte, Pete thought.

"Hey Pete," Attorney John Jenkins said as he entered the break room.

"Hi John," Pete said. "Want to go get a pumpkin spice latte? My treat."

"Didn't your doctor tell you to cut back on sugar?" John asked.

"I honestly don't know why I talk to you sometimes, John," Pete said.

He couldn't pass hearing test

"While you have time, can we have a talk in my office?" John asked. "We're being sued."

Once they were inside his office, John said, "Do you remember the worker who was let go when he couldn't pass the hearing test?"

"Yeah," Pete said. "John Miles. He was with us for about six years."

"The company hired him knowing he had a hearing problem, right?"

"Uh huh," Pete replied. "He was let go after federal regulations called for a more stringent hearing conservation program."

"We designed a program that exceeded the feds' standard," Pete continued. "John couldn't pass a hearing test while wearing his hearing aids and hearing protection, so he was let go."

"He's claiming discrimination," John said. "But if we were complying with federal standards, we should be able to beat this."

Was the company able to keep the lawsuit from moving forward?

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

SAFETY COMPLIANCE *Alert*

EDITOR-IN-CHIEF: MERRIELL MOYER
MMOYER@PBP.COM

MANAGING EDITOR: FRED HOSIER
PRODUCTION EDITOR: JEN ERB
EDITORIAL DIRECTOR: CURT BROWN

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RESEARCH REPORTS

Injuries lead to employment woes

■ PERMANENTLY INJURED WORKERS MORE LIKELY TO GET HURT AGAIN

Employees who suffer permanent workplace injuries need assistance in both returning to work and preventing them from getting hurt again, according to researchers at the University of Washington.

The research, which was funded by the National Institute for Occupational Safety and Health, shows that workers who suffer permanent injuries have difficulty getting and keeping a job and are at higher risk of being injured again.

With almost three million non-fatal work-related injuries and illnesses in the U.S. every year, about 10% – or 300,000 – result in permanent injury and ongoing partial disability, according to a NIOSH newsletter article on the research.

While workers' compensation benefits can help permanently injured employees financially, it may not keep them from having to return to work.

Researchers surveyed permanently injured workers in Washington State so they could better describe outcomes

for workers with permanent injuries who returned to work within a year of their workers' compensation claim closing.

Pain and chronic opioid use

The study found:

- Workers with a higher degree of injury were more likely to report poorer health status, work-related ability and problems getting or keeping a job compared to those with a lower degree of injury.
- Those with a high degree of injury, 47% of the workers surveyed, had difficulty getting a job, and 58% had trouble keeping a job.
- Sixty-six percent reported having modest to severe pain, and 40% reported having pain that gets in the way of working.
- More than half of the workers surveyed felt their permanent injury increased their chances of being injured again, and 13% reported new work injuries.
- Of the workers surveyed, 10.6% reported "taking chronic opioids, defined as 60 or more days in a row in the past year."

HEATING, VENTILATION AND AIR CONDITIONING

Reopening? Put air quality focus here

As more businesses reopen after COVID shutdowns, attention may need to be paid to indoor air quality.

The National Institute of Standards and Technology (NIST) put out recommendations for heating, ventilation and air conditioning (HVAC) systems that'll put occupants at ease and breathing easier.

Not all HVAC filters are compatible with every building's system. Your facility manager or building contractor can double check what'll work.

High efficiency particulate air (HEPA) filters are the best on the market but they may restrict air flow.

If HEPA filters aren't an option at your facilities, consider filters rated minimum efficiency rating value

(MERV) 13 or preferably 14.

These filters cost more money but typically don't require as frequent changeouts as cheaper filters that become clogged with dirt and dust.

More companies are turning to ultraviolet lamps to kill microbes lurking inside HVAC ducts.

Consider a UV-C air cleaner as a supplementary tool.

Boost outdoor ventilation

Public facilities are reducing the amount of air they recirculate and increasing the amount of outdoor air pulled in at intakes.

NIST recommends this step, along with 24/7 outdoor ventilation, for commercial buildings as well.

TRENDS TO WATCH

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

■ BIG CHANGES TO WORKERS' COMPENSATION LAWS

Significant changes to Ohio's workers' compensation laws went into effect Sept. 15.

The most significant change adds language stating "temporary total disability is not to be paid if the reason the employee is not working is unrelated to the industrial injury or occupational disease," according to law firm Taft, Stettinius & Hollister.

Other changes include:

- reducing the statute of limitations for filing an application for violation of specific safety requirement to one year from the date of injury
- stating settlement of state fund claims can't be objected to by the employer if the employee no longer works for the employer and claim is out of the employer's experience rating, and
- increasing the amount of reimbursable funeral expenses in death claims from \$5,500 to \$7,500.

■ LIMIT IN WRONGFUL DEATH CASES UNCONSTITUTIONAL

On Sept. 21, the Oklahoma Supreme Court found the state's workers' compensation law unconstitutional because of its attempt to limit recovery for wrongful death to a spouse, child or legal guardian dependent.

The decision stems from a case involving the death of a 23-year-old man who died in a work-related incident and his mother who filed a wrongful death suit.

A trial court found her only remedy was limited to workers' comp. However, the Supreme Court held the right of a parent as next of kin to bring a wrongful death suit under these circumstances is established elsewhere in state law.

Roundup of most recent OSHA citations

3 companies fined \$500K+ for fatal trench collapse

Three companies were cited by Washington's Department of Labor & Industries for involvement in a fatal trench collapse at a wind farm.

An investigation found numerous safety violations in connection with the incident, which killed one worker and seriously injured another.

Fines: \$360,874 (RES System 3); \$184,800 (RES America); \$4,200 (GEMS)

Companies: RES System 3 and RES America, both of Broomfield, CO; GEMS, Albuquerque, NM

Businesses: Power and communication line construction (RES System 3); Industrial Building Construction (RES America); Miscellaneous health practitioners (GEMS)

Reasons for fine:

RES System 3:

Three willful violations for failure to:

- provide cave-in protection
- have person trained in trench safety
- produce written safety program tailored to project

Three serious violations for failure to:

- adequately train employees
- use ladder extensions properly
- provide safe egress from excavation

RES America:

Two willful violations for failure to:

- ensure subcontractor used cave-in protection
- ensure subcontractor had written safety program tailored to project

Two serious violations for failure to:

- provide adequate training programs
- use ladder extensions properly

GEMS:

One serious violation for failure to:

- prevent two employees from entering unprotected trench during rescue

Fall violations found at 2 jobsites: \$234K fine

A construction contractor was cited by the Washington State Department of Labor & Industries after inspections at two Seattle worksites where a

number of fall-related violations were found.

Inspectors found inadequate fall protection, unguarded wall openings and no handrails on stairways at company worksites in the Georgetown and Ballard areas of Seattle.

The company was inspected five times since 2016 with each inspection resulting in violations, and it has been placed on the state's severe violator list.

Fine: \$234,360

Company: Chilos Builders LLC, Everett, WA

Business: Framing contractor

Reasons for fine:

Five willful violations, including failure to:

- install adequate safety rails on roof
- properly guard wall openings 9.5 feet above ground
- install handrails on stairways leading to second floor
- install fall protection on window and door openings

Processing facility doesn't shield workers from COVID

OSHA cited a Colorado meat processing facility for failing to protect its employees from the coronavirus.

Inspectors found the company also failed to provide an authorized employee representative with injury and illness logs in a timely manner following the May inspection.

The citation is for a General Duty Clause violation involving COVID-19, but the exact details of that violation weren't provided in the Department of Labor news release.

Fine: \$15,615

Company: JBS Foods Inc., doing business as Swift Beef Company, Greeley, CO

Business: Meat 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

Continued back pain could be from obesity: Benefits?

