



St. Louis Chapter Newsletter March 2019



Next Meeting

Professional Development Conference

Monday, March 4, All Day

Professional Development Conference Joint conference with the American Industrial Hygiene Association (AIHA) to bring you high quality training at the best price. CEU's will be awarded.

Location:

AMEREN Headquarters
1901 Chouteau
Saint Louis, MO 63101

Time:

8am – 5pm

Register:

<https://2019-pdc.eventbrite.com>

Coming Up

Monday, April 8, Lunch Meeting

Topic: Defensive Communication. Speaker Mary Sue Love, Ph.D, Associate Professor SIU-Edwardsville

Saturday, May 11, 1pm to 5pm

Social Event – Bring a friend or come alone to Wild Sun Winery to spend an afternoon socializing with other safety professionals and enjoying the sure-to-be good weather. See the flyer on page 4!

Monday, May 13, Lunch Meeting

Employment Law with Speaker James Paul SHRM SCP Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Review of some of the regulations that govern the workplace.

June 14th - ASSP Scholarship Golf Tournament Fundraiser

Grab some friends and hit the links to support students around the area. Register [early online](#) or see the flyer below.

In This Issue

Page: 2	Professional Development Conference Flyer and Agenda Register
Page: 4	ASSP Social Event Flyer
Page: 5	June Scholarship Golf Flyer Register
Page: 7	Guest Article from Chris Archer
Page: 9	Electronic OSHA Reporting by Bill Kincaid, PE, CSP, CET
Page: 11	Annual ASSP Meeting Calendar
Page: 12	Job Opportunities Link, Board Member Contacts

WISH Event - Thursday, March 28th

Women In Safety and Health business meeting from 4 - 4:30pm and Networking from 4:30 – 6:30pm

The Post: 763 Old Ballas Rd. Creve Coeur, MO 63141

For more information contact: Patte Ackermann – 314-346-3079 or ackermapp@ssm-select.com or JaNola Rigsby – 314-267-2624 or jrigsby@qualsafesolutions.com



PROFESSIONAL DEVELOPMENT CONFERENCE MARCH 4th, 2019



Early Bird
Registration only
\$100
until Feb 4th!

Who should attend?

Safety Professionals, Industrial Hygienist, Loss Control Specialist, Emergency Responders, Public Health Professionals & Students.

**SPECIAL
OFFER**



AIHA & ASSE
Professional
Development
Conference

Register here:
2019-pdc.eventbrite.com



Unemployed members of
ASSE or AIHA get free admission!

ABOUT THE PDC:

A cooperative effort between AIHA St. Louis Local Section and ASSE Saint Louis Chapter to provide great educational opportunities locally to stay on top of the ever changing geography of the EHS fields. We keep the cost low to allow as many to attend as possible.

WHY CHOOSE THE PDC?

- ✓ Over 12 break out sessions in addition to the emerging topics panel discussion.
- ✓ Interact with local sponsors & vendors about cutting edge technology to make a professionals job easier.
- ✓ Continental Breakfast & lunch included with continued education documentation!



Contacts:
Dennis Pivin (ASSP) 636.530.8757
Rachael Phillips (AIHA) 314.349.9206
AIHAStLouis.org
stl.asse.org

