



# Safety Update

**Issue Date:** September 6, 2016

## **UPCOMING AGC OF OHIO SAFETY MEETINGS**

The next two AGC of Ohio Safety Meetings are scheduled for Friday, October 7 and Friday, December 2. Both meetings will be held from 9:30 a.m. to noon at the AGC office in Columbus. Regular agenda items include an OSHA regulatory and enforcement update, workers' comp news, local and national safety efforts, and a roundtable discussion on any safety and health matters of interest to participants.

To attend, RSVP to Andrea Ashley at [andrea@agcoho.com](mailto:andrea@agcoho.com) or (614) 486-6446.

## **UPDATE ON SAFETY COMMITTEE PARTICIPANT JEFF KELLETT**

As previously reported, Jeff Kellett, a project safety coordinator for Dugan & Meyers Construction and participant in the AGC safety meetings and committee, was involved in a very serious ATV accident in July that left him in the ICU. The coworkers of Jeff's wife, Donna, at Pepper Construction have been raising money to assist the Kellett family during Jeff's long road to recovery. A "gofundme" page has been created on their behalf, [www.gofundme.com/donnaandjeff](http://www.gofundme.com/donnaandjeff), and a golf outing will be held on September 25 at the Village View Golf Course in Croton, Ohio (note - golf reservations must be received by September 9). Contact Andrea Ashley at AGC for more information about the golf outing: [andrea@agcoho.com](mailto:andrea@agcoho.com) or (614) 486-6446.

## **AGC CEO CHALLENGES CONTROVERSIAL DRUG AND ALCOHOL TESTING POLICY DURING MEETING WITH HEAD OF OSHA**

*OSHA's Intends to Prohibit Mandatory Post-Incident Alcohol and Drug Testing*

On August 30, AGC of America met with the head of the Occupational Safety and Health Administration (OSHA) and several of his key deputies on the agency's new recordkeeping regulation. That regulation has become the subject of much discussion and great concern as OSHA has expressed its intention to promulgate enforcement policies that go well beyond the plain language of the rule itself, and specifically to interpret the rule to prohibit mandatory post-incident alcohol and drug testing.

AGC has recommended that the agency take the time to collect more information on these programs and how they actually work before jumping to any conclusions. Notably absent from the agency's rulemaking was any request for such information. AGC will submit a follow-up letter to OSHA, restating AGC's position.

During the meeting, AGC also underscored that its members have many legitimate interests in such alcohol and drug testing and that the proposed guidance could have a distinctly negative impact on safety and health in the construction industry. Indeed, it could disrupt many of the drug-free workplace programs that have served the industry well, including programs negotiated with organized labor and incorporated into collective bargaining agreements. AGC explained that these programs are neither intended nor likely to have the effect of deterring construction workers from reporting injuries and illnesses. Rather, their legitimate intent and effect are to deter drugs and alcohol abuse, and thereby protect construction workers and the general public.

## FEDERAL CONTRACTORS FACE ADDITIONAL SANCTIONS UNDER FINAL FAIR PAY AND SAFE WORKPLACES REGULATION; COMPLIMENTARY WEBINAR TOMORROW

TAKE ACTION: [Urge Congress](#) to Block Application of this EO

LEARN MORE: [Register for the Webinar](#) about the Requirements

AGC has compiled a [detailed analysis](#) of the more than 850 pages of final regulations the Obama Administration issued last week to implement the Fair Pay and Safe Workplaces (Blacklisting) Executive Order and will host a [complementary webinar](#) for AGC members on September 7. AGC members are encouraged to [contact their U.S. Representative and Senators](#) to support AGC legislative efforts to block the implementing regulations for this Executive Order from coming into effect as soon as Oct. 25, 2016.

As it stands, [AGC-backed provisions](#) in the House and Senate versions of the National Defense Authorization Act—a bill passed 54 consecutively years that helps fund the Department of Defense (DOD)—would generally prohibit application of the Executive Order and its implementing regulations on DOD contracts and most DOD contractors. AGC and its industry coalition allies are working to extend that restriction to all federal contracts and contractors government-wide. AGC is also part of an employer-wide coalition that is currently reviewing possible legal options to blocking implementation of this rule.

While AGC will continue its efforts to combat this Order on the legislative and legal fronts, contractors must plan accordingly in the event these regulations come into effect. AGC will post updates and analysis of this rule at our website: [www.agc.org/blacklisting](http://www.agc.org/blacklisting).

### **AGC Complimentary Webinar: Fair Pay & Safe Workplaces (Blacklisting) EO – Weds., Sept. 7, 2-3:30 pm:**

[Register now](#) for a complimentary webinar for AGC members to learn about how your company can begin to prepare for the "Fair Pay and Safe Workplaces" (Blacklisting) Executive Order 13673. Join AGC of America's Regulatory Counsel Jimmy Christianson and Smith Currie federal construction attorneys for an in-depth presentation on this executive order covering: AGC's efforts to fight this Executive Order through legislative, regulatory and legal means; prime contractor and subcontractor labor violation reporting requirements; the possibility for defacto debarment through "responsibility" determinations; risks of entering labor compliance agreements with enforcement agencies; paycheck transparency mandate; changes to worker arbitration agreements; and more. For more information or to register, [click here](#).

## OHIO EMPLOYERS INVITED TO ENTER SAFETY INNOVATIONS AWARDS PROGRAM

### *BWC Program Awards Cash Prizes for Workplace Safety Innovations*

The Ohio Bureau of Workers' Compensation (BWC) is seeking entries for the 2017 Safety Innovations Program. The annual program awards cash prizes from \$1,000 to \$6,000 to employers that develop innovative solutions to reduce the risk of workplace injuries and illnesses to their employees.

Ohio public and private employers may apply online at [bwc.ohio.gov](http://bwc.ohio.gov) by Sept. 30. The top five finalists will attend BWC's Safety Congress & Expo in Columbus from March 8 to 10, 2017 to present their innovation to a three-judge panel and the public. Winners will be selected by a panel of independent judges that evaluates and scores the innovations based on a number of criteria, including risk reduction, innovation and return on investment, potential for the innovation to be utilized by other employers and presentation quality. Conference attendees determine the recipient of The People's Choice award. Awards will be presented during a ceremony at Safety Congress.

Watch [this video](#) to learn more about the competition. Submit questions to [SafetyInnovations@bwc.ohio.gov](mailto:SafetyInnovations@bwc.ohio.gov) or call 1-800-644-6292.