A worker continued to have pain following an on-the-job back injury. However, his morbid obesity may be the actual cause of the pain. Can he collect?

What happened: An oil rig worker fell down some stairs and landed on his back. He was treated for pain and released to light duty, but continued to experience pain for months after the injury.

Company's reaction: Your current pain is connected to your morbid obesity, not the injury.

Decision: He couldn't collect. The court found there was ample medical evidence his excessive weight was causing back pain which had nothing to do with the work-related injury.

Cite: *Whitten v. Patterson UTI Drilling Co.*, LA Court of Appeals, No. 53,431-WCA, 4/22/20.

Can she collect for illness caused by allergic reaction?

Can a worker whose breathing problems were triggered by an on-the-job allergic reaction collect for her ongoing illness?

What happened: An employee at a flower shop developed breathing problems due to an allergic reaction she had at work. Despite treatment, she continued to have difficulty breathing, so she filed for permanent total disability.

Company's reaction: You're well enough to work in customer service or another office job.

Decision: She couldn't collect. There was sufficient evidence proving she was capable of performing office work, the court found.

Cite: *Maldonado v. Continental Casualty Co.*, MT Workers' Compensation Court, No. 2019-4582, 4/22/20.

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 Helping workers find and eliminate hazards

When it comes to finding and fixing hazards, you can't do it alone.

You need help from the people who are working on the front lines: They know their jobs the best.

One way to do this is to form a group to discuss problems and find solutions. You're the Facilitator.

Getting them to speak up

As a Facilitator, you want to stay neutral but still work with the group to get results.

Sometimes, particularly with a newly formed group, getting people to speak up is difficult.

If you hit one of those quiet moments, and worker participation is essential, make sure you ask open-ended questions.

These are questions that can't be answered with a simple yes or no.

Yes-or-no questions don't generate creative thinking or help you understand a situation better.

Open-ended questions help the team think about problems and solutions in new ways.

Some examples of

open-ended questions are those that start with:

- What do you think about ...
- How can we ...
- Why do we think ...
- Can you say more about that?

Using this type of meeting facilitation, we've had successes finding safety solutions working with many types of employees, from nurses to maintenance workers.

(Suzanne Nobrega, Assoc. Dir., UMass Center for the Promotion of Health in the New England Workplace, Lowell, MA, at AIHce 2020)

REAL PROBLEMS, REAL SOLUTIONS

2 Industrial hygiene project? Keep it simple

As safety professionals, some of us are just struggling to keep our heads above water – every day we're putting out fires, answering employee concern requests, doing turnarounds on maintenance activities and trying to flatten or reduce budget.

On top of all that, many safety professionals find themselves occasionally responsible for complex projects more suited to an industrial hygienist without having room in the budget to hire a consultant or buy

complicated industrial hygiene software.

What's the solution?

Uncertain data and the risk matrix

In short, keep it simple.

When it comes to things like monitoring, put your resources where the most uncertain data is.

It's pointless to keep monitoring in areas where you're already sure you have high or low exposures, so focus your resources toward the uncertainties.

And once your assessments are complete, come up with a risk matrix

like you would for a regular EHS project – with a color coding of red, yellow and green.

When you present this to management, they'll understand what it is since it's similar to what you've presented before.

With this strategy, you'll open up conversation on the areas where you have high risk and what can be done for workers there.

(Based on a presentation by Dave Risi, Director of Industrial Hygiene Solutions, Velocity EHS, Chicago, at AIHce EXP 2020)

3 Persuade others using your expert power

The word "power," when used in the context of the workplace, often has a bad connotation.

But "power" doesn't always mean "brutal" or "evil."

There's power around influence and persuasion to make sure your safety programs are adopted by your organizations.

The first thing to understand is there are multiple types of power, and as a safety professional, the one you're most likely to use is expert power.

