Human Resources and Safety Compliance for Small Entities

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OUTLINE – Safety Compliance

- OSHA Must-Haves for Cities
  - Safety Committees
  - OSHA Required Training & Policies
- Hazard Communication
- Hearing Conservation
- Respirator Program
- CIS Safety Manual
  - Reporting and Recordkeeping

OUTLINE – Human Resources

- Job Description
- Employment Application
- Employee Handbook
- Personnel Files vs Confidential Files
- Performance Evaluations

Safety Compliance for Small Entities

BEST PRACTICE

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OSHA Must-Haves

- Written policies
- Safety committees
- Safety and health programs
- Mandatory training
- Reporting and recordkeeping

All are in the CIS Safety Manual

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Safety Committees - OAR 437-001-0765

Why are they important?

OSHA requires employers to establish and administer a safety committee, or hold safety meetings to:

– Identify potential hazards in the workplace
– Review past and current incidents and accidents
– Provide an opportunity for employees to identify workplace hazards and correct them before an employee is injured or killed.

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Safety Committee vs. Safety Meeting

Safety Committee

- 11 or more employees
- If more than 20 employees, 4 members are required (minimum)
- Meet monthly
- Take and keep meeting minutes for three years
- Discuss safety concerns and any recent accidents, what caused them, how they can be prevented, and much more…

Safety Meetings

- 10 or fewer employees
- All available employees must attend, plus one employer representative who has authority to make corrective actions
- Meet monthly
- Take and keep minutes only when an employee is absent
- Discuss safety concerns and any recent accidents, what caused them, and how they can be prevented

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Safety Committee

Training Requirements:

Purpose and Operation

Hazard Identification and Controls

Principles of Accident and Incident Investigations

OSHA Required Training & Policies (Must Have if Applicable)

- Hazard Communications
- Hearing Conservation
- Respiratory Program
- Bloodborne Pathogens
- Equipment Use
- Emergency Evacuation & Procedures
- General Office Safety
- Personal Protective Equipment
- Fall Protection
- Asbestos Maintenance
- First Aid (in some cases)

- Confined Spaces
- Lock Out/Tag Out
- Forklifts
- Ladder
- Electrical
- Scaffolding
- Lead Compliance
- Welding Protection
- Flagging
- Self-Insurance Annual Report

Hazard Communication

Hazard Communication – OAR 1910.1200

Purpose:
- All chemicals produced or imported are classified
- Communicates information concerning hazards and appropriate protective measures to employees

Key components:
- Guidelines to help develop, implement, and maintain a written hazard communication program at each workplace
- List of the hazardous chemicals used in your workplace (Consumer Exemption)
- Safety Data Sheet (SDS) books
- Method employer will use to inform employees

Hazard Communication

Training Requirements:	Hazardous Chemicals in the work area	At time of hire and whenever a new chemical is introduced
	Any operation where hazardous chemicals are present	
	How to understand and use the information on labels and in safety data sheets	
	Location of Haz Comm written program, list of chemicals in work place, and SDS book	

Hazard Communication

Training Requirements (cont'd):

Methods and observations that may be used to detect the presence or release of a hazardous chemical

The hazards: physical, health, simple asphyxiation, combustible dust, and pyrophoric gas

Preventive measures employees can take to protect themselves

Hearing Conservation

Hearing Conservation - 1910.95

Purpose:
- Occupational noise exposure
- Workplace must have a hearing conservation program when employees are exposed to noise levels that are equal to or greater than 85 dBA

Hearing Conservation

▪ Employees commonly exposed:
- Police
- Firefighters
- Equipment operators
- Parks employees

Hearing Conservation

Five requirements of a hearing conservation program:

1	2	3	4	5
Perform hearing tests (baseline and annually)	Monitor noise levels	Choose appropriate hearing protection	Train your employees	Keep records

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Hearing Conservation

Annual Training for Employees:	
	1. The effects of noise on hearing
	2. The purpose of hearing protection
	3. The advantages and disadvantages of various types of hearing protection
	4. Selection, use, and care of hearing protection
	5. The purpose of audiometric testing

Respirator Program

Respirator Program - OAR 437-007-0345

Purpose:

- Workplace must have a respiratory protection program if your employees are exposed to respiratory hazards
- Program's requirements, which apply to general industry and construction employers, are established in 1910.134, Respiratory Protection

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Respirator Program Requirements

