

**VIRGINIA SHIP REPAIR ASSOCIATION**  
**21<sup>ST</sup> Annual Safety & Health Seminar**  
**October 26, 2016**

**DEALING WITH SERIOUS INCIDENTS**

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# OSHA'S INITIATIVES IN 2016:

1. Temporary Employment
2. Accident/Injury Reporting and Recording
3. Rest Rooms for All Employees
4. New Whistleblower Manual
5. Drug Testing after Accidents and/or Injuries

# BIG PENALTY INCREASE IN 2016

- ❖ Maximum penalties increased by 78% on August 1, 2016
- ❖ Other Than Serious: \$7,000 → \$12,471
- ❖ Serious: \$7,000 → \$12,471
- ❖ Willful or Repeat: \$70,000 → \$124,709
- ❖ Uncorrected: \$7,000 per day → \$12,471 per day
- ❖ Penalty amounts will continue to be adjusted for inflation each year.

# OSHA'S TEMPORARY WORKER INITIATIVE

- ❖ “TWI”
- ❖ Began in 2013 to help prevent injuries
- ❖ New Emphasis in 2016
- ❖ Increases OSHA's focus on temporary employees
- ❖ Virginia contractor license required for all staffing companies, subcontractors, and independent contractors

# GENERAL RULES UNDER OSHA

- ❖ Host and Staffing Companies are Joint Employers under OSHA regulations
- ❖ One or Both Companies may be Cited
- ❖ Both Companies share Responsibility for Training & Protecting Temporary Employees

# OSHA LIABILITY

- ❖ Which Company Supervised Employees on Day-to-Day Basis
- ❖ Did Staffing Company, Subcontractor, or Independent Contractor Have Actual or Constructive Notice of Unsafe Conditions

# OSHA RECORDING

- ❖ Use OSHA 300 Log (if 11 employees or more)
- ❖ OSHA 300A Report (Annual Summary) – Must be submitted electronically (if 20-250 employees) (Effective 11/1/16)
- ❖ Only One Employer Should Record
- ❖ Which Company:
  - a. supervises means, methods by which work completed
  - b. controls conditions of work site to avoid hazards
- ❖ An injury or illness must be recorded if it requires medical treatment beyond first aid or any lost time or any job transfer

# OSHA REPORTING

- ❖ Changed in 2015
- ❖ Must call OSHA if:
  - a. Fatality (within 8 hours)
  - b. Hospitalization of one or more employees, other than for observation and/or testing (within 24 hours)
  - c. Amputation (within 24 hours)
  - d. Eye loss or Loss of Sight (within 24 hours)



# RESTROOMS

- ❖ Must be provided for both genders and for LGBTQ individuals
- ❖ Key: As Which Gender does Employee Present?
- ❖ Must be clean, lighted, accessible for all

# WHISTLE BLOWERS

- ❖ Any employee who reports an accident, injury, unsafe condition, or safety violation to a supervisor or directly to VOSH/OSHA is protected from retaliation
- ❖ New Manual Published for Investigation of Retaliation Claims

# POST-ACCIDENT DRUG/ALCOHOL TESTING

- ❖ Permitted depending on state and federal law
- ❖ Not changed by new OSHA Rule on Electronic Reporting and Recording

# AFTER A SERIOUS ACCIDENT:

- ❖ Call 911
- ❖ Administer First Aid and/or CPR
- ❖ Once EMT's Arrive:
  - a. Notify Safety and Line Management; Workers' Comp Insurer; Legal
  - b. Secure Scene of Accident
  - c. Don't Move Equipment

# AFTER A SERIOUS ACCIDENT (CONT.):

- d. Don't "Clean-Up" until Photos, Measurements, and other Documentation is Secure
- e. If Work Can Continue, While Investigation Pending, Cordon-Off Accident Area
- f. Interview Witnesses

# AFTER A SERIOUS ACCIDENT (CONT.):

g. Secure Witness Statements

h. Notify Union, OSHA if Required

i. Begin Checking Training Records, Safety Programs,  
Disciplinary Records

# COOPERATION WITH OSHA

- ❖ Sugar v. Vinegar
- ❖ Document Production
- ❖ Witness Interviews
- ❖ Manufacturer and Lessor Issues
- ❖ Subcontractor Issues

# EMPLOYEE COMMUNICATION

- ❖ If Union Present, Follow CBA Requirements
- ❖ Prompt, Truthful Disclosures to Co-Workers
- ❖ Professional, Emotional Support for Co-Workers and Supervisors Involved
- ❖ “Lessons Learned” Opportunities



Questions?