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GSBE's News to Use

The Skinny on Sun Exposure

Skin cancer accounts for more than half of the cancer cases in the United States each year. And most of the more than 1 million cases of nonmelanoma skin cancer diagnosed annually in the United States are considered to be sun-related. Basal or squamous cell cancers are the most common nonmelanoma forms of skin cancer.

Most nonmelanoma skin cancers develop on sun-exposed areas of the body, like the face, ears, neck, lips, and the backs of the hands. Depending on the type, they can be fast or slow growing, but they rarely spread to other parts of the body.

Melanoma skin cancers account for over 8,000 deaths a year. Advise your employees to see their doctors early if they have any signs or symptoms of skin cancer, such as:

- Any change on the skin, especially in the size or color of a mole or other darkly pigmented growth or spot, or a new growth
- Scaliness, oozing, bleeding, or change in the appearance of a bump or nodule
- The spread of pigmentation beyond its border such as dark coloring that spreads past the edge of a mole or mark
- A change in sensation, itchiness, tenderness, or pain

Train employees to protect themselves from skin cancer by limiting their exposure to the sun. This precaution can not only prevent skin cancer, but also protect workers from sunburn, premature skin aging, and eye damage. In general:

- Avoid outdoor activities between 10 a.m. and 4 p.m.
- Stay in the shade if you are outside during the midday.
- Understand that ultraviolet (UV) rays will penetrate clouds, so it is possible to get a bad sunburn even on a cloudy day.

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- Know your risk factors for skin cancer, which include a fair complexion, family history, multiple or atypical moles, and severe sunburns as a child.

Instruct employees to take these precautions if they must be outside during peak sunshine hours:

- Use sunscreen and lip balm with a sun protection factor (SPF) of 15 or higher.
- Apply a generous amount of sunscreen (about a palmful) several minutes before going outside.
- Reapply every 2 hours as well as after swimming, toweling dry, or perspiring.
- Wear a broad brimmed hat to protect your head, ears, and neck.

Advise workers to choose proper clothing to offer further protection. Light-colored, lightweight, and loosely woven fabrics do not offer much protection from the sun. Instead, choose:

- Dark-colored clothing made of tightly woven fabric
- Sun-protective clothing that has been treated with a chemical sunblock during the manufacturing process
- A fabric with an Ultraviolet Protection Factor (UPF) rating of 50, which allows only 1/50th of the sun's UV rays to pass through. (To receive the Skin Cancer Foundation's Seal of Recommendation, sun protective fabrics must have a minimum UPF of 30.)

- Employees can also wash sun protection into their clothes with an approved laundry additive that increases the protection and lasts through 20 washings.

Make sure employees protect their eyes as well.

Advise them to read the label on sunglasses carefully.

- Wear sunglasses with 99 percent to 100 percent UV absorption to provide optimal protection for the eyes and the surrounding skin.
- Get sunglasses that block both forms of UV radiation—UVA and UVB.
- Don't assume that you get more UV protection with pricier sunglasses or glasses with a darker tint.
- Select wraparound glasses that offer side protection.

Why It Matters

- Skin cancer is the most common type of cancer; it accounts for over one-half of all cancers.
- Melanoma, the most serious type of skin cancer, will account for about 60,000 cases of skin cancer annually and about 8,000 deaths.
- Even for melanoma, if it is diagnosed early, the 5-year localized survival rate is 99 percent.

Source: www.Safety.BLR.com

Protecting Yourself in the Sun

Sunlight contains ultraviolet (UV) radiation, which causes premature aging of the skin, wrinkles, cataracts, and skin cancer. The amount of damage from UV exposure depends on the strength of the light, the length of exposure, and whether the skin is protected. There are no safe UV rays or safe suntans.

Skin Cancer

Sun exposure at any age can cause skin cancer. Be especially careful in the sun if you burn easily, spend lot of time outdoors, or have any of the following physical features:

- Numerous, irregular, or large moles.
- Freckles.

- Fair skin.
- Blond, red, or light brown hair.

Self-Examination

It's important to examine your body monthly because skin cancers detected early can almost always be cured. The most important warning sign is a spot on the skin that is changing in size, shape, or color during a period of 1 month to 1 or 2 years.

Skin cancers often take the following forms:

- Pale, wax-like, pearly nodules.
- Red, scaly, sharply outlined patches.
- Sores that don't heal.
- Small, mole-like growths—melanoma, the most serious type of skin cancer.

If you find such unusual skin changes, see a health care professional immediately.