- Identify potential workplace respiratory hazards
- Provide medical evaluations to employees who use respirators
- "Fit test" respirators for employees
- Store respirators so they will not be damaged or deformed
- Train all employees prior to use

Respirator Program

Training Requirements:	Respiratory hazards to which employees are potentially exposed	
	The proper use of respirators, including:	Acceptable uses and limitations
		How to put it on and take it off
		How to inspect their respirator
		Proper storage and maintenance

CIS Safety Manual

- www.cisoregon.org/library
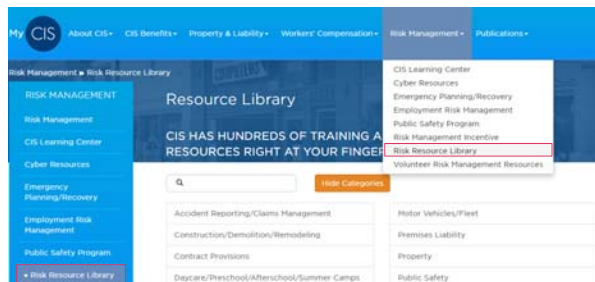
Reporting and Recordkeeping

OSHA's recordkeeping requirements:

- Employee training
- Safety committee minutes
- Equipment maintenance and testing
- Exposure monitoring
- Fit testing

- Hazard communication
- Injury reporting (OSHA log)
- Medical evaluations
- Workplace inspections
- Self-insurance annual report

HR for Small Entities

Start with…the Job Description

- Identifies job tasks & responsibilities
- Mandatory requirements
- Preferred qualifications
- Knowledge, skills & abilities
- Competencies

Job description

To be successful in his/her job…

What are the minimum qualifications needed?

What technical skills are needed?

What behavior or interpersonal skills are needed?

Job Description: Qualifications

Competencies: To perform the job successfully, an individual should demonstrate the following competencies:

Adaptability	• Adapts to changes in the work environment. Manages competing depends. Able to deal with frequent change or unexpected events; changes approach or method to best fit the situation.
Analytical:	• Synthesizes complex or diverse information – collects and researches data. Uses intuition and experiences to compliment data.
Customer Service:	• Manages difficult or emotional customer situation. Responds promptly to customer needs and to requests for service or assistance. Solicits customer feedback to improve service.
Innovation:	• Meets challenges with resourcefulness. Generates suggestions for improving work. Presents ideas and information in a manner that gets others attention.

Employment Application

▪ Remove from applications:
– Social Security numbers
– "Have you been convicted of a crime?"
– Drivers license numbers
– Year candidate graduated from high school

▪ Add to applications:
– Veterans' Preference form

Add Veterans' Preference

How a candidate shows status

▪ Fill out Veterans' Preference Form with application

▪ Attach form DD214 or DD215 (copy 4)

▪ Disabled Veteran
– Letter of designation from Veterans Administration
– Awarded the Purple Heart for wounds received in combat
– Discharged/released from active duty for a disability incurred or aggravated in the line of duty

Tool for Scoring the Application - Template

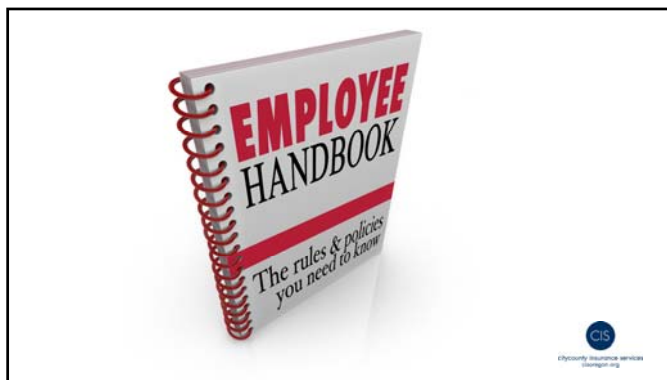Available in the Risk Management Resource Library (Employment Liability) www.cisoregon.org/Library

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Disclaimer/At-Will Language

- This handbook is not a contract, nor does it create a contract of employment

- The handbook can be revised at any time (and trumps any previous versions)
  - With or without notice?