Those with expert power are basically the person who is No. 1 in their particular arena. They have 20 years of wisdom from working in safety, or they've dedicated themselves to learning everything about their field.

Experts, by their nature, draw power toward themselves.

As an expert, people will trust you, but how exactly does that help you?

Build a coalition

Being an expert can help you in building a coalition.

This is about building a network of people that trust you, that you want

to work with and who want to work with you.

These are people you've maybe helped in the past and earned their respect, or they understand you have their best interests in mind as you move through the organization.

The coalition, with the power of its individual members, can help you, for example, persuade others of the benefits of the new safety program you're attempting to implement.

(Based on a presentation by Michael Rega, Managing Partner, The Ecliptic Group, Dunedin, FL, at ASSP's Safety 2020)

CORONAVIRUS IN CALIFORNIA

New law changes COVID reporting, enforcement requirements

A bill signed into law in California Sept. 17 requires employers to provide written notification within one business day to employees who were potentially exposed to the coronavirus and augments Cal/OSHA's enforcement efforts.

The new rule also authorizes Cal/OSHA to issue citations for serious coronavirus-related violations without having to comply with pre-citation requirements and allows it to prohibit operations in workplaces with infection risks so severe to be considered an imminent hazard, according to law firm Jackson Lewis.

Coronavirus as imminent hazard

Under normal circumstances, Cal/OSHA is required to follow a strict process for serious violations, involving a rebuttable presumption following an inspection, which is shared with the employer who is given a chance to rebut the violations.

For COVID-19 hazards and violations only, the new rule allows Cal/OSHA to issue a citation for a serious violation without requiring the rebuttal.

Now Cal/OSHA can act when it's of the opinion employees are exposed to COVID-19 in a way that

constitutes an imminent hazard by:

- prohibiting entry to a worksite
- prohibiting a process or operation at the worksite, and
- requiring posting of imminent hazard notice at the worksite.

OSHA guidance on use of masks in hot weather

Two guidance documents OSHA issued in September recommend employers encourage the use of cloth face coverings to help prevent spreading the coronavirus while simultaneously addressing the challenge of doing so in hot weather.

According to law firm Seyfarth Shaw, the new guidance documents recommend employers:

- acclimatize new and returning workers to environmental conditions while wearing cloth face coverings
- prioritize use of cloth face coverings when work must be done in close proximity to others
- allow workers to remove masks when they can safely maintain at least 6 feet of physical distance
- increase rest breaks in cool environments and frequency

of hydration

- allow workers to use personal passive cooling devices such as ice vests, and
- encourage workers to monitor themselves and others for signs of heat illness.

Owners charged in \$2.5M workers' comp scam

Felipe Barocio, owner of Agriculture Services Inc., and his daughter, Angelita Barocio-Negrete, allegedly underreported employee payroll to reduce the company's premium for workers' comp insurance.

A California Department of Insurance investigation revealed that Barocio and his daughter, who was the company's office manager, allegedly provided the state fund with false quarterly employee payroll reports.

Investigators found \$11 million in payroll was missing when they compared the quarterly reports submitted to the fund to quarterly reports submitted to the Employment Development Department.

This resulted in a total loss of \$2,582,142 in insurance premiums.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, the company couldn't prevent the lawsuit from moving forward. An appeals court found there were questions that needed answering regarding accommodations for the hearing impaired worker.

The company claimed it had to terminate the worker since, because of new federal standards, his job required hearing protection. However, he couldn't pass a hearing test while wearing the company's chosen hearing protection while also wearing his hearing aids.

The worker argued he was discriminated against because of his disability since, among other things, he found another hearing protection device that worked with his hearing aids, but the company rejected his proposal.

The appeals court found there were material questions of fact regarding how much effort the company put into attempting to accommodate the worker's disability.

Because of this, the court reversed a lower court's decision to dismiss the case.