Block Out UV Rays

- **Cover up.** Wear tightly-woven clothing that blocks out light. Try this test: Place your hand between a single layer of the clothing and a light source. If you can see your hand through the fabric, the garment offers little protection.
- **Use sunscreen.** A sun protection factor (SPF) of at least 15 blocks 93 percent of UV rays. You want to block both UVA and UVB rays to guard against skin cancer. Be sure to follow application directions on the bottle.
- **Wear a hat.** A wide brim hat (not a baseball cap) is ideal because it protects the neck, ears, eyes, forehead, nose, and scalp.
- **Wear UV-absorbent shades.** Sunglasses don't have to be expensive, but they should block 99 to 100 percent of UVA and UVB radiation.

- **Limit exposure.** UV rays are most intense between 10 a.m. and 4 p.m. If you're unsure about the sun's intensity, take the shadow test: If your shadow is shorter than you, the sun's rays are the day's strongest.

Preventing Skin Cancer

For more information about preventing, detecting, and treating skin cancer, check out these sources:

American Cancer Society

www.cancer.org

1-800-ACS-2345

Centers for Disease Control and Prevention

www.cdc.gov/ChooseYourCover

1-888-842-6355

The Skin Cancer Foundation

www.skincancer.org

1-800-SKIN-490

Source: www.osha.gov

Use Caution Near Overhead Power Lines

State Compensation Insurance Fund

Each year construction workers are killed or disabled after accidentally coming into contact with high voltage overhead power lines. It's important for the safety and life of everyone who works around these power lines, especially if operating machinery with cranes or booms, to be fully aware of their electrocution hazards.

There are steps that employers and site supervisors can take to optimize worker safety when working around overhead the power lines. First, train all workers to recognize the hazards associated with power lines. Then, insure workers comply with Cal/OSHA regulations that apply to their work situation. Workers should be instructed to assume that all power lines are energized and to keep well away from vehicles working close to the lines.

Before work begins, the site supervisors should know the location and voltage of all overhead power lines within the site area and make them known to workers. They should determine if any equipment could come into contact with the overhead lines during operation

then mark travel routes where equipment can safely move beneath the lines. As an added safety precaution, have the overhead lines de-energized during scheduled work times.

Require that machinery with cranes or booms be operated only if necessary and by workers specifically trained to do so. This machinery should be operated only if a safe, minimum clearance is maintained as regulated by Cal/OSHA. The machine operator should be moving the equipment at a slower-than-normal rate in the area of power lines and use extra caution when moving over uneven ground that could cause the equipment to weave or bob into power lines. Where it's difficult for the equipment operator to see the power lines or see the clearance during machine movement, a person should be positioned whose only responsibility is to watch the clearance and give immediate warning to the operator when the equipment comes close to the limits of safe clearance.

It also makes good sense for the safety of those who work around high voltage overhead power lines that they be trained in cardiopulmonary resuscitation (CPR) and have a quick way of calling for or getting help if a power line accident occurs.

Federal Contractor and Subcontractor Notice

Beginning on June 19, 2010, federal contractors and subcontractors that enter into new federal contracts, subcontracts, or modifications to existing contracts on or after that date will be required to post a government notice informing employees of their rights under the National Labor Relations Act (NLRA). Executive Order 13496 and the Notice are intended to promote collective bargaining and union organizing activity.

The Required Notice

The DOL-created Notice that must be used by all employers who hold federal contracts or subcontracts at any level advises employees of their rights under the NLRA. The right to form, join, and assist labor unions; to bargain collectively through a representative of their choosing; to discuss terms and conditions of employment with co-workers as well as unions; to strike, picket and engage in other forms of concerted activity along with their co-workers; and to refrain from engaging in any of these activities. It also lists examples of the types of actions by employers and by unions which are prohibited by the NLRA and directs employees to the National Labor Relations Board (NLRB) if they believe any of their rights have been violated.

Which Employers Are Affected

Executive Order 13496's posting requirement will apply to all federal government contracts and subcontracts for the purchase, sale, or use of personal property or non-personal services, with only limited exceptions. Excluded are government contracts under \$100,000, subcontracts of \$10,000 or less, and contracts and subcontracts for work performed exclusively outside the United States. Contractors and subcontractors excluded from the definition of "employer" in the NLRA are not subject to the requirements.

How and Where to Post

Covered contractors and subcontractors must post the Notice in "conspicuous places" throughout their workplaces, including all areas where notices concerning terms and conditions of employment are posted and where they will be readily seen by all

employees. Physical posting of the Notice will not be sufficient for an employer that regularly uses an intranet, the Internet or other electronic forms of communication to communicate with employees concerning terms and conditions of employment. The regulations provide that if an employer customarily posts notices to employees electronically, the Notice must be posted both electronically and physically in the workplace. Where a significant portion of an employer's workforce at a given location is not proficient in English, the employer must also provide the Notice in the languages the employees there speak. The language mandate applies both to the physical posting and the electronic posting requirements. The DOL has made the Notice available in a number of languages.

Contractors and subcontractors may request posters from an Office of Labor-Management Standards or OFCCP field office. Notices are available for download from www.dol.gov/olms/regs/compliance/posterpg.htm.

What Should Employers Do?

There are a number of steps we recommend that employers take at this time:

- A thorough review of any federal contracts or subcontracts that may be in effect or will soon take effect at any of their operations.
- Ensure workplace policies and practices are in compliance with the Act's requirements.
- Ensure that supervisors and managers are aware of the Act's provisions and what types of employer actions are permitted and prohibited under the NLRA.
- For organizations and facilities where employees are not represented by unions, employers should assess their employment practices and procedures as many predict more organizing will result from the Order.
- Talk with your CEA Regional Director about this new law and how it affects you. CEA has a Union Avoidance training that you may find of benefit for your supervisors and managers.

Source: www.dol.gov

Healthcare Reform Happened— Now What?

Whatever you felt about it, the Patient Protection and Affordable Care Act—arguably the most far-reaching piece of social legislation in the last several decades—is now law. Employers around the country—including BLR—are scrambling to figure out what the upcoming changes mean.

It's a huge challenge because federal regulators haven't yet written the rules implementing the new law. What is clear is that we're in for some big changes to our healthcare benefits, from an extension of dependent coverage and a ban on annual and lifetime coverage caps to limits on flexible spending account distributions—as well as penalties if you fail to provide the right coverage to your workers.

Don't sit back thinking you don't have to worry until 2014. That's true for some provisions—but others go into effect as early as this fall.

For example:

Dependent coverage. Beginning in 6 months, health plans that provide dependent coverage will be required to provide it up to age 26. In addition, the legislation prohibits health plans from excluding coverage of preexisting conditions for children. This provision is effective 6 months after enactment and applies to all employer plans and new plans in the individual market. This provision will apply to all people in 2014.

Ban on lifetime limits. Effective 6 months from enactment, the law prohibits insurers from imposing lifetime limits on benefits.

Ban on discrimination based on pay. Beginning 6 months after enactment, the law prohibits new group health plans from establishing any eligibility rules for healthcare coverage that have the effect of discriminating in favor of higher wage employees.

Tax credits for small employers. Beginning in 2010, tax credits of up to 35 percent of premiums will be available to firms that choose to offer coverage. The full credit will be available to firms with 10 or fewer employees with average annual wages of \$25,000, while the larger of small employers will see smaller tax credits. In 2014, tax credits will be up to 50 percent of premiums for the smallest employers.



Some of the provisions taking effect in 2014:

Employer healthcare responsibilities. Beginning in 2014, the legislation will require an employer with more than 50 full-time employees to pay \$2,000 per employee if the employer fails to offer health coverage and has at least one full-time employee receiving a premium assistance tax credit or cost-sharing reduction created by the legislation. The first 30 employees of the employer will be excluded from the calculation of the penalty. Therefore, an employer with 70 employees that fails to offer insurance would pay a penalty of \$80,000.

Ban on annual limits. In 2014, the use of annual limits will be banned for new plans in the individual market and all employer plans. Before that ban goes into effect, there will be restrictions on annual limits for new plans in the individual market and all employer plans.

Tax on “Cadillac” plans. Beginning in 2018, there will be an excise tax on any “excess benefit” of employer-sponsored coverage. The legislation defines “excess benefit” as one that exceeds \$10,200 for individual coverage and \$27,500 for family coverage. The thresholds will be indexed to inflation.

Insurance exchanges. Under the law, states will create insurance exchanges that will be operational by 2014. The exchanges will be open to both eligible individuals and some employers. Before 2017, they will be open to employers with 100 or fewer employees only. Beginning in 2017, each state will be allowed to open up the exchange to larger employers.

Source: www.SafetyBLR.com

What Everybody Ought to Know about OSHA's Fire Extinguisher Requirements

Providing an adequate number of properly maintained portable fire extinguishers and training your employees to use them could save your organization from experiencing dramatic losses from a fire.

The requirements of OSHA's portable fire extinguisher standard (29 CFR 1910.157) apply to all employers, with two exceptions. The first exception applies if you have a written fire safety policy that requires all employees to evacuate immediately when the fire alarm sounds, and you have met the requirements of 29 CFR 1910.38/39 (emergency action and fire prevention plans). In this case, if you choose not to provide fire extinguishers for employees to use, the requirements of Section 1910.157 do not apply.

Of course, local fire codes and the terms of your insurance policy are likely to require the presence of fire extinguishers anyway. But if you don't expect employees to use them—at all, or ever—then you don't have to comply with OSHA's fire extinguisher regulations (unless some other standard in the general industry or construction regulations requires you to provide portable fire extinguishers).

The second exception applies if you designate and train only certain employees to use fire extinguishers (for example, fire brigade members). In this case, you do not have to meet the selection and distribution requirements of Section 1910.157(d). In other words, under these circumstances, you do not have to follow OSHA's rules for selecting specific types of fire extinguishers and positioning them around your facility. You can locate extinguishers where they will be most accessible to your designated emergency responders.

Again, local fire codes and the requirements of insurance carriers will likely affect the placement of extinguishers in your facility.

Key Requirements

If neither exception applies, you must meet the requirements of the standard, which include the following key points:

- Fire extinguishers must be located where they are easily accessible to employees.
- They must be maintained in fully charged and operable condition at all times.
- Extinguishers must always be kept in their designated place except when being used.
- They must be selected and distributed around your facility based on the classes of fires that may occur in each work area.
- They must be located so that travel distance to an extinguisher meets the requirements of the standard (75 feet for Class A fire extinguishers, 50 feet for Class B extinguishers, 50-75 feet for Class C extinguishers, and 75 feet for Class D extinguishers).
- All fire extinguishers in your facility must be visually inspected once a month.
- All fire extinguishers must have an annual maintenance check.
- Alternative equivalent protection must be provided whenever a fire extinguisher is removed from service for maintenance.
- Hydrostatic testing on extinguishers must be performed by trained personnel with suitable testing equipment according to the schedule contained in Table L-1 of the standard.
- You must maintain records of hydrostatic testing that include the date of the test, the signature of the person who performed the test, and the serial number of the extinguisher.
- All employees who are expected to use fire extinguishers must be trained in the principles of extinguisher use and the hazards involved.

Source: www.Safety.BLR.com



What is an Equitable Easement

By Sam K. Abdulaziz
Abdulaziz, Grossbart & Rudman

This is a case that goes back many, many years. In 1891, the United States divided a huge track of land into ten parcels. The U.S. retained parcel one but sold the other parcels to Thomas Bush (I am not sure if that is any relation).

Francis Griswold obtained the parcels in 1943 from Bush. A public road called San Marcos Road, gave access to parcels two through ten. In 1947, Griswold obtained a special use permit (SUP) from the U.S. for a roadway over parcel one to access San Marcos Road. The SUP allowed a 66 foot wide right of way.

In 1949, Robert Hyde obtained the parcels and the SUP was reissued in his name. In 1976, Hyde conveyed his parcels to several different parties and each used the roadway to access San Marcos Road. Michael Linthicum acquired parcel one from the U.S. in the year 2000. Linthicum sought to block access to the roadway, as alternative routes could be developed to access San Marcos Road.

The trial court found “Equitable Easement” as the roadway was the “only possible access way” and no

other feasible alternative existed. An equitable easement is an implied easement arising when a large piece of land is subdivided into adjacent pieces.

This claim was affirmed in part. The Appellate Court stated an Equitable Easement may be created if the encroachment was not the result of defendant’s willful act. Further, the Plaintiff must not suffer irreparable injury by the encroachment and hardship to the defendant and it must not be greatly disproportionate to the hardship to the plaintiff.

The court agreed with the trial court that the encroachment was not the result of a willful act by the defendants. Further, there was no feasible alternate route to access San Marcos Road and Linthicum would not be foreclosed from fully developing his parcel.

The balance of hardships weighed in favor of the defendants as an injunction would have denied defendant’s access to their homes.

The trial court had a legal and factual basis to find an “Equitable Easement” along a roadway over plaintiffs’ property where that roadway was the only possible access way to the defendant’s parcels. An alternative access could not be developed and plaintiffs would not be deprived of the full use of their property.

OSHA Recordkeeping Requirements Giving You a Headache?

Because there are so many possible situations involving occupational injuries and illnesses, OSHA’s recordkeeping rules can often be confusing. This article features some frequently asked questions about recordkeeping requirements.

What are the requirements about saving OSHA injury and illness records?

The OSHA 300 Log, the privacy case list (if one exists), the annual summary, and OSHA 301 Incident Report forms must be saved for 5 years following the end of the calendar year these records cover.

Do I have to update the OSHA 300 Log during the 5-year storage period?

Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information. You are not required to update the annual summary.

When do I have to provide access to the OSHA 300 Log?

