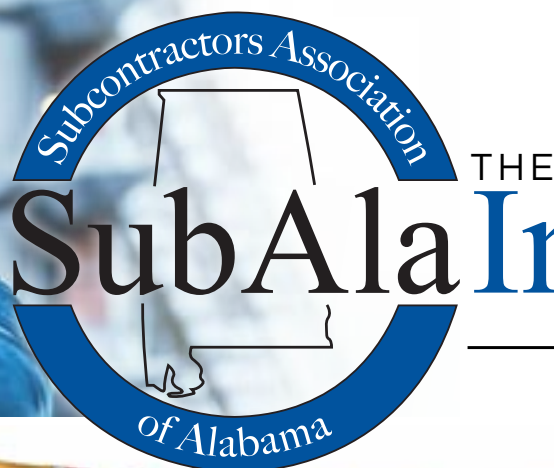



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SPONSORSHIP OPPORTUNITIES

We are grateful to our friends who are willing to sponsor the 2024 SubAla & WorkersFirst Convention. We are thankful for your interest in supporting us. Without the generous financial support of all our sponsors, we would not be able to host this type of first-class event.

PLATINUM \$2,500 and up

- First time sponsor receives free Subcontractors Association of Alabama membership through December 2024
- First time sponsor receives one free individual convention registration for sponsor or its employee.
- Sponsor will be “Named Sponsor” for all convention door prizes.
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- Sponsor will be listed by level in convention programs and signage, future SubAla quarterly newsletter, association membership directory, and be listed on SubAla website.
- Opportunity to set up a vendor booth at the convention reception (Limited availability).

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If you have any questions feel free to contact Jenny Davis at Jennifer@subala.org or call our office (205)981-0086. We hope you are able to join us this year!

2024 MEET THE GCs EXPO

What a fun night! On March 7th at Events at Haven, we hosted general contractors, subcontractors, vendors, and suppliers from all over the southeast to come build their industry relationships. The event showcased 20 general contractors, 16 industry vendors and suppliers, and rentable industry equipment. The Expo was made possible by our generous sponsors, general contractors, and vendors. We greatly appreciate your support!

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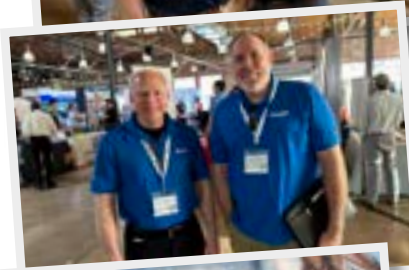
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SAFETY BUZZ

Let's review a case and appreciate the value of thorough post incident investigation (root cause analysis). The case and findings in this instance were determined via the WorkersFirst Immediate Response Program (IRP). The IRP is initiated the moment a critical injury is reported. For reference, the most common IRP cases involve falls, the unexpected release of hazardous energy and/or chemical exposure. Let us review the latest case and the primary findings:

CASE BACKGROUND

A roofer is contracted to reroof a metal roof. The slope is 6 on 12. (Please note that the old roof is to remain intact with the new roof installed on top)

THE INCIDENT

An inexperienced and young roofer steps backwards onto an unmarked and unguarded molded skylight. The fall to the concrete floor below was approximately fifteen feet.

THE OUTCOME

Multiple injuries requiring emergency care and a level 1 trauma center.

INVESTIGATION SPECIFICS

Robert Moore, Loss Control Manager, arrived at the site prior to the commencement of work. The contractor's staff is aware of his presence, and Robert is operating under the understanding that safe-work practices are normally exceptional after a significant incident or injury. He reviewed the location and circumstances of the incident with the crew's supervisor. He noted that the remaining skylight on the rook has been guarded. Please note: The investigation took place the following business day after the incident was reported.

OBSERVATIONS

The entire crew properly dons their harnesses and task-specific PPE at their trucks. The crew sets up the ladder on stable ground, at the correct angle, three feet above the leading edge and firmly ties it off. And then the issues came into focus. Each member of the 7-person crew ascended the ladder and walked to their work area to install anchors and tie-off. Please remember that the significant incident is recent and the crew is aware that Robert is observing their safe-work practices.

