



PRECONS — October 17, 2018

Foundations of Cal/OSHA Compliance: Strategies That Every Safety Professional Needs to Know

8:30 a.m. - 11:30 a.m.

Presented by: Andrew J. Sommer, Conn Maciel Cary LLP

California's Division of Occupational Safety and Health (DOSH) is perhaps the most aggressive and enforcement heavy approved state OSH Program in the nation. In the last reported year, DOSH has found 93 percent of the businesses that were inspected out of compliance and issued citations totaling over 2,700 violations. With fewer political obstacles, California is able to develop new rules at a faster pace than fed OSHA, resulting in various complex reporting, training and other related requirements for California employers. The Agency's inspection and appeal process presents additional challenges. This interactive workshop will cover the fundamentals of how Cal/OSHA is organized, the basics of Cal/OSHA reporting and how it differs from recording, and what to do in advance of and during a Cal/OSHA inspection to minimize the risks of high-cost citations. This session will also cover the nuts and bolts of the Cal/OSHA appeals process and key strategic considerations for obtaining the best outcome in appealing citations.

This session will address:

- The top Cal/OSHA violations and enforcement trends—and how they compare and contrast with fed OSHA
- A review of Cal/OSHA's Repeat violation rule and penalty structure
- Cal/OSHA inspection focus areas that could apply to your organization
- Pointers for identifying and preparing for site-specific and unexpected OSHA inspections
- Employer goals for managing an OSHA inspection
- California's unique standards concerning notices of intent to issue Serious violations (1BY)
- *Tips for navigating the Cal/OSHA appeals process*

Lunch on your own

11:30 a.m. - 1:00 p.m.

Conducting Effective and Compliant Cal/OSHA Safety Training

1:00 p.m. - 4:00 p.m.

Presented by: Dave Galt, BLR

Are you responsible for training employees or developing training materials for your organization? If so, this session is for you. In this hands-on workshop, attendees will learn the employee safety training content and delivery methods Cal/OSHA requires or allows, including eLearning, microlearning, hands-on, methods to verify competence, and other emerging technologies and delivery methods, as well as what qualifications trainers must have.

In addition, participants will learn about instructional design approaches to learning and content delivery techniques, and the context where each method is most effective. These approaches will be evaluated in the context of online and mobile elearning, classroom instruction, hands-on, verification of competence, and what Cal/OSHA considers acceptable.

The workshop will include several scenarios of how training content and delivery methods are measured for effectiveness and compliance. Attendees should bring own samples of training content and delivery systems for group discussion and evaluation.

By the end of the workshop, you will have learned:

- How your training programs measure up to Cal/OSHA's IIPP and regulatory-specific training topics
- The most common Cal/OSHA training compliance mistakes and how to correct them
- Core instructional design and training delivery principles
- Essential (and required) 5 elements of a compliant and effective safety training program
- What to do before and after training to enhance learning effectiveness and verify competence
- Tips to motivate difficult or reluctant learners
- Emerging learning methods and technologies (microlearning, LMS, virtual classroom)
- The correct types of documents and records to keep

DAY 1 — October 18, 2018

Registration & Breakfast

7:00 a.m. - 8:00 a.m.

Welcome Remarks

8:00 a.m. - 8:05 a.m.

Safety in California: The Latest Updates Impacting Compliance and Management

8:05 a.m. - 9:35 a.m.

Presented by: Don Dressler, CalWorkSafety, LLC

What are the top safety compliance priorities for the Division of Occupational Safety and Health, the Appeals Board, and the Standards Board here in California? What new regulations can we expect and how will they impact your business? You'll get answers to these questions and more. Cal/OSHA 2018 kicks off with critical updates on new court rulings, policy initiatives, regulatory enforcement, and training requirements under federal OSHA and Cal/OSHA.

Refreshments and Networking Break

9:35 a.m. - 9:55 a.m.

Fall Protection in California: Current Requirements and What to Expect with Future Rulemaking

9:55 a.m. - 10:55 a.m.

Presented by: Aaron Gelb, Conn Maciel Carey LLP

It is no secret that Cal-OSHA often promulgates regulations applicable to general industry, agriculture and the construction trades that exceed the requirements imposed by federal OSHA. When it comes to fall protection and walking-working surfaces, California once again leads the way. Whether you operate exclusively in California or have operations in a number of states including California, it is imperative that you understand what must be done to comply with the various Cal-OSHA safety orders regarding fall protection and walking-working surfaces. The depth and breadth of these regulations is such that your obligations may vary depending on whether you are an agricultural employer harvesting date palms, a roofing contractor covered by the Construction Safety Order, a manufacturer with catwalks above the production area, or a distribution center owner whose employees work at heights when picking orders.

Attendees of this program will:

- Learn about Cal-OSHA requirements regarding guardrails, wall and floor openings, staircases, means of egress and exit, fall protection systems, as they apply to a variety of different work areas
- Understand how Cal-OSHA's safety orders governing fall protection and walking-working surfaces differ from those enforced by federal OSHA
- Gain insight into Cal-OSHA's plan to revise its regulations to align the regulations with the federal OSHA's revised Walking Working Surfaces Standard
- Receive tips for maintaining safe working-walking surfaces and utilizing proper fall protection.

The ABC's of Implementing an Effective Ergonomics Program that Minimizes RMI's

11:00 a.m. - 12:00 p.m.

Presented by: Joy Boese, E3 Consulting Corporation

In today's fast paced work environment, employees are required to do more work in less time, resulting in a higher risk of repetitive motion injuries and lost work days. In this session you will learn how a Fortune 500 California based company implemented a cost-effective ergonomics program that was able to comply with the Cal-Osha 5110 guidelines.

Learning Objectives:

- How to design an effective ergonomics program that complies with Cal-Osha 5110 guidelines.
- How & when to conduct a job/workstation evaluation to reduce the hazard and/or risk
- What type of ergonomics training is required to be within compliance
- Understand how this California company was able to maintain their ergonomics program

Lunch (provided)

12:00 p.m. - 1:00 p.m.

Heat Stress: Protecting Your Employees and Complying with California's Strict Requirements

1:00 p.m. - 2:00 p.m.

Presented by: Allen Pruitt, Portacool, LLC

Cal/OSHA requires business owners in California with workers that are directly impacted by hot, outdoor working conditions to comply with Title 8 Section 3395 of the California Code of Regulations – Heat Illness Prevention. Providing water, scheduling rest breaks and providing shaded cool-down and recovery are givens; however, in order to fully protect workers and comply with regulations, employers must go beyond the basics.

In this session, best practices to combat heat stress will be shared, including:

- Training strategies for active, daily participation
- Tangible, onsite tools for effective “cool-downs”
- Tips for allotting time & planning around acclimatization

Workers Comp and Return to Work: The Need-to-Know Requirements and Best Practices to Be Compliant and Get Employees Back to Work Safely

2:05 p.m. - 3:05 p.m.

Presented by: Andrew J. Sommer, Conn Maciel Cary LLP

When an employee is injured or suffers an illness, whether or not the cause is occupational, it's important for the safety and HR teams to evaluate when, and in what capacity, the worker can return to work, whether to full duty or with light duty restrictions or other accommodations. By returning the worker to duty sooner, you may reduce workers' compensation exposure in the event that the employee's condition is due to an industrial injury or occupational exposure to a harmful agent. But, on the other hand, if an employee returns to work too soon, he or she may be at risk for re-injury. Plus it's important to balance your organization's practical considerations with your legal obligations and rights under California and federal law.

This intensive session is designed to walk you through the return-to-work process here in California, so you're prepared to deal with potential challenges associated with administering fitness for duty examinations and providing accommodations.

You'll learn:

- When a fitness for duty examination should be requested

- The types of medical information available to employers and what's off limits
- How to tell if a worker is or is not eligible to return to work
- Your obligation to grant reasonable accommodations under the state's Fair Employment and Housing Act and Americans with Disabilities Act
- Legal strategies for managing injured or sick employees' return-to-work
- Requirements under the California Family Rights Act including the granting of medical leaves of absence and medical privacy concerns

Refreshments and Networking Break

3:05 p.m. - 3:25 p.m.

Preventing Workplace Violence in California through Hazard Assessments and Training

3:25 p.m. - 4:25 p.m.