Start	End	Monday, March 4th, 2019 Ameren HQ - 1901 Chouteau, St. Louis MO 63101		
0700	0800	Registration & Continental Breakfast <i>Atrium</i>		
0800	0815	ICE BREAKER – TBD, facilitator		
0815	0915	Kick Off – ASSP / AIHA National Updates (ASSP) Update (TBD) Simultaneous or sequential ?? (AIHA) Update (TBD)		
0915	0930	Break with Sponsor/Vendors		
0930	1045	Topic Speaker Org (Room 1)	Post offer Employment Testing – Managing Risk in Hiring Kevin Wilhite MPT, DMT, OCS, CEAS Work Strategies Coordinator SSM Health Physical Therapy (Room 2)	Taking Action Against Cancer in the Fire Service Shalom Shoaf, Captain/EMT-P Saint Charles Fire Department & Firefighter Cancer Support Network (Room 3)
1045	1045	Transition		
1045	1200	E-Cigarettes, A Hazy Hazard Cheri Marcham, PhD, CIH, CSP, CHMM, FAIHA Program Chair Embry-Riddle Aeronautical University (Room 1)	Update on Safety Sciences & University of Central Missouri Dr. Zay, Safety Sciences University of Central Missouri (Room 2)	Safety in the Beer Production Industry Mark Jaeggi Sabhailteacht Solutions LLC (Room 3)
1200	1245	Lunch with Sponsor/Vendors <i>(Location)</i>		
1245	1400	Topic Speaker Org (Room 1)	Safety & IH Professionals in Local Emergency Response Panel – Ridenhower, Shoaf, Dr. Tan & Dr. (??), Siegel Various (Room 2)	Topic Speaker Org (Room 3)
1400	1400	Transition		
1400	1515	OSHA Confined Space Case Joe Dartt, CIH OSHA (Room 1)	Motivational Safety Mike Weibert Safety Manager Jacobs ESTS Group (Room 2)	Track Speakers Org (Room 3)
1515	1530	Break with Sponsor/Vendors		
1530	1645	Marijuana in the Workplace Kim Jones, Attorney Seyferth, Blumenthal & Harris LLC (Room 1)	Topic Speaker Org (Room 2)	BCSP Ambassador Program Cheri Marcham, PhD, CIH, CSP, CHMM, FAIHA Program Chair Embry-Riddle Aeronautical University (Room 3)
1645	1700	Closing Remarks – Speaker Name <i>(Location – Room 1)</i> Certificates Available <i>(Location: Atrium)</i>		
NOTE				



ASSP SOCIAL EVENT AT Wild Sun WINERY & BREWING COMPANY

4830 Pioneer Rd, Hillsboro, MO 63050

PH: 636-797-8686

SATURDAY, MAY 11TH, 2019

1 PM UNTIL 5 PM



Come and socialize with other ASSP members. Spouses, significant others, and non-members are welcome! Select food is available for purchase such as pizza, burgers, breads and cheeses. Wine, beer, soda and water are available for purchase. No outside beverages are allowed. Please check their website prior to your visit for what to know before you go! www.wildsun.com

RSVP HERE

**Stacy Graff Baehmann, Owner of CPR Plus
will take your reservation, please email her
at cprplusstl@gmail.com**



**THE PRAIRIES
GOLF CLUB**



*Protecting
People
Property
and the
Environment
since 1911*

ASSP Scholarship Golf Tournament Fundraiser

Reservations

FRIDAY, JUNE 14TH, 2019

7:30 am – Registration

8:30 am – Shotgun Start

1:30 pm – Lunch and Awards

The Prairies Golf Club

300 Tricentennial Ct.

Cahokia, IL 62206

Phone: (618) 277-3700

Please Register online at
<http://stl.assp.org/>

Payment can now be made Online at
<http://stl.asse.org/>

MAKE YOUR RESERVATION EARLY!!!

Limited to 144 PAID golfers!

\$100 per person - \$400 for a team of four

PAYMENT is due in FULL by MAY 31, 2019

**Register for EXCITING events!
such as:**

BALLZOOKA

MONEY ON THE GREEN

SCATTERED FLAGS

ALL PLAYERS will be entered
into a drawing for prizes.
Additional tickets may be
purchased on event day.