THE ISSUES

The crew either does not understand how to achieve and maintain 100% tie-off standard while on the roof or they have become complacent on a moderately sloped roof.

GIVENS

We have a crew working for a reputable commercial roofing company with appropriate safety-related training programs, policies and procedures. The crew has been outfitted with the gear they require to safely perform the work.

THE SOLUTIONS

Through regular audits, observations, and investigations your company must address complacent behavior. The need for retraining your employees is vital if the initial safety training was ineffective and employees simply won't follow safe-work practices.

Please remind your seasoned staff that rookie workers are watching and modeling their behavior. In this instance, the injured worker was very lucky to survive.

Robert Moore | Loss Control Manager
WorkersFirst Compfund
(334) 322-9497 | robert@workersfirst.net



After a Long Warm-Up, OSHA’s Proposed ‘Walkaround Rule’ Gets OIRA’s Final Approval to Run (in the *Federal Register*)

March 22, 2024

By John D. Surma, James J. Plunkett, and Savannah M. Selvaggio

A yearslong saga seems to be coming to an end now that the Office of Information and Regulatory Affairs (OIRA) has completed its review of the Occupational Safety and Health Administration’s (OSHA) “walkaround rule,” 29 C.F.R. 1903.8(c).

The OIRA website was updated to indicate that the review was completed on March 21, 2024. Finalization of the rule is imminent and the rule will go into effect thirty days after it is published.



Quick Hits

- OSHA's "walkaround rule" has been approved by OIRA for finalization.
- The rule allows third parties, potentially not connected with the workplace, to accompany a CSHO during the inspection process/facility walkaround, if the CSHO considers such parties "reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace."
- The rule will take effect thirty days after its publication in the *Federal Register*.

The rule (more accurately a *rule change*) is intended to accomplish the following purpose, according to OSHA:

This rulemaking will clarify the right of workers and certified bargaining units to specify a worker or union representative to accompany an OSHA inspector during the inspection process/facility walkaround, regardless of whether the representative is an employee of the employer, if in the judgment of the Compliance Safety and Health Officer such person is reasonably necessary to an effective and thorough physical inspection.

The modification of the rule is subtle, yet it will have substantial impact. It will allow all manner of third parties, whether employed by the employer subject to the inspection or not, to participate in the inspection if the compliance safety and health officer (CSHO) thinks good cause is shown as to why their participation is reasonably necessary. The change includes the addition of just eleven words:

(c) The representative(s) authorized by employees **may be an employee of the employer or a third party**. When the representative(s) authorized by employees is not an employee of the employer, they may accompany the Compliance Safety and Health Officer during the inspection if, in the judgment of the Compliance Safety and Health Officer, good cause has been shown why their participation is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace (e.g., because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language skills). (Emphasis added.)

This modification will likely complicate future OSHA inspections by allowing third parties, potentially not connected with the workplace, to be part of the inspection process and by introducing contentiousness related to a CSHO's decision to permit Third Party A to participate while excluding Third Party B. Nonemployees allowed to enter the workplace and access information otherwise not available and to develop relationships could facilitate organizing campaigns, political activity, and litigation. The rule also raises the question of whether OSHA would consider it reasonably necessary that these third parties be permitted to

participate in OSHA's private interviews with employees and have access to the management interviews. This potential increase in access to information would not only impact campaigning, litigation, and potentially adverse political activity, but (as history has shown) it would also have a direct impact on the number of OSHA complaints raised in a workplace.

In anticipation of the implementation of this rule, employers may want to evaluate whether their protocols and procedures for dealing with an OSHA inspection are current and sound. Employers might also consider what they will do in the event a third party accompanies a CSHO for the purposes of an inspection and whether there is merit in compelling the CSHO to secure a warrant before entry is allowed, if there are questions about the legitimacy of that third party's participation. Similarly, employers may want to prepare for an uptick in organizing activity after an OSHA inspection where a third party was present.

Ogletree Deakins' [Workplace Safety and Health Practice Group](#) will continue to monitor developments and will publish updates on the [Workplace Safety and Health](#) blog as additional information becomes available.

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