- No one has any authority to enter into an agreement contrary to at-will employment (except in writing and signed by _____, and/or CBA)

The Handbook

Job Specific Policies
- Non-Discrimination, Harassment and Retaliation Policy
- Separate acknowledgment forms for this policy

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The Handbook

Job Specific Policies
- Drug and alcohol policy
- Separate acknowledgment forms for this policy

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The Handbook

Employee Handbook
- Workplace privacy and confidentiality
- Rules of conduct/ department rules and regulations
- Public employee ethics and reporting

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The Handbook

Employee Handbook
- Call-in procedures
- Lunch/rest breaks (hourly and non-exempt)
- Hours of work and work schedules
- Attendance policy

The Handbook

Employee Handbook
- Vacation leave benefit
- Sick leave benefit
- Employee leave request forms (vacation/comp time)
- Paid holidays
- Other leaves of absence

The Handbook

Job Specific Policies
- Crime leave policy (6 or more employees)
- Domestic leave and accommodation policy (6 or more employees)

The Handbook

Job Specific Policies

- Progressive discipline: Have a policy that spells out what your discipline could include; decide before you implement
- Verbal warning? Written warning? Last chance agreement?

The Handbook

Job Specific Policies

- Credit Card Policy and Agreement
  — Copy to employee personnel file
- DMV – Driver's License Flag Notification Policy

The Handbook

Employee Handbook

- Employee handbook acknowledge receipt
- Any other separate policy and or procedures acknowledgment forms
- File in employee's personnel file

What's in your file?

Personnel File

- Employment Application
- Conditional Job Offer Letter
- Acknowledgment Forms – Handbook, Harassment, Drug and Alcohol
- Performance Evaluations
- Formal Counseling/Discipline Documents
- Promotions & Transfers
- Personnel Action Forms (PAFs)

I-9 Binder

- All employment eligibility verification forms (I-9) and any supporting documentation
- All employees in binder in alphabetical order by last name
- Make sure forms have been completely filed out by both employee and employer and that employment eligibility has been verified

Benefit File/Payroll File

- ✓ PERS/retirement plan
- ✓ Deferred compensation
- ✓ W-4 forms
- ✓ Direct deposit
- ✓ Payroll records
  - ❑ Payroll discrepancy forms
  - ❑ Hour and payroll reports

Medical / Workers' Compensation File

- ✓ Doctors' notes
- ✓ Health certifications
- ✓ Leave documents
- ✓ Workers' Compensation documents
- ✓ Medical diagnosis information
- ✓ Medical information related to leaves of absence

Recruitment / Background Envelope

- Resume
- Letters of recommendation
- Reference checks
- Pre-employment drug test results (safety-sensitive positions only)
- Criminal background check
- DMV check

Confidential Folder

What's not on the list….

Put in confidential folder inside the personnel file

What goes where?

- Personnel file
- I-9 binder
- Confidential/Benefit – Payroll file
- Confidential/Medical – Workers' Compensation file

Elements of Performance Management

Management vs. Evaluation

Performance Management
- Ongoing
- Prospective
- Long term
- Planning and goal setting

Performance Evaluation
- Annual event
- Retrospective
- Short term
- Completing a form

Performance Management - Supervisor Responsibility

1. Day-to-day responsibility of every supervisor
2. Criteria for job performance must be set to accurately and realistically reflect the unique requirements of different positions
3. Communicate the job expectations to employees *before* the evaluation period begins
4. Supervisors should not wait for the evaluation day to give employees feedback

"Your evaluation is based on the next 30 seconds. Go!"

Performance Management - Supervisor Responsibility (cont'd)

5. Focus on **performance,** not **personality**
   - Don't use "attitude"
   - Focus on the impact of behavior on performance

6. Be specific
   - Pick words carefully – replace "good" or "excellent" with action words (excels, demonstrates, manages)
   - Use actual examples

Performance Standard Ratings

- Exceeds Expectations   10 points
- Meets Expectations   5 points
- Needs Improvement   1 point
- Not Evaluated   0 points

Performance Standards - Definitions

- <u>Exceeds Expectations</u>: Employee performance in this aspect of the job was at an overall level that exceeded the job requirements. Employee's performance was above and beyond expectation.

- <u>Meets Expectations</u>: Employee consistently performed at a level that met the requirements of this aspect of the job.

- <u>Needs Improvement</u>: Employee performed at a level that did not meet the requirements for this aspect of the job. A rating of "N" in any category may indicate that a performance improvement plan should be developed between the supervisor and the employee.

- <u>Not Evaluated</u>: The employee was not evaluated for reasons such as, no aspect of the job pertains to the employee being evaluated or there was no supervisor who has sufficient opportunity to observe employee performance during the period of this evaluation.

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Questions?

The first step to receiving an answer is being brave enough to ask a question.

— Unknown

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