SPONSORSHIP OPPORTUNITIES

- 1) Co-host for refreshments & meal for \$200
- 2) Sponsor ONE golf hole for \$150
- 3) Sponsor TWO golf holes for \$200
(One on the front 9 and one on the back 9)
- 4) Corporate Level Sponsor - Includes a golf foursome with mulligans, skins & all three course games, two hole signs, a large banner displayed at registration, lunch and awards ceremony for \$1,000
- 5) Donate raffle and "goodie bag" items
Call JaNola Rigsby at (314) 267-2624

**All beverage and meal sponsors will be listed
on a banner at registration and awards ceremony**

ASSP Scholarship Golf Tournament Fundraiser



Registering online
is fast and easy at
<http://stl.assp.org/>

or Mail Check and
Registration Form to:

Ricky Reams
4451 E. Golike
Bethalto, IL 62010

Make Checks Payable to
"ASSP ST. LOUIS CHAPTER"

Phone: 618.670.6589
Email: rreams@murphynet.com

REGISTRATION

Your name:

Company:

Address:

City/State/Zip

Email:

TEAM

Name of Golfer

Company

Phone Number

Name of Golfer

Company

Phone Number

Name of Golfer

Company

Phone Number

Name of Golfer

Company

Phone Number

**PLEASE REGISTER ONLINE
OR EMAIL THIS REGISTRATION FORM
SO WE MAY RECORD YOUR TEAM INFORMATION.**

Thank you for your participation!

REGISTRATION DETAILS

VALUE

Golf @ \$100 per person or \$400 per foursome		\$
My company will co-sponsor refreshments and meal for \$200	<input type="radio"/> Yes <input type="radio"/> No	\$
My company will sponsor ONE golf hole for \$150	<input type="radio"/> Yes <input type="radio"/> No	\$
My company will sponsor TWO golf hole for \$200	<input type="radio"/> Yes <input type="radio"/> No	\$
Corporate Level Sponsor - Includes a golf foursome with mulligans, skins and all three course games, 2 hole signs, a large banner displayed at registration, lunch and awards ceremony for \$1,000	<input type="radio"/> Yes <input type="radio"/> No	\$
I wish to prepay the following: _____ mulligans for \$5 each (2 per golfer maximum please)	<input type="radio"/> Yes <input type="radio"/> No	\$
<input type="radio"/> Ballzooka \$10/person <input type="radio"/> Scattered Flags \$10/person	<input type="radio"/> Yes <input type="radio"/> No	\$
<input type="radio"/> Money on the Green \$10/person <input type="radio"/> \$120 all 3 games per foursome	<input type="radio"/> Yes <input type="radio"/> No	\$
My company will donate attendance & golf prizes	<input type="radio"/> Yes <input type="radio"/> No	\$
<i>Thank you for your participation!</i>	GRAND TOTAL	\$



MO Comp News

- Doreen Archer: rest in peace, Mom.

February, 2019

Happy New Year!

As many of you know, I lost my eighty year old Mom right before Christmas. She was struggling with stage 4 COPD having smoked for many years earlier in life. She was a tough bird beating the odds in getting out of ICU at the Cleveland Clinic and getting home on hospice for 10 days. I enjoyed being with her for much of December. I helped her order Christmas presents for the 17 grandkids and 2 great grandchildren. I helped her decorate her house for Christmas and I dutifully gained 10 pounds during that time. I can stress eat like a champ and when Mom says to eat, you eat. After my youngest brother Matt died at age 44 of a heart attack last summer, Mom's health declined rather quickly. I made many trips to Cleveland in 2018 and do not regret any of them.

I will not further eulogize my Mom. This would not be the venue for such a piece. I did want to thank our clients and friends who read this newsletter for the outpouring of "thoughts and prayers." My family and I and my Mom do appreciate your prayers. I am looking forward to a happier 2019. Thank you.

On a professional level, the new Industrial Commission is humming along. They are providing some much needed stability in deferring to the Administrative Law Judges and their awards, affirming the vast majority of cases, including the denials of compensation. You can review any and all of their decisions on the Commission website. Not sure if anyone has the time or inclination or interest that I do to follow these decisions. As factual decisions such as the credibility of witnesses is exclusively the province of the Commission, I think it is important to track trends at this level for our clients to give them good advice on the cases we are handling.

