



2019 AGC/NWUCA SAFETY & HEALTH FORUM – BEST PRACTICES FEBRUARY 22, 2019

DEVELOPING SAFE WORKFORCE SUPERVISORS (TONY HOWARD OF HOFFMAN CONSTRUCTION, RICK McMURRY OF P&C CONSTRUCTION, JOE ARMSTRONG OF McDONALD EXCAVATING):

- Supervisors responsibilities:
 - If you are going to elevate an employee to supervisor, ask if that individual is exhibiting the qualities and sharing the company's vision of safety.
 - Must be good at planning, looking ahead, communicating the plans
 - Be teachers and coaches; communication skills are a must.
- Supervisors and leading for safety:
 - Make sure supervisor is absorbing the company's safety culture and expectations.
 - Engage supervisors; coach them up, orchestrate their success if possible
- Stressors that effect supervisor's ability to provide a safe project:
 - Schedule demands
 - Workforce preparedness
 - Apprentice training and supervision
- Expectations of supervisors:
 - Talk to all new hires
 - Lead daily huddles/safety meetings
- How to select supervisors:
 - Safety Advisory Council – have a volunteer safety leadership team from the craft level that meets regularly and discusses needs, challenges, and solutions.
 - Build them from within by cross training – leadership, technical, technology, safety, and communication training.
- Sub-contractor pre-qualifications:
 - Identify high-risk exposures and help develop a site safety plan (not their written safety plan, but rather a site-specific plan to address specific hazards/risks on project).
 - Support the sub – set and communicate expectations from the beginning.
 - Partner with the subs to bring them up to a safe performance level.

RETURN-TO-WORK – EMPLOYER & EMPLOYEE RESPONSIBILITIES (CLAUDIA PERRYMAN & RON BOYCE, SAIF):

- Need buy-in from supervisors and employees with the employer’s written return to work (RTW) policy that has been effectively communicated.
- Have an RTW policy in writing.
- Signature line on RTW policy – including union employees
- Share the policy with employees and supervisors.
- Have acknowledgement from employees – what are the expectations of the injured employee: appointments, attendance, follow-up, etc.
- Lines of communication open with RTW and employee and doctor
- Reporting injury immediately – get employee signature on 801
- Get packet: modified job description, regular job description, 801, policy
- Grab and go packet available (hard copy and online) divided into three parts: employee, supervisor, doctor
- Difficult employees: attendance, follow your policy, workers’ compensation laws do not supersede your employment policy
- Have relationship with doctor and claims adjuster for RTW
- Onsite, Med-core, AMR first aid services
- Have conversations with employees about recovery
- EAIP (employer-at-injury program) if eligible, definitely do it

NEW CRANE RULE – WHAT YOU NEED TO KNOW (IAN CHASE, PENCE/KELLY CONCRETE, LLC):

- Need a submitted plan (pre-plan) as early as possible.
- Know the difference between approving and accepting a plan.
- Identify the “qualifier” who said the operator was qualified.
- Certified does not always mean qualified.
- National Commission for the Certification of Crane Operators (NCCCO) training = greenlight to use
- Check operator’s time on the crane – it should be logged.
- Make sure you are comfortable before you allow the crane to start work.
- Mechanical trucks – ok to operate if not performing construction work.
- Always be ready to revise your plan.

EFFECTIVELY MANAGING OSHA INSPECTIONS (ANDY GRAHAM OF CUMMINS, GOODMAN, DENLEY & VICKERS, P.C.):

- Designated company representative – Who will manage OSHA inspectors onsite?
 - Employer has the right to have a company representative participate in all aspects of the inspection except for non-management/supervisor interviews.
 - Ensure this person has proper authority and training. Consider utilizing a designated attorney for serious accidents and third-party liability cases.
 - OSHA inspectors should make time for the designated rep to arrive onsite prior to starting inspections.
- Scope of the investigation – Why are they here?
 - At the outset, before even consenting to inspection, determine the scope of the compliance officer's (CO) inspection.
 - With an understanding of the scope of the inspection, the company can consider consenting to the inspection rather than demanding a warrant.
- Evaluate whether to give consent – Should the company give consent to the inspection process vs requiring warrant?
 - If a warrant is demanded, it will take the OSHA inspector some time to obtain it before proceeding. In cases such as serious accidents, this time can be used by the company for proper internal investigation/preparation.
 - If consent has been given, the company can stop the inspection at any time and demand that the CO obtain a warrant to proceed, especially if the CO is looking to expand the scope of the inspection without justification.
 - Demanding a warrant in the middle of a consensual inspection can be a way of ensuring that the CO has proper legal basis before the scope is expanded.
 - Demanding a warrant can also help to protect rights if the company feels OSHA is stepping over the line in some way.
- Interviews
 - The designated employer representative can (and should) be present during interviews with management and supervisory-type personnel (superintendents, project managers, supervisors, foremen, etc.).
 - Craft employees can request that the employer representative be present during interview, but the CO doesn't have to allow it.
 - Whenever possible, try to prepare any employees who will be interviewed before the interview happens.
- Documentation
 - Be prepared with typical paperwork – OSHA 300/300A, site specific safety plans, safety committee meeting minutes, etc.
 - The agency has the right to, and almost always will, review/request 300 logs, 300A summaries, and safety committee meeting minutes or notes from monthly safety

meetings. For other document requests, consider whether the request is within the scope of the inspection before turning materials over.

- If you believe the request is outside the scope, discuss this with the CO or consider requesting that the CO obtain a warrant if the CO wants those documents.