



2018 AGC/NWUCA SAFETY FORUM – BEST PRACTICES FEBRUARY 23, 2018

EMPLOYER LIABILITY LAW: SUBCONTRACTOR MANAGEMENT

- If your company directs any part of work or directs safety, you may be liable for injuries to subcontractors' employees
- Stopping unsafe activity is ok and should be done
- Do not try to solve the problem for your subcontractor
- Can direct sub to information, but do not direct how to perform tasks
- Summary: directing how to perform work equals liability

SILICA MANAGEMENT:

- Rule applies to General Industry 1910 and Construction 1926
- If you produce visible dust, you are not in compliance with rule
- Rule will be enforced in Oregon starting July 1, 2018
- Two methods for complying: Table 1 and Alternate Exposure Controls
- Determine your tasks and compare to Table 1
- Tasks not covered in Table 1 need to have exposure monitoring performed
- Must develop written exposure control plan
- Must have Competent Person assigned to job
- Must document employee training on exposure control plan
- "Small Entity Guide" available from OSHA: www.osha.gov/Publications/OSHA3902.pdf
- Wet cutting methods and HEPA vacuum are necessary for Table 1 compliance
- Assigned Protection Factor equals a ½ face tight-fitting respirator with P100 filters
- Medical monitoring for employees who are above PEL and wear respirator for 30 days or more per year

811 CALL BEFORE YOU DIG:

- Call 911 immediately if you strike a gas or electrical line
- When damage occurs, OSHA and PUC may investigate
- Do not trust locates: hand dig or vacuum truck necessary when close to utility
- Company policy should include procedures for reporting damage and excavating near utilities
- Document the area before work begins: photos and written descriptions
- “Hit Kit” is available online
- “Response Card” in cabs of trucks is a good method for making sure field employees have step-by-step guide to walk them through mishaps
- PUC investigates complaints on utilities (customer service and safety issues)
- Identify potential issues in right-of-way before work begins. Don’t wait until you have a problem.

FLEET SAFETY:

- ELD “electronic logging devices” are in use and will be replacing hard copy logbooks
- Maintain all driver records for six months minimum
- 12-16-19: electronic logbooks will be required, and hard copy no longer allowed
- Keep track of all hours worked by drivers, not just driving hours
- Check with FMCSA to see if you may be exempt from new log regulations

REASONABLE SUSPICION DRUG TESTING:

- Use two people to verify/interview on a reasonable suspicion case
- Use random testing onsite to increase integrity of testing program
- Supervisors need reasonable suspicion training
- Document all reported concerns and investigation results
- Once impairment is suspected, DO NOT allow employee to drive
- DOT-regulated employees required to disclose prescription drug use to employer if drugs could lead to impairment in any way. Employer cannot ask employee (due to HIPPA).
- When interviewing for suspected impairment, look into employee’s eyes, observe for slurred speech.
- Observe pupils (bloodshot, dilated)
- It’s important to know your employee’s “normal” type of behavior, to alert for non-normal acts/behaviors