We have been impressed with the newer Administrative Law Judges that have been appointed over the past two years. There are additional appointments in the works. Judge Amy Young who was a practicing workers' compensation defense attorney in Cape Girardeau has been appointed an ALJ for that office. Judge Robbins retired recently. Judge Lorne Baker in St. Louis is now an Associate Circuit Judge in St. Louis County, leaving another vacancy in St. Louis for the Republican Governor Mike Wilson to appoint a replacement.

With the changing of the year, we have been trying to update our list of claims adjuster resources we provide clients. This would include the firm's St. Louis Area Medical Panel. Providers come and go and change practices often. We attempt to be fair and not delete a provider for one bad result or bad report or deposition, or for that matter some bad publicity in a decision from the Commission. We take into account costs as I have eliminated a few doctors who charge too much in my opinion or whose office is difficult to work with. If you have input or would like a copy of this resource or other topical handouts, send me an email at chris@askarcher.com. Some of the resources are available on our website as well.

The Missouri Legislature is in session but there would not appear to be much interest in legislative reform touching upon workers' compensation. There was not an increase in average rates for Missouri employers this year so there is less interest in addressing the statute. I still have my list from last year of largely clean-up provisions, but they will keep for another year. I would be happy to share my work in this regard or listen to any input you have on proposal for the statute in case I am asked to get back involved.

As the new year begins, we also wanted to thank you all for your support of this firm. I opened the firm in January 1998 as a solo operation working part time for Liberty Mutual Insurance Company for whom we still do some work. We have seen clients come and go for a variety of reasons. We have been pleasantly surprised at the number of clients that value our service and approach we focus on with identifying issues and exposures early, in order to save our clients money in exposure for benefits and legal fees.

Here is looking forward to a **HAPPY NEW YEAR!**

Shrinking Liability for TTD

There certainly has been a trend of legislative changes that narrow and shrink the liability for Missouri employers for temporary total disability (TTD) benefits.

No TTD is owed if the claimant applied and receives unemployment, or if discharged for "post-injury" misconduct:

287.170. 3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

287.170. 4. If the employee is terminated from post injury employment based upon the employee's post injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section, section 287.170, or 287.180 are payable. As used in this section, the phrase "post injury misconduct" shall not include absence from the work place due to an injury unless the employee is capable of working with restrictions, as certified by a physician.

After August, 2017, the statute now provides that TTD is no longer owed after the claimant reaches MMI which had been the case law for decades but is now codified in 287.149. The law also provides that no TTD is owed if light duty had been available but the claimant resigns:

287.149. 1. Temporary total disability or temporary partial disability benefits shall be paid throughout the rehabilitative process until the employee reaches maximum medical improvement, unless such benefits are terminated by the employee's return to work or are terminated as otherwise specified in this chapter.

287.170. 5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

If a claimant refuses to take a post-accident drug test that an Employer's policy requires, all benefits including TTD are forfeited:

287.120.6(3): ...An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

All of the above provisions are in addition to the argument that is provided in the simple definition of "total disability" that is contained in 287.020 that: "The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident."

Do you Need a MD to say Perm Total?

Dennis Moss v SIF

The Second Injury Fund appealed an award of permanent total disability, "because a physician did not demonstrate and certify permanent total disability as required by § 287.190.6(2)."

"Consistent with the definition of "total disability," we interpret § 287.190.6(2)'s mandate that permanent total disability "be demonstrated and certified by a physician" to require that a physician show clearly and attest as being true the employee's medical condition and resulting work-related restrictions post injury.

Once a physician does that, the requirement of § 287.190.6 (2) is satisfied, and it is within the Commission's expertise to determine whether the employee, with the medical conditions and physical limitations confirmed by the physician, is employable."

The court affirmed the award of compensation.

