



AMERICAN SOCIETY OF SAFETY PROFESSIONALS

Next Meeting: *Space is limited to 25 attendees*

TOPIC: Human Performance Improvement

Presenter: Sam Reno w/Mid-American Energy

When: Nov 27th @ 11:30 am

Where: Mid-American Energy

106 E 2nd E 2nd St, Davenport, IA

New Members!!

The Quad City Chapter would like to welcome our newest members: Tom Henning w/East Dubuque Nitrogen & Cindy Puck w/Life's Detail.

Welcome!!

If you know of someone who is interested in joining our chapter, refer them to the refer-a-member link on <http://www.asse.org/>

Update Contact Information

Contact Diana Gilbert @ dlg1127@aol.com to up-date your e-mail address to receive the newsletter by e-mail, and emails from ASSE if you are not currently doing so.

We are always looking for input into the newsletter to better serve our members. Please send newsletter contributions to Diana Gilbert.

We are looking for someone who would be willing to take over as our webmaster for the local Quad City ASSP website. It will only require a few hours of time per month. If interested please contact Travis Keeney @ tkeeney@tricityelectric.com or Diana Gilbert @ dlg1127@aol.com or Diana.gilbert@fluor.com. Thank you so much for your assistance!!

WHAT DO YOU SEE?

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OSHA issues proposal to end some electronic recordkeeping submissions

by [Fred Hosier](#)

As expected, OSHA says it wants to remove a requirement from its electronic recordkeeping rule.

Under [the proposal](#), issued as a Notice of Proposed Rulemaking (NPRM), OSHA would eliminate the requirement to electronically submit information from Form 300 (Log of Work-Related Injuries & Illnesses) & Form 301 (Injury & Illness Incident Report) for establishments with 250 or more employees that are currently required to maintain injury & illness records.

OSHA says its proposal would better protect personal information that could be gleaned from the forms. Ending the requirement to submit the forms would increase privacy & reduce the burden on businesses when it comes to compliance with the current recordkeeping rule, according to OSHA.

Facilities would still be required to electronically submit information from Form 300A (Summary of Work-Related Injuries & Illnesses). Establishments with 20-240 employees are also required to electronically submit information from their Form 300A.

The injury & illness data electronically submitted from Form 300A gives OSHA a great deal of information to use in identifying high-hazard establishments for targeted enforcement, according to the agency.

OSHA says it's not accepting Form 300 or 301 data & won't enforce the deadlines for these two forms without further notice while this rulemaking process is underway. The agency's electronic portal is collecting Form 300A data for calendar year 2017. Those submissions were due July 1, 2018, & any that are submitted now "will be marked late," according to OSHA.

The comment period on the proposal is open for 60 days after the publication date (July 30, 2018) of the proposal. OSHA is only seeking comment on the proposed changes, not on any other part of its recordkeeping requirements.

OSHA Updates NEP on Trenching & Excavation Safety

OSHA'S NEP will increase education & enforcement, & each area OSHA office will work on outreach programs.

After a recent spike in trenching fatalities, OSHA has [updated](#) the National Emphasis Program (NEP) on trenching & excavation collapse prevention.

OSHA'S NEP will increase education & enforcement, & each area OSHA office will work on outreach programs. OSHA inspectors will use a national reporting system to record inspections related to trenching & excavation.

The NEP started Oct. 1, 2018, & includes a three-month period of education & outreach for trenching & excavation collapse prevention, during which OSHA will continue to respond to complaints, referrals, hospitalizations, & fatalities. After this three-month outreach period, enforcement activities will begin & continue until canceled. OSHA-approved State Plans are expected to have enforcement procedures that are at least as effective as OSHA's.

"Removing workers from & helping workers identify trenching hazards is critical," said Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety & Health. "OSHA will concentrate the full force of enforcement & compliance assistance resources to help ensure that employers are addressing these serious hazards."

OSHA has recently developed new compliance assistance resources to help keep workers safety from trenching & excavation hazards, available on its [website](#).

OSHA CHALLENGE

Which standard appeared on OSHA's Top-10 Violation list for the first time in fiscal year (FY) 2018?

A. Eye and face protection in construction (29 CFR 1926.102)

C. Ladders in construction (29 CFR 1926.1053)

B. Hazard communication (29 CFR 1910.1200)

D. Fall protection training requirements (29 CFR 1926.503)

E. Respiratory protection (29 CFR 1910.134)

EEOC Cracks Down on Pre-Employment Physical Testing

The tests are targeted for discriminating against women.

[David Sparkman](#)

If your company uses pre-employment physical stress tests for job applicants that result in the rejection of female applicants, you could be in a world of hurt if the Equal Employment Opportunity Commission (EEOC) finds out.

That's what happened to Hirschbach Motor Lines, which used a pre-employment back assessment to screen & reject applicants it believed would be unable to work as truck drivers. Applicants were tested for their ability to balance & stand on one leg, touch their toes while standing on one leg, & to crawl.

EEOC claimed the company used this assessment to screen out applicants with pre-existing injuries &/or medical conditions after they had already received a conditional employment offer.

The company allegedly used the test results to rescind offers even though the applicants had already received medical certifications from the Department of Transportation authorizing them to drive a truck. (EEOC also discovered during its investigation that Hirschbach had a policy prohibiting its drivers from returning to work after missing work due to an injury or impairment unless they were 100% healed & free of any restrictions or limitations, which is illegal.)

The company eventually agreed to pay \$3.2 million to a class of female applicants after the EEOC filed a lawsuit alleging the strength & fitness tests they took impacted women disparately. Earlier this year another case involving physical ability testing required by a police department resulted in a nearly \$2.5 million settlement for female applicants.

EEOC's pursuit of these cases highlights why it is important that employers understand the legal issues surrounding physical ability tests (PATs) & exercise diligence about selecting & validating such tests. "If a PAT has a disparate impact—for example, if women fail the PAT at a statistically significantly higher rate than men—an employer has the burden of demonstrating that use of the PAT is job-related & consistent with business necessity," explain attorneys Mallory Stumpf & Sarah Smith Kuehnel of the Ogletree Deakins law firm.

Last year, EEOC announced its Strategic Enforcement Plan (SEP) for the next several years, which includes a continuing focus on class-based recruitment & hiring practices that discriminate against racial, ethnic & religious groups, as well as older workers, women & people with disabilities.

Since issuing the SEP, the agency has filed lawsuits across the country against employers, accusing them of creating illegal barriers to employment for women & individuals with disabilities. "These cases serve as important reminders that even the most well-intentioned employers should take a close look at the tools they are using to screen applicants for the various positions they are attempting to fill or run the risk of squaring off against the EEOC," says attorney Aaron Gelb of the law firm of Conn Maciel Carey.

Make Sure You Do It Right

Stumpf & Kuehnel agree that PATs can be useful tools when hiring employees for physically demanding jobs & can improve worker safety. "Still, such tests are susceptible to claims of disparate impact discrimination, so employers that want to limit exposure may want to evaluate whether their tests are validated appropriately."

They suggest that employers take formal steps to make sure any PAT they use is properly validated & is truly testing those physical abilities that workers really need on the job. The process often begins with a professional job analyst documenting the physical tasks necessary for the job. This can come from consultation with the appropriate employee safety experts & should include measurements of frequency, weight, duration, tools & distances involved in performing physical job tasks, the attorneys recommend.

PATs can then be designed to either simulate actual job tasks or test the minimum level of fitness/strength required to safely & effectively perform the job, Stumpf & Kuehnel note. "Either approach likely requires an expert validation to show that the PAT is predictive of the ability to perform the essential physical tasks of the job."

"Establishing business necessity is a high standard that requires proof that the test has been validated specifically for the employer & is predictive of an individual's ability to perform essential physical job tasks," Stumpf & Kuehnel point out.

Because job requirements & qualifications can change, they also advise employers to periodically revalidate PATs to make sure that their tests are still measuring only necessary job skills & that any potentially less-adverse options have been considered.

Even if an employer can prove business necessity, use of a PAT may still be prohibited if an alternative practice could achieve the employer's objectives with less adverse impact, Stumpf & Kuehnel stress.

"EEOC's focus on challenging pre-employment testing highlights the importance of carefully validating such tests before implementing them & reexamining existing pre-employment tests to ensure they will withstand legal scrutiny," they say. "Failure to do so can result in costly investigations, charges & lawsuits from the EEOC."

HELP WANTED

To view the job listing please place cursor on the job title and then control + click.

