



St. Louis Chapter Newsletter



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Scholarship Golf Outing

LAST CHANCE! The deadline to register for the ASSP Scholarship golf has been **briefly extended**. Registration will remain open until **Tuesday, 6/8** and sponsorship will remain open until **Thursday, 6/3**. Click the image below to register online.

Don't forget to [Join us on June 11th at The Prairies Golf Club](#)



Women In Safety Excellence - June 8th Meeting

You are invited to the next WISE virtual meeting, with presenter Jori Frederic on "Stretching isn't Work Prep". Join on Tuesday, June 8 at noon by clicking the image below.

YOU ARE INVITED!
NAWIC & ASSP/WISE PRESENT

Virtual Presentation by: Lori Frederic
"Stretching isn't Work Prep"

VIRTUAL ZOOM MEETING
NOON TILL 1 PM - CENTRAL
TUESDAY, JUNE 8, 2021

NAWIC
The National Association of
Women in Construction

*Leading
Builders.
Building
Leaders.*

WISE
Women in Safety Excellence

[Click Here
Register Now](#)

Lori Frederic

BALANCE
biomechanics



ASSP ST. LOUIS CHAPTER EVENTS 2021



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."



NICOLE KREEGER
Vice President of Marketing at Keeley Companies

Monthly Meeting – October 11, Noon to 1 pm

"TOPIC HERE"



AIHA & ASSP PROFESSIONAL
DEVELOPMENT CONFERENCE

PDC- November 15th, 2021
7 am till 4 pm

Location & Registration – TBD



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.



St. Louis Safety Professional of the Year

The St. Louis Chapter Board was proud to present the Safety Professional of the Year award to Bill Kincaid at the recent membership appreciation night.

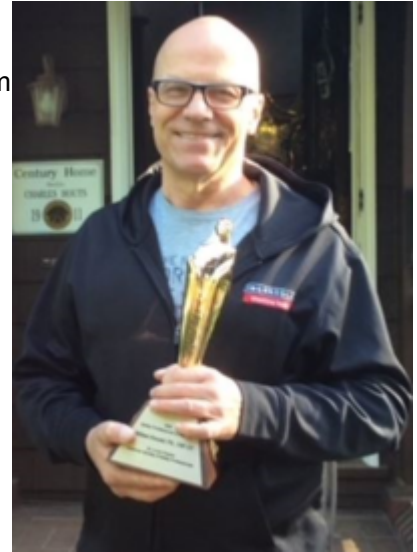
A letter of recommendation to the board is required for all applications, and Bill's letter was from long-time colleague Gary Muck. An excerpt from that letter reads:

My first exposure to Bill was over 20 years ago when he was with OSHA, he was presenting on a new fall protection standard and was very articulate regarding the standard and how to apply. An opportunity became available at Lockton Companies and I hired him without hesitation. It was the best hire of my 30+ year career at Lockton and to this day, I so thoroughly enjoy working with him.

Bill still delivers the very best in safety consulting to various size companies with a "can do" attitude. Only the ASSP Chapter archives could identify how long Bill has been serving the chapter. Every single month Bill delivers an article for the newsletter, which are favorites for all readers.

I wish I had a nickel for every time someone told me how useful those articles have been in their careers. It all goes back to Bill's approach of consulting in a manner so that people can understand and apply it to their work situation.

While there are always many qualified candidates for this award, I can't imagine anyone more qualified than Bill Kincaid. Volumes could be written regarding his dedication to improving workplace safety.



The SPY award is given based on both professional work and service to the local safety community. Bill serves the local Chapter as Awards & Honors chair - so keeping this award a surprise from him was a fun task for the chapter board this year.



Pictured: Gary Muck, Bill Kincaid, Mae Ping Patrick

This is Not a Joke: Safety Rules Shall and Will Be Followed

~Mark A. Woodward, Sr. Safety and Risk Trainer, Missouri Employers Mutual

Top management, mid-level management, human resources, and safety personnel must all know that safety programs are there to protect employees and the company's bottom line. One strategy safety personnel can use to improve buy-in at the management level is to clearly state how incidents affect cost

and how safety provides return on investment. Another is to clearly explain employer rights under Missouri's workers compensation statutes. Consider these questions about your safety program:

- Are safety rules at your company optional in your company? Or are they an expectation?
- In your company, are safety rules enforced?
- What happens when an employee breaks a safety procedure, like failing to use lockout, wear a seat belt, or utilize personal protective equipment (PPE)?
- Does management support safety, or are they wishy-washy, preferring instead to be "liked"?
- Is the safety director the only person enforcing safety rules? Safety of their direct reports is within the manager's area of responsibility.
- For what reasons would a manager be disinterested in the safety of their direct reports?
- Do you make your corrective action policy a part of your safety training activities?
- Do you actually tell employees that they are required to follow company safety rules as part of their job
- Are you familiar with Missouri's "safety penalty" and is it written within your safety plan (RSMo 287.120.5)?

I believe – and expect – that everyone in a supervisory role must attend "management level" safety training, workers compensation training, experience rating training, and they must clearly understand that they are ALSO a part of making the workplace safer – and are expected to do it.

You may have developed an elaborate safety plan, but when employees don't know or follow it – you've wasted your valuable time. Clearly review the company's corrective action program regarding safety violations and improve safety rule compliance by clearly explaining Missouri's safety penalty.

First and foremost: Safety rules are for the protection of employee safety and health. Avoiding financial loss is a secondary benefit that the company and employees will receive. But when employees are injured due their failure to follow basic safety rules that are written, trained, enforced, and are common knowledge – a penalty to their workers compensation benefits can occur.

RSMo 287.120.5 - Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced at least twenty-five but not more than fifty percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

Safety penalties can be applied to weekly wages, and any disability settlement benefits. Examples of safety penalties that are commonly taken include:

- Injuries resulting from failure to use lockout / tagout
- Injuries resulting from a vehicle crash and lack of seat belt use
- Injuries resulting from failure to wear required PPE like gloves or safety glasses
- Injuries resulting from removal of machine guