



# St. Louis Chapter Newsletter



## In This Issue

- Monthly Meeting Announcement
- [Membership Appreciation](#)
- [PDC Request for Speakers](#)
- [Upcoming Events & Calendar](#)
- ["What would you do? Covid-19 in the Workplace", from Bill Kincaid](#)
- [Survey Participation Request - Respirators](#)
- [IL WC & Covid Article- J. Bradley Young](#)
- [Save the Date for Safety and Health Conference - Oct 14th](#)
- [Newsletter Contributions](#)
- [Chapter Board Contacts](#)
- [Committee Chairs](#)

## Important Links

- [Chapter Website](#)
  - [Chapter Documents](#)
  - [Current Job Postings](#)
  - [Like Us on Facebook](#)
  - [Follow us on Twitter](#)
  - [Connect on LinkedIn](#)
-

## Monthly Meeting

### **March - Lunch Meeting**

Please join us for a Virtual Chapter Meeting! There is no cost to attend, but we do need you to register prior to the meeting. The St. Louis Chapter has purchased a Zoom subscription to allow a high quality experience.

When: **March 8th, 2021 12:00 PM Central Time**

Speaker: **Stephen McManus, Attorney at Law**

Topic: **Work Comp Update: All things COVID**

<https://zoom.us/meeting/register/tJIqdO6tqTMqG91PiYBtMDEMPyGXqWAOMSoh>

Please register to receive information about joining the meeting.

**WORK COMP UPDATE  
ALL THINGS COVID**

**Monday, MARCH 8th, 2021  
NOON till 1 PM - Zoom Mtg**

**Topic Description:**  
This presentation will provide an update with regard to compensability of individuals diagnosed with COVID in the workplace, including impact of vaccinations and benefits under workers' compensation.

**SPEAKER**  
**Stephen McManus**  
Attorney at Law  
**McAnany, Van Cleave & Phillips**

**AMERICAN SOCIETY OF SAFETY PROFESSIONALS**

**CLICK HERE TO REGISTER**

## Membership Appreciation

See image below for details and click to register on the ASSP website.



---

## PDC Request for Speakers

~ Dennis Pivin

The American Society of Safety Professionals (ASSP) and American Industrial Hygiene Association (AIHA) joint Professional Development Conference (PDC) will be held on Monday, November 15, 2021. At this point, we are "Covid Hopeful" that we will be able to meet in person, but are unsure at this point as to the format of the conference.

The Conference Committee welcomes your participation and proposals. The call for presentations has begun and proposals are now being accepted for the 2021 Conference.

### The deadline for proposals is March 1, 2021

- Presentations are to be 1-2 hours in length including a Q and A session
- We hope that speakers will make their presentations available to attendees
- If you are interested in speaking, have your presentation title, proposed length of time, and brief description proposal submitted to the conference committee electronically at [dpivin@aegion.com](mailto:dpivin@aegion.com). Also include name, title, bio and contact information.
- The speaker's availability must be confirmed prior to submission of the proposal.
- Submissions will be reviewed and selected by the Conference Committee.
- All speakers will be contacted by March 31, 2021.

Due to limited budget, travel expenses and honoraria are not provided. We appreciate your support and understanding in this matter.

Please reach out to Dennis Pivin at [dpivin@aegion.com](mailto:dpivin@aegion.com) with any questions as well as submit your proposal.

---

## Upcoming Events

### **April - Lunch Meeting**

Please join us for a Virtual Chapter Meeting! There is no cost to attend, but we do need you to register prior to the meeting. The St. Louis Chapter has purchased a Zoom subscription to allow a high quality experience.

When: **April 12th, 2021 12:00 PM Central Time**  
Speaker: **Mark Woodward, MEM, Senior Risk & Safety Trainer**  
Topic: **Work Comp Update: All things COVID**

<https://zoom.us/meeting/register/tJYtc-ihpjMsE9fNJQG8CRtLhUOYa7RIIPbO>

Please register to receive information about joining the meeting.



MONTHLY MEETING  
MONDAY

APRIL 12th, 2021

NOON TILL 1 PM

JOIN US!!!