Odds and Ends

- I will be speaking at the annual conference of the **Missouri Concrete Association** in St. Charles at Ameristar Casino on February 18th.
- The **Division of Workers' Compensation** annual seminar at the Lake of the Ozarks is Thursday May 2nd and Friday May 3rd. I was invited to speak for the 19th year partnering again with Attorney Mike Korte.
- I will be a guest lecturer once again for **St. Louis University School of Law** this semester, training the next generation of attorneys who may practice in this area.
- I was honored to be asked to author and edit the **Missouri Bar desk book on Workers' Compensation**. It is the reference book used by attorneys throughout Missouri.
- I have updated the **Kids' Chance of Missouri Statute book** if interested in purchasing a copy. The charge is \$30.00 with proceeds going to the scholarship fund. It has all the changes made to the Act delineated since 2005. It is literally, "for the kids."
- The **Kids' Chance CLE/Seminar** is set for Friday June 7th at SLU Law School. The Chairman of the Industrial Commission **Robert Cornejo** and the Director of the DWC **Colleen Vetter** will both speak. We hope to again raise 25k for the scholarship fund. Contact me for a brochure if interested.
- We welcome **Eldorado Resorts Inc** as a client as they take over Lumiere Place Casino as well as **Boyd Gaming** who bought Ameristar Casinos. We looking forward to representing you.

OSHA Electronic Reporting of Injuries and Illnesses: Do we really have to?

by William Kincaid, P.E., CSP, CET

Lockton Companies of St. Louis

Although this is probably a couple months late for those of us who are speedy and diligent, this is my last chance for the 2018 OSHA log year to go over the electronic reporting rules as they stand today. I've seen some companies jump in headlong with reporting when they didn't have to. In the following paragraphs, we'll hopefully have a better understanding of who must report, and who doesn't.

The deadline this year is March 2, 2019. If that's a surprise to you, hold off for a minute on running to the data file to upload it. The most important step - before submitting anything - is to figure out if they're even required to report at each establishment. It might save them a ton of work. This step starts with determining the maximum number of employees at each establishment during 2018.

Note the word is ESTABLISHMENT, not COMPANY. Each establishment of an enterprise is assigned a NAICS code based on its own "primary business activity". Each location is separate from the others both for injury data and for the employee count which is a factor in whether reporting is necessary.

Establishments with 250 or more employees that are required to keep 300 logs must electronically submit information from the 300A summary. There are a lot of companies with many more than 250 employees, but none of their establishments with more than 249.

Establishments that are on the partially exempt list are not expected to upload anything: <https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>.

Establishments with 20 or more employees in certain high-risk industries must electronically submit information from the 300A summary. If they're on this list (<https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.html>) then having only 20 or more employees at any time in 2018 puts them on the hook. If there were 20 employees at any time during 2018 then you would have to routinely keep a log and post the 300A data.

Establishments with fewer than 20 employees at all times during the year do not have to routinely submit information electronically to OSHA.

If we carefully check the NAICS codes and maximum numbers of employees at each establishment, and THEN we find we are supposed to have uploaded, it's okay to run to upload the data. Good luck, and hopefully OSHA isn't still doing what they did in the first year of this rule, when they slammed the door on uploading at midnight on the deadline.



AMERICAN SOCIETY OF SAFETY PROFESSIONALS

2018-19 Rolling Calendar of Meetings and Events

<u>Date</u>	<u>Meeting Topic & Presenter</u>	<u>Notes</u>
May 14 Monday	Fall Protection, Ladder Safety & Dropped Objects from heights Speaker Dave Barklage of Midwestern Safety Equipment	Beef Buffet
June 15 Friday	ASSE Scholarship Golf Tournament Fundraiser The Prairies Golf Club in Cahokia, Illinois	All Day
July 9 Monday Lunch	"Head Injury in the Workplace: Evaluation and Management." Dr. Brandon Larkin will discuss multiple constellations of complaints in head injuries—the concussion, cervical injury, vestibular dysfunction.	BBQ
August 13 Monday Lunch	Joint Meeting with the AIHA Silica Panel, Eric Olson-Western Construction Group; Daniel Stark- Asstnt Dir Mo Dept of Labor Consultation Service and Matt Orr-AmerenMO	Ball Park Buffet
September 10 Monday Lunch	How a Solid Safety Culture Drives Performance ASSE Member & Presenter Dennis Pivin will share his story of developing a strong Safety Culture at his company, Aegion Corp.	Dad's Meatloaf Special
October 8 Monday Lunch	Worker's Compensation Speaker J Bradley Young of Harris Dowell Fisher & Young L.C. will provide us with the latest information in the legal circles that affect worker's compensation.	Mexican Buffet
November 12 Monday Lunch	Joint Meeting with the Gateway Society of Hazardous Material Managers (GSHMM) Effective Communication - Working through the Generations – Presenter Erin Mutert from DJM Ecological Services current member and Past President of ASSE.	Taste of Italy
December 10 Monday Lunch NEW LOCATION	OSHA Update Speaker Bill McDonald, OSHA's Area Director in St Louis provides his annual OSHA fiscal year update and quick review of new/old initiatives. This meeting to be held at Helen Fitzgerald's 3650 S. Lindbergh Sunset Hills, MO 63127	Chicken Delight
January 10, 2019 Thursday, 5 pm	Membership Appreciation Night No luncheon meeting this month. Enjoy dinner at Bristol Seafood Grill on Olive and relax with others in your field at this event just for St Louis Chapter Members.	Heavy Appetizers
February 11 Monday Lunch	OSHA Defense Speaker Julie O'keefe of Armstrong Teasdale Law Firm Update on strategies to defend against OSHA citations	Deli Delight
March 4 Monday All Day	Professional Development Conference Joint conference with the American Industrial Hygiene Association (AIHA) to bring you high quality training at the best price. CEU's awarded.	Ameren Hdqtrs
April 8 Monday Lunch	Defensive Communication Speaker Mary Sue Love Ph.D Associate Professor SIU-Edwardsville	Roasted Pork Buffet

Lunch will include house salad, bread and cookies in addition to the listed entree.

American Society of Safety Professionals

St. Louis Chapter Committees

Website – Dave Callies – dcallies@kelpe.com

Maintains website with updated news, chapter events, and job postings

Newsletter – Dan Bemhower – dan.bemhower@usi.com

Publishes and distributes the chapter newsletter to all chapter members

PDC Chair – Dennis Pivin – DPivin@aegion.com

Coordinates logistics of professional development activities

Membership – Dianne Gibbs – dianne@ideasftp.com

Ensures new members are recognized & introduced at membership meetings

Public Relations – Steve Williams – swilliams@bellelectrical.com

Promotes chapter activities to the general public. Coordinates poster contest

Awards & Honors – Bill Kincaid – billkincaid@yahoo.com

Recognizes member achievement through awards like Safety Professional of the Year

Scholarship – Rob Miller – robertmiller91@yahoo.com

Promotes student scholarships & continuing education scholarships for members

Programs – Jim Latta – jlatta@nbwest.com

Plans the program time and needs for presentations & coordinates schedule

Social Media – JaNola Rigsby – jrigsby@qualsafesolutions.com

Maintains Face book & Twitter accounts promoting discussion with local membership

Please contact the committee chair with comments or if you would like to participate.

Mid Missouri Officers

Bret Derrick, Chairman

bderrick@broadwayergonomics.com

Mark Woodward, Vice Chair

mwoodwar@mem-ins.com

Bethany Watson, Membership Chair

bethany@365safetyervices.com

Job Opportunities

Job opportunities are posted frequently on the website:

<https://stl.assp.org/current-openings/>

The St. Louis Chapter would like to offer unemployed ASSE members with a free lunch at our monthly meeting! Just be ready to show your membership card for validation.

St. Louis Chapter Board Members

Rick Reams – President, 618-670-6589 (ricky_reams@hotmail.com)

Steve Williams – Vice President, 314-213-5859 (swilliams@frenchgerleman.com)

Rudy May – Secretary, 636-677-3421x362 (rudym@h-j.com)

Erica Heinssen – Treasurer, 314-941-4545 (heinssen.e.1@pg.com)

Mark Krieger – Past President, 314-435-3630 (mark.krieger2007@gmail.com)

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<http://stl.assp.org>