■ ANALYSIS: ACCOMMODATING DISABILITIES

In this case, the company's hearing conservation program was more stringent than a new federal standard (specific to the railroad industry) required.

While the company was within its rights to develop a better-than-required program, it painted itself into a corner when it came to making accommodations for employees with disabilities.

Cite: *Mlsna v. Union Pacific Railroad Co.*, U.S. Court of Appeals for the Seventh Circuit. 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.

TRANSPORTATION

The U.S. Federal Motor Carrier Safety Administration announced it's seeking public comment on a proposed pilot program allowing drivers 18 to 20 years old to operate commercial motor vehicles across state lines.

This program would "allow the agency to carefully examine the safety, feasibility and possible economic benefits of allowing 18- to 20-year-old drivers to operate in interstate commerce," according to an FMCSA news release.

Drivers would be allowed to participate if they fall within two categories:

- Commercial Drivers' License holders 18 to 20 years old who operate commercial motor vehicles in interstate commerce while taking part in a 120-hour probationary period followed by a 280-hour probationary period under an employer-established apprenticeship program.
- Nineteen- and 20-year-old commercial drivers who have operated commercial motor vehicles within state borders for a minimum of one year and 25,000 miles.

Study group drivers would not be allowed to operate vehicles hauling passengers or hazardous materials.

Drivers under the age of 21 can currently operate commercial motor vehicles within state borders in 49 states and the District of Columbia.

The FMCSA has been trying to get similar programs started over the past few years, but has met some resistance from transportation safety advocates.

NTSB INCIDENT REPORT

The June 17, 2017, collision between USS Fitzgerald and Philippine container ship ACX Crystal was caused by fatigue and a lack of

training among the Fitzgerald's crew, according to the National Transportation Safety Board.

Seven Fitzgerald crew members died in the incident and three more were injured. The Crystal reported no injuries.

Neither ship radioed the other as they approached each other, and actions taken by watch officers to avoid impact occurred too late.

Safety issues that contributed to the incident identified in the NTSB report include:

- insufficient training of the Fitzgerald's crew on collision regulations
- Fitzgerald crew fatigue caused by a "high workload" and "minimal time to rest"
- failure of both ships' crews to take actions in accordance with the Convention on the International Regulations for Preventing Collisions at Sea
- the commanding officer's inadequate assessment of the transit route's hazards, and
- the commanding officer's decision to not augment bridge watch personnel with a more experienced officer.

CSB INVESTIGATION

Investigators from the U.S. Chemical Safety and Hazard Investigation Board were deployed Sept. 22 to Canton, NC, to investigate a fatal fire at a packaging plant.

Two contractors at the Evergreen Packaging Mill were fatally injured in the fire, which began around 5 a.m. Sept. 21.

The fire occurred in a tank that was being repaired by the contractors, according to information provided to WYFF 4 News.

A contract employee told WYFF the mill, which was established in 1908 and employs about 1,000 people, is prepared for fires with "a lot of escape routes" and "a pre-planned strategy" for such incidents.

WHERE TO GET HELP

ONLINE TOOL TO HELP UNDERSTAND NEW HOS REGS

To help motor carriers and drivers better understand the new Hours of Service regulations going into effect Sept. 29, 2020, the Federal Motor Carrier Safety Administration introduced a new online tool.

The Educational Tool for Hours of Service, or ETHOS, will identify potential violations of certain HOS rules when duty statuses are entered into the web-based log.

ETHOS will identify the following:

- 11-hour driving limit (property) or 10-hour driving limit (passenger)
- 14-hour driving window (property) or 15-hour on-duty limit (passenger)
- 30-minute break (property), and
- sleeper berth provision.

Info: tinyurl.com/HOStool605

What safety pros say

Has worker satisfaction with job safety dropped during the pandemic?

Completely satisfied:



Source: "U.S. worker satisfaction with job safety down amid COVID" Gallup poll

Lower-income workers, those without a college degree and men are among the groups with the biggest decline. These groups are more likely to hold blue collar jobs.