# ZOOM WEBINAR

Double Down:  
WORKING to Make Conversations,  
Training and Safety STICK

**MeM**



**Mark Woodward**

Senior Safety & Risk Trainer  
Missouri Employers Mutual



## Calendar of Events

Your chapter officers and committee members are working hard to provide meaningful meeting topics for you throughout the year. Check out what's scheduled so far! If you have ideas on what should be covered, or want to share something yourself, please reach out to the chapter board and committee members (contacts at the end of this newsletter).



J. Bradley Young, Attorney  
Harris Dowell Fisher & Young L.C.

## Monthly Meeting – July 12th, Noon to 1 pm

"Workers' Compensation Update"



Treasa Turnbeaugh, PhD  
Former CEO of BCSP

## Monthly Meeting – August 9th, Noon to 1 pm

"The benefits of acquiring a professional certification"



DIANE S. ROHLMAN, PhD  
Professor, Occupational and Environmental Health Director  
Healthier Workforce Center of the Midwest Endowed Chair  
in rural Safety & Health

## Monthly Meeting – September 13th, Noon to 1 pm

"TOTAL WORKER HEALTH: What it means for your bottom line."



NAME OF SPEAKER – TBD  
TITLE

## Monthly Meeting – October 11, Noon to 1 pm

"TOPIC HERE"



NAME OF SPEAKER – TBD  
TITLE

## Monthly Meeting – November 8, Noon to 1 pm

"TOPIC HERE"



Bill McDonald – OSHA Area Director – St. Louis  
or Maryanne Martin – OSHA Compliance Assistance  
Specialist – St. Louis



## Monthly Meeting – December 13th, Noon to 1 pm

OSHA Update – Discussed will be the OSHA fiscal year  
update and quick review of new/old initiatives.



---

## What Would You Do? Covid-19 in the Workplace

~Bill Kincaid, P.E., CSP, CIT

Topics befitting the sophistication and knowledge of our ASSP Chapter members are hard to find, so I thought we might try another thought-provoking exercise this month. This one concerns a nursing home, but the same rules and principles apply anywhere there could be an employee who brings Covid-19 into the workplace.

It's a "What Would You Do?" exercise, playing the role of an OSHA Compliance Officer. Everyone in our profession has opinions of OSHA, good, bad, or mixed. Being an OSHA Compliance Officer is not an easy job, regardless. And yes, there is a "right" answer and a wrong one, no matter how you respond to the question "What Would You Do?"

**Scenario:** an OSHA office received a complaint from a nursing home employee. The complaint alleged the nursing home was doing nothing to protect their employees from Covid-19. Since the employee who called in the complaint was willing to sign it, it qualified for an onsite inspection. The inspection was assigned to an Officer familiar with the topic and who could follow all of OSHA's many Covid protections for their Officers. The Officer's plan was to use a combination of remote communications and a limited onsite presence to do the job.

Before heading out the Officer reviewed the previous five years of inspection history for the company. She noted some past citations for lockout and for cut-resistant gloves in the Dietary kitchen at a sister facility. There was no history of reporting any fatalities, hospitalizations, or amputations. She also reviewed all the latest instructions from the National Office and Regional Office she could find about Covid protections.

Once in contact with the nursing home's management, the inspection proceeded without any objections. The home's Director of Nursing (DON) indicated she was responsible for coordinating the home's Covid control efforts, but also worked with the Corporate Infection Control expert as necessary.

The DON presented an elaborate safety program related to Covid protections. The DON provided a heap of employee training documentation, employee safety rules based on CDC guidance, and explained how the nursing home's residents had been divided so healthy residents were kept separated from those suspected or known to have Covid-19. Employee traffic in and out of the Covid wing was also restricted. The few Nurses and Aides who could enter were doing the work of Dietary, Housekeeping, and other departments. A couple Maintenance guys also had to go in once in a while to keep the heat working, replace light bulbs and so on.

A proper respirator program had been instituted for the people who wore N95s in the wing. The officer checked the names of some of the people fit-tested by finding them among the employee photos on the wall. Both Maintenance men had beards, but the DON said they had passed their fit tests and could keep the beards after they both claimed to wear beards for religious reasons. She didn't think either was particularly religious, but what could she do?

There had been multiple employee meetings where all the Covid precautions had been explained. Employees could voice their concerns and a few of their ideas had resulted in improvements. The DON was a little hurt someone had complained to OSHA after all they had done, but indicated morale had not been so good due to the "battlefield conditions". Some of the people wanted extra pay to work in the Covid wing, but the home couldn't give them raises.

Thanks to all the hard work, there had only been a few employees who had tested positive from obvious workplace exposures. The DON was proud to say that any employees who tested positive were sent home for isolation per CDC guidelines but were paid for the time off – like a free vacation! There had been about 40 of them so far. Same for those who had Covid-like symptoms who were sent home to quarantine until they tested negative, adding up to about 30 employees. The DON was pleased to show none of the mild Covid cases had required medical treatment or resulted in restricted duty or days away from work, and certainly no other serious outcomes such as hospitalization. They were all either asymptomatic or only mild cases. The OSHA Log was completely free of Covid cases.

The Officer was getting a much more positive opinion of this facility than the complaint had claimed. The beards with respirators thing was an issue, but otherwise, it didn't look like any employee was in any danger. The DON agreed to have the guys shave their beards off before working inside the regulated area again. The Officer got an unpleasant surprise when the two bearded Maintenance people were brought in so she could personally explain the new beard policy to them, but delivering bad news wasn't anything new to her.

After thinking a while about the Covid program and her onsite observations, the OSHA Officer knew what she intended to do. She put the completed file on her supervisor's desk the next week.

***So, without reading ahead, if YOU were that OSHA person, what would YOU do?***

You must do SOMETHING because an employee has filed a formal complaint. You can't just drop the issue. Whatever you do has to pass the scrutiny of numerous people ranking above you, affecting your job performance ratings and promotion potential, and who may not be as nice as you are. Bungling a complaint inspection can inspire a complainant to call their US Congress person to complain, launching that most dreaded of dreadful things, a "Congressional". You have to answer a Congressional with piles and piles of documents testifying you and OSHA, did the right thing despite an employee saying you didn't. A government employee is always outranked by a voter. It takes much explaining to get out of trouble. NOBODY wants to be forced to answer a Congressional.

We'll make this multiple choice. Here are your three options:

A. Write up an explanation of how thoroughly the nursing home has prepared for the pandemic and how well employees have been protected. Support your case with the few positive workplace cases, and the lack of any recordables. Since the beards with respirators issue was a minor thing and the guys had passed their fit tests with the beards, plus were now shaving, no violations there. Case closed.

B. Cite the facility for letting their guys wear respirators with beards. Religious reasons or not, passed fit tests or not, work requiring respirators should not be assigned to people who won't keep themselves clean-shaven. Not exactly what the complainant had in mind, but facts are facts. At least the inspection won't be "in compliance".

C. Along with the respirator citation for the beards, there must be recordkeeping violations. It is impossible to have positive, work-related Covid test results without recording the cases on the log. That's because – as this facility clearly knows – the CDC requires us to send anyone with a positive diagnosis home for at least ten days of isolation. OSHA recordkeeping rules say any diagnosed workplace illness which results in days away from work is a "days away from work" case, and those days must be recorded. There's no exception for lack of symptoms. By the Officer's estimate, 40 positive cases times 10 days added up to 400 unrecorded lost days. The 30 cases of people who had symptoms but who didn't test positive who were sent home for quarantine did not need to be recorded.

So, what do you think? Cite the respirator rules? Go for the recordkeeping rules and the respirator rules? Or write up a flowery explanation of how everything's fine?

At this time, decide what you would do.

Here's what I think. "C" is the correct answer. Without digging further into the details of the Covid-19 protections, we must at least write citations for the flaws in the respirator program and for the lack of proper recording of cases on the OSHA log.

But don't take my word for it. I called the OSHA National Office in Washington D.C. and located their main recordkeeping person, a virtual expert on keeping the OSHA Log. She confirmed that any required absence from work related to a positive Covid diagnosis, even if the employee were feeling fit as a fiddle, was "lost time". Since every positive work-related Covid-19 case requires at least ten days of isolation, they would virtually ALL be recordable, and would count as "days away from work" cases. I'd also

previously written a letter to OSHA asking about respirators and religious exceptions for beards and was told there were none.

### ***So, what really happened?***

The OSHA Officer went with “C”. I’m sure some of you are thinking “of course she did, that’s the one with the most citations!” But that reasoning isn’t fair to this diligent officer. First, she didn’t expand the scope of the inspection to check up on whether the previous lockout and PPE concerns were back again. That was certainly something a lot of OSHA Officers would try to do.

Second, as much as she liked what the nursing home was doing and the people running the program, she had to do the right thing. And the right thing wasn’t the easy, pleasant choice. Citing for the Maintenance guys not shaving their beards was not fun to explain. Some guys feel their beards are very important. The employer had the Officer explain to them personally why their beards had to go, and there was some shouting as a result. But the only way to be sure their N95s work was to shave the beards off. That could save the guys from catching the virus.

Also, holding the facility to the same recordkeeping rules as everybody else is essential to the effort to gather workplace injury and illness data that is believable enough to be useful. It’s part of a national data project which is used by many different organizations who must be able to trust the numbers. Again, not fun to write a fine for it, but necessary. The nursing home people were quite angry with the Officer afterwards, but she did the right thing.

That’s a snapshot of what this very difficult, important job involves. We’ll explore some other topics in future columns to give you more opportunities to decide “What Would You Do?”

---

## **Survey Participation Request**

*~ James Rowlett, CSP, CHMM*

My name is James Rowlett, and I am a graduate student in the Ph.D. in Safety Sciences degree program at the Indiana University of Pennsylvania (IUP). I am reaching out to you to request your support for my Ph.D. research project by completing this online survey.

The purpose of my study is to describe safety professionals’ perceptions concerning the different types of respirator fit testing methods. In light of the current national focus there may be interest in the further study of this topic.

The survey link is anonymous/untraceable and there are no right or wrong answer. The survey is optimized to be completed on a mobile device. The estimate duration is less than 10 minutes. You are able quit the survey at any time.

Here is the survey link: [https://iup.co1.qualtrics.com/jfe/form/SV\\_3s1dH41KqaeTqdg](https://iup.co1.qualtrics.com/jfe/form/SV_3s1dH41KqaeTqdg)

I have agreed to share the results with the supporting ASSP Chapters once this study is completed.

Once again thanks for your support!

James Rowlett, CSP, CHMM  
Safety Sciences Department  
Johnson Hall, Room 117  
1010 Oakland Avenue  
Indiana, Pennsylvania 15705

---

## **ILLINOIS WORKERS COMPENSATION UPDATE**

*~ J. Bradley Young, Attorney, Harris Dowell Fisher & Young*

Last year, Illinois Gov. Pritzker signed legislation into law amending the Illinois Workers Compensation Act as it relates to the compensability of Covid-19.

Specifically, the legislation created a rebuttable presumption for essential workers, including first responders, who presumably contracted the virus during statewide shutdowns. **This applies to ANY workers whose jobs require them to come into contact with the public or work in a location with more than 15 employees would qualify.**

The legislation broadly defines "COVID-19 first responders and front-line workers" to mean *"all individuals employed as police, fire personnel, emergency medical technicians, or paramedics; all individuals employed and considered as first responders; all workers for health care providers, including nursing homes and rehabilitation facilities and home care workers; corrections officers; and any individuals employed by essential businesses and operations as defined in Executive Order 2020-10 (see attached) as long as individuals employed by essential businesses and operations are required by their employment to encounter members of the general public or to work in employment locations of more than 15 employees."*

**This presumption of compensability expired on December 31, 2020. In January, the Illinois General Assembly passed a measure that would extend until June 30, 2021, the presumption that COVID-19 is a compensable occupational disease.**

#### DEFENSES TO COMPENSABILITY OF COVID CLAIMS

Under this amendment to the Illinois Workers Compensation Act, Employers can rebut claims under certain conditions, including:

- Demonstrating that the Employer was following current public health guidelines for two weeks prior to when the employee claims they contracted the virus;
- Providing proof that the employee was exposed by another source outside of the workplace; or
- Demonstrating that the employee was working from home for at least 14 days prior to the injury claim.

#### CLAIM INVESTIGATION QUESTIONS TO ASK CLAIMANTS

To investigate any potential claims of workplace exposure for Covid-19, claimants should be asked, at a minimum, the following questions:

- List family members in the home.
- Spouse's employment and employment of all members of the household.
- Whether any family or close friends have displayed symptoms or tested positive.
- Whether claimant or family or close friends have traveled abroad recently.
- Whether claimant has attended any events during the past 14 days (prior to the onset of symptoms) where there were more than 10 people gathered together.
- Whether claimant or his/her family members have been shopping (grocery store, Walmart, Target, Walgreens, Etc.).
- Whether any family or close friends are first responders.
- Whether any family or close friends are health care workers.
- Can the claimant identify a specific source or event during the performance of his or her employment that resulted in exposure to Covid-19?
- Can the claimant identify any specific co-workers who have tested positive for Covid-19?
- Can the claimant assert that he/she is exposed to large members of the general public during the course of employment? (Like grocery store clerks, Walmart employees, etc.)
- **Perform a search of social media to see if the decedent posted pictures of himself/herself at parties, in social gatherings of more than 10 people, in bars or restaurants, backyard parties, etc**

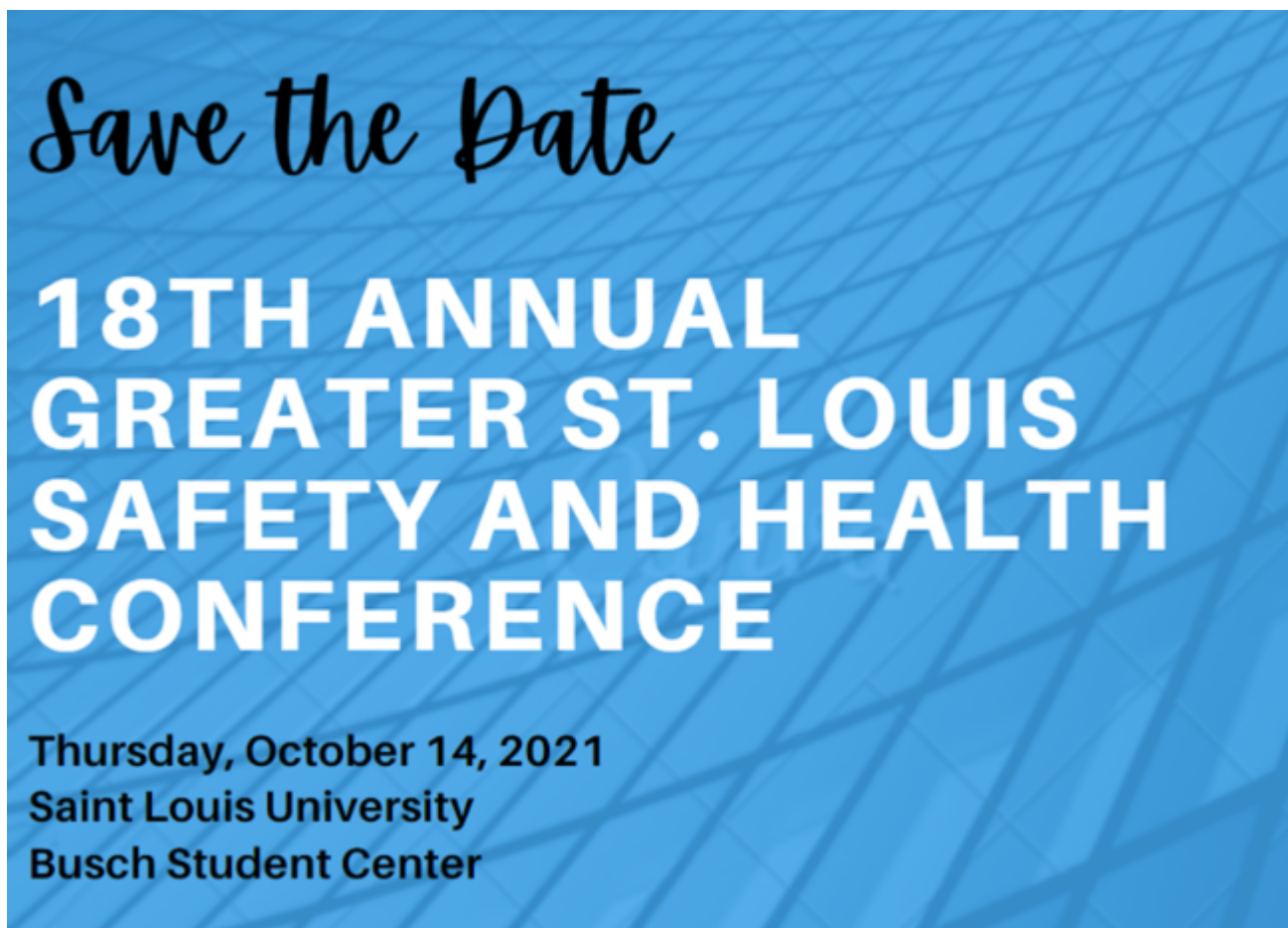
My office is currently defending dozens of Covid-19 Workers Compensation claims. If you have any questions or need any additional information related to investigating or defending a Covid-19 Workers Compensation claim, please let me know.

~ Brad

---

## Greater St. Louis Safety and Health Conference - Oct 14, 2021

~ shared by Mary Beth Proost



---

## Newsletter Contributions

~Dan Bembower

We are always looking for additions to the newsletter. If you have something to share with the St. Louis safety community, please reach out and let me know at either [updates@stl.assp.org](mailto:updates@stl.assp.org) or contact me directly at [dan.bembower@usi.com](mailto:dan.bembower@usi.com). Thanks for reading!

---

## St. Louis Chapter Executive Board Contacts

**President** - Steve Williams - [swilliams@frenchgerleman.com](mailto:swilliams@frenchgerleman.com)

**Vice President** - Dennis Pivin - [DPivin@aegion.com](mailto:DPivin@aegion.com)

**Secretary** - Nate Richardson - [nate.richardson.safety@gmail.com](mailto:nate.richardson.safety@gmail.com)

**Treasurer** - Mae Patrick - [stlassptreas20@att.net](mailto:stlassptreas20@att.net)

**Past President** - Rick Reams - [ricky\\_reams@hotmail.com](mailto:ricky_reams@hotmail.com)

## Mid-Missouri Section Officers

**President** - Mark Woodward - mwoodwar@mem-ins.com

**Vice President** - Paul Krewson - paul@peakergo.com

**Secretary/Treasurer** - David Attebery - david.attebery@labor.mo.gov

## Chapter Committee Chairs

**Website** – Dave Callies – dcallies@kelpe.com

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

**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

**Newsletter** – Dan Bembower – dan.bembower@usi.com

Publishes and distributes the chapter newsletter to all chapter members

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

Recognizes member achievement through chapter awards

**Scholarship** – Rob Miller – robertmiller91@yahoo.com

Promotes student scholarships & continuing education scholarships for members

### **Golf Scholarship**

Sydney White – sydney.white@wwt.com

Nick Zahner – nzahner@murphynet.com

Organizes and runs the annual golf tournament supporting local safety focused students

**Programs** – Tim Michel – tmichel@keeleycompanies.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

### **Women In Safety & Health (WISH)**

JaNola Rigsby – jrigsby@qualsafesolutions.com

Patte Ackermann, PT – ackermap@ssm-select.com

Organizes the WISH events to promote the community of women in Safety & Health

Please contact a board member or committee chair with comments or if you would like to participate in any of the chapter activities.

If you do not wish to receive these emails, please [click here](#)  
to unsubscribe from ASSP St. Louis Chapter messages.

American Society of Safety Professionals | 520 N. Northwest Highway, Park Ridge, IL 60068