[Jobsite Safety Specialist, Davenport, IA](#)

[Safety Specialist, Muscatine IA](#)

[Safety & Quality Specialist, Bettendorf IA](#)

[Intern – Safety, Davenport IA](#)

[Environmental & Safety Consultant, Davenport IA](#)

[Safety & Driver Trainer, Davenport IA](#)

[Regional HSE Officer, West Branch IA](#)

[VP of Safety, Compliance & Driver Development, United States](#)

[EHS Manager \(construction\), Davenport IA](#)

[Safety Coordinator – Manufacturing, Bettendorf IA](#)

[EHS Compliance Administrator, Davenport IA](#)

[Safety Summer Intern 2019a, Moline IL](#)

[EHS Compliance & Regulation Manager, Sterling IL](#)

[HSE Lead, Lone Tree IA](#)

[Part Time Student – Safety, Davenport IA](#)

[Transportation Safety Manager \(DOT\), Des Moines IA](#)

[In Plant Safety Manager, West Liberty IA](#)

[Senior EHS Analyst, Fulton IL](#)

[Safety Compliance & Training Specialist, Carthage IL](#)

[HSE Site Safety Coordinator, Williamsburg IA](#)

[SHE Manager, Washington IA](#)

[Safety Specialist, Anamosa IA](#)

[EHS Administrator, Metamora IL](#)

[EHS Manager, Rockford IL](#)

[EHS Compliance Professional, Peoria IL](#)

[EHS Manager, Peoria IL](#)

[EHS Specialist, Cedar Rapids IA](#)

[Marine Safety & Compliance Coordinator, United States](#)

[EHS Manager, Bonaparte IA](#)

[Site Safety Technician, Keokuk IA](#)

[Safety & Health Superintendent, Utica IL](#)

[Intern: EHS \(summer 2019\), Rochelle IL](#)

See more job listings like these on the members' only page located at <https://jobs.assp.org/> or <http://qc.assp.org/jobs/>

OSHA Issues Final Rule on Crane Operator Certification Requirements

OSHA has published a final rule that clarifies certification requirements for crane operators, & maintains the employer's duty to ensure that crane operators can safely operate the equipment. Under the [final rule](#), employers must train operators as needed to perform assigned crane activities, evaluate them & document successful completion of the evaluations. Employers who have evaluated operators prior to Dec. 9, 2018, will not have to conduct those evaluations again, but will only have to document when those evaluations were completed.

Under the rule, crane operators must be certified or licensed, & must receive ongoing training as necessary to operate new equipment. Operators can be certified based on the crane's type & capacity, or type only, which ensures that more accredited testing organizations are eligible to meet the agency's certification program requirements.

The final rule revises a 2010 requirement that crane operator certification must specify the rated lifting capacity of cranes for which the operator is certified. Compliant certifications that were already issued by type & capacity are still acceptable under this final rule.

With the exception of the evaluation & documentation requirements, the final rule becomes effective Dec. 9, 2018. The evaluation & documentation requirements become effective on Feb. 7, 2019.

LearnEx Online Courses

LearnEx is our platform for delivering formal education programs to you entirely online. It allows for the same level of skill-building and engagement you expect in face-to-face training, without having to travel to a formal classroom. Take advantage of online interactive video lectures, virtual discussions, interactive games and scenario-based/real-world assessments to advance your understanding of safety and drive results at your organization. [View our online courses](#)

Virtual Learning

In addition to our formal online courses, we offer webinars, virtual symposia and on-demand content so you can learn about the latest issues in safety while you're at work or on the go — on your own schedule. Our [practice specialty communities](#) and [common interest group communities](#), in particular, host numerous webinars each year that target topics relevant to specific industries. [See our virtual learning courses](#)

OSHA Reveals Top 10 Violations for 2018

OSHA announced the preliminary Top 10 most cited workplace safety violations for fiscal year 2018. Patrick Kapust, deputy director of OSHA's Directorate of Enforcement Programs, presented the list at the 2018 NSC Congress & Expo in Houston, TX.

Year to year, the rankings rarely change, although this year's No. 10, "Eye & Face Protection" (1926.102) was not on the 2017 list. The Top 10 for FY 2018* are:

1. Fall Protection – General Requirements (1926.501): 7,270
2. Hazard Communication (1910.1200): 4,552
3. Scaffolding (1926.451): 3,336
4. Respiratory Protection (1910.134): 3,118
5. Lockout/Tagout (1910.147): 2,944
6. Ladders (1926.1053): 2,812
7. Powered Industrial Trucks (1910.178): 2,294
8. Fall Protection – Training Requirements (1926.503): 1,982
9. Machine Guarding (1910.212): 1,972
10. Eye & Face Protection (1926.102): 1,536

*Based on data as of Oct. 1, 2018.

OSHA Challenge Answer

A

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 activities.**

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