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?

Medical pot user who switched shifts is acting strange: Is it weed or fatigue?

The Scenario

Manager Mike Kelly was attempting to eat his lunch – a ham and Swiss cheese sandwich that was much too heavy on the mustard – while going over some reports.

A glob of mustard plopped onto his paperwork.

“Oh for the love of –”

His words were cut off by a knock on his office door.

“Come in,” he said, wiping mustard from his mouth.

Supervisor Jack Hall walked in as Mike attempted to clean off the mustard on his reports.

“I'd ask how you're doing, Mike, but I can already see you're a mess,” Jack said gruffly.

Mike ignored the remark.

“What can I do for you, Jack?” Mike asked.

“One of my shipping clerks, Matt Williams, is acting funny,” Jack said. “I think he's high.”

'It's like he's not all there'

“What makes you think he's high?” Mike asked.

“Well, I know he's on the medical marijuana, and he's not himself,” Jack explained. “His eyes are all bloodshot and he's just not with it. It's like he's not all there.”

“Matt has a medical marijuana card – he's on the level,” Mike said.

“I know,” Jack said. “But he's not supposed to be high at work.”

“Didn't he just change shifts?” Mike asked. “Do you think it could be fatigue?”

“I've seen fatigue, and I'm sure this isn't it,” Jack said.

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

Also does Jack have an issue with the use of medical marijuana even though the company allows validated medical marijuana use? Perhaps a discussion with Jack is in order as well.

2 Roy McConnell, H&S Coordinator, Veolia North America, Johns Creek, GA

What Roy would do: I believe the supervisor has a preconceived bias in this situation. Mike needs to observe Matt and possibly discuss the shift change and medical marijuana usage with him.

Reason: Afterwards he needs to have a conversation with Jack about his potential bias towards Matt and his condition requiring medical marijuana. Then Jack should be retrained in the companies Drug and Alcohol policies and procedures as well as any other HR-related training that might apply in this situation.

Reader Responses

1 Sharon Collins, Safety Coordinator, Wilmad Lab Glass, Vineland, NJ

What Sharon would do: Mike should observe the employee, ask him how he is feeling and acknowledge that he is on a shift change.

Reason: Mike could also take him aside and question him on how and when he generally uses his medical marijuana to see if he needs to change his scheduled use.

Shift changes are often hard to adjust to and are actually a health concern if the shifts are rotating. Often, people on rotating shifts are sleep deprived especially if they have family responsibilities. If the employee is generally a good employee, it is best to observe and discuss before jumping to conclusions.

OUTSIDE THE LINES

■ RUNNING AT WORK IS FOR THE BIRDS – EMUS TO BE EXACT

As a safety professional, you've likely found yourself reminding people they shouldn't run during an emergency, or really at all on a worksite.

Running can lead to slips, trips and falls and lots of other injury scenarios.

Now, imagine instead of people, you're dealing with 70-pound birds that can run at speeds up to 30 mph.

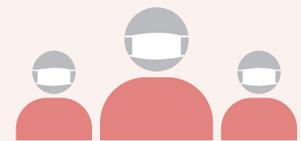
That's one reason two emus who were regular visitors at a hotel in Australia's Outback were banned from the place, according to NPR.

Emus have a tendency to do a forward sprint while looking at the source of a scare if they become frightened.

This led the hotel owners to put up a sign saying emus are no longer welcome at the establishment, but they're not sure if the birds can read.

Did you know ...

Assign the same workers to the same shifts with the same co-workers



OSHA recommends keeping the **same employees working together** on the **same shifts** to help **reduce** the spread of **COVID-19**.

Source: OSHA and the U.S. Centers for Disease Control and Prevention

Cohorting, or grouping workers together, may reduce the spread of COVID-19 by minimizing the number of different individuals who come into close contact with each other.

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