You must give the employee or representative requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

May I charge for the copies?

No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative?

No, you must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases."

What are the requirements for reporting fatalities and multiple hospitalization incidents to OSHA?

All employers, even in exempt industries, must report to OSHA within 8 hours after the death of any employee or the in-patient hospitalization of three or more employees as a result of a work-related incident. You must orally report the fatality/multiple hospitalization by telephone or in person to the OSHA Area Office that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 1-800-321-OSHA.

Must I record an injury or illness occurring to a contractor's employee working in my establishment?

It depends on who supervises that employee. If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you

supervise the contractor's employee's work on a day-to-day basis, you must record the injury or illness. The same is true for temps.

What if our company has multiple business establishments?

You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

How do I record a work-related injury or illness that results in days away from work?

You must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the "number of days" column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away and update the day count when the actual number of days is known.

Note: Begin counting days away on the day after the injury occurred or the illness began. Also count the number of calendar days the employee was unable to work as a result of the injury or illness including weekend days, regardless of whether the employee was scheduled to work on those day(s).

Source: www.Safety.BLR.com

Machine Accidents? Don't Blame the Machine!

Machines are incredibly useful tools. But, like all tools, they must be used safely to prevent injury. Train employees to operate machinery safely and prevent machine accidents.

The list of possible machinery-related injuries is long and bloody. It includes severed fingers, crushed hands, amputated arms, severe cuts, and other damage too horrible to mention. Sometimes workers are even killed by machines.

But it's no use blaming machines for accidents!

The responsibility for preventing machine accidents and injuries lies with workers who don't recognize the hazards, who take risks, or who are simply careless, and with management if it doesn't train machine operators properly,

strictly enforce machine safety rules, and maintain machinery in good, safe condition.

Simple Rules Prevent Accidents

Make sure your machine operators always follow these basic safety rules:

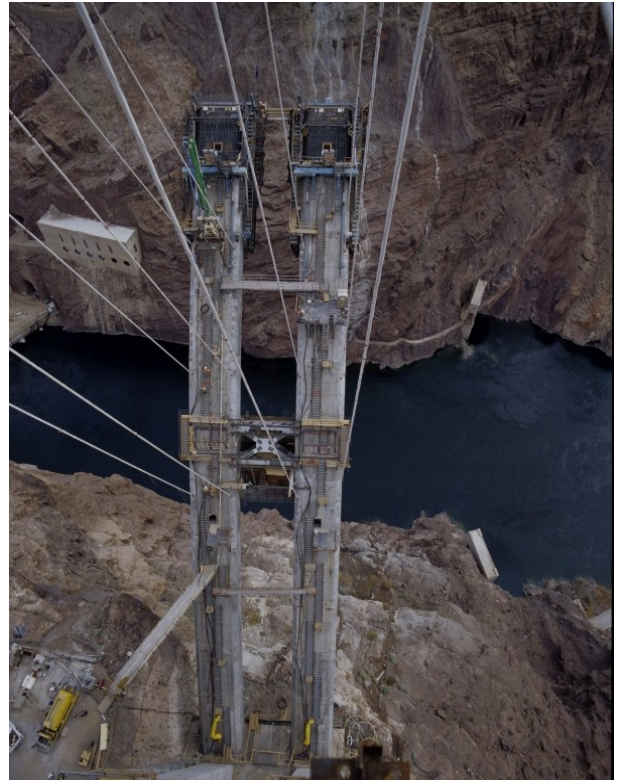
- Check that guards are in place at all points where you could contact moving parts before turning the machine on. Never use a machine with missing or malfunctioning guards.
- Be aware of how to turn power on and off if you should have to do so quickly.
- Read the manufacturer's instructions on how to operate the machine safely and correctly—and follow those instructions.

- Pay attention to training on how to use machines properly and use them according to what you're taught.
- Feed material into the machine with push sticks, not your hands.
- Find a comfortable working position to minimize fatigue.
- Take it easy. Rushing through a job is one of the major causes of accidents.
- Pay attention. Machines are very powerful and they'll run away from you if you're not alert.
- Check machines before use. If anything seems to be

missing or not working properly, report it.

- Make sure maintenance is performed when required. If you think your equipment might have missed its scheduled maintenance, let your supervisor know.
- Use lockout/tagout procedures when a machine needs repair or maintenance. Turn the machine off and lock out the power so that no one can start it up until the lock is removed.
- Check machines after repair or maintenance to be sure that guards are in place.

Source: www.Safety.BLR.com



**Hoover Dam Bypass
Construction Photos Provided
by Federal Highway
Administration, Central Federal
Lands Highway Division.
www.hooverdambypass.org**