Presented by: Hector Alvarez, Alvarez Associates

State law now requires a broad range of California healthcare facilities to have comprehensive plans to protect employees from workplace violence. While Section 3342, Title 8 of the California Code of Regulations is specific to healthcare, a General Industry WPV standard is currently in the development process; Cal/OSHA has a renewed focus. How do these standards impact IIPP requirements for employers to protect their employees from violence?

The goal of this presentation is to increase awareness and understanding of the potential for violence and more importantly to review strategies to prevent or mitigate incidents of violence from occurring in the first place.

- Review CA Laws regarding Workplace Violence
 - Healthcare Standard (effective April 2017)
 - Proposed General Industry Standard
- Recognizing and responding to the warning signs of violence
 - 4 recognized categories of violence
 - Threat Assessment 101
- Strategies and resources for keeping the workplace safe
 - Leveraging facility vulnerabilities assessments
 - Identifying current practices vs. "best" practices

The Latest Top Cal/OSHA Violations and Trends in Cal/OSHA Enforcement

4:30 p.m. - 5:15 p.m.

Presented by: Josh Henderson, Seyfarth Shaw LLP

Cal/OSHA continues to pose operational and compliance challenges for employers. Inspections are becoming more burdensome and Serious Citations are trending up. These challenges will only continue as Cal/OSHA considers and implements new general and industry-specific safety orders.

Meanwhile, enforcement initiatives are bringing a new focus on particular industries. Is your business under enhanced scrutiny?

This session will describe these trends and other regulatory developments under Cal/OSHA, and discuss recent, important decisions from the Cal/OSHA Appeals Board. A discussion of best practices and practical solutions will make for a lively and informative session.

DAY 2 — October 19, 2018

Breakfast

7:15 a.m. - 8:00 a.m.

Breakfast and Learn

7:30 a.m. - 7:45 a.m.

Injury and Illness Plans in California: Strategies to Comply with Cal/OSHA's Most Violated Standard

8:00 a.m. - 9:10 a.m.

Presented by: Laurie Knape, ASP, CSP, CLCS, Avetta

California law requires employers to develop and implement written and effective illness prevention plans (IIPPs) for general industry. Although this a mandatory requirement, year after year, it continues to be Cal/OSHA's most violated standard. What makes this compliance requirement so challenging to meet? In this session, we will discuss how to create and develop a program that is effective in educating and empowering all employees in reducing or eliminating accidents and incidents through the use of risk assessment, employee engagement and communication, and active leadership support and involvement.

Networking Break and Raffle

9:10 a.m. - 9:30 a.m.

Planning for the Unforeseen Crisis: Emergency Preparedness in the Golden State

9:30 a.m. - 10:30 a.m.

Presented by: Matt Hochstein, Hagerty Consulting

Rebuilding following a catastrophic or major event is a significant undertaking requiring dedicated resources. California faces many potential catastrophic threats to include earthquakes, wildfires and floods. One of the most effective ways to limit the impacts of an event on an organization or business is to conduct holistic post-disaster recovery and redevelopment planning prior to an event. A Post Disaster Recovery and Redevelopment plan requires a long-term recovery vision and expand thinking beyond addressing the immediate needs created by the event to re-creating a more resilient organization. This includes an understanding of what resources are available to businesses to assist in the long-term

recovery. This discussion will be focused on identifying a framework to develop a Post Disaster Recovery and Redevelopment plan as well as available resources to build into that planning effort.

Post-Accident Drug-Testing and Safety Incentive Programs: How to Comply with OSHA's 'Reasonable' Reporting and Anti-Retaliation Provisions

10:35 a.m. - 11:50 p.m.

Presented by: Danielle Hultenius Moore, Fisher Phillips

OSHA's 2016 final rule updated requirements for reporting work-related injuries and illnesses, which also included a new provision that explicitly addressed retaliation for reporting incidents. OSHA has also released a memo addressing an employer's obligation to have reasonable procedures in place for employees to report injuries and illnesses without fear of retaliation. Cal/OSHA is required to adopt a substantially similar regulation, so California employers should become very familiar with the federal rule's provisions. This session will cover your compliance obligations concerning post-incident drug and alcohol testing and incentive programs—and will help you understand when you could be at risk for violating the anti-retaliation provision of the rule, according to OSHA's recent memo.

-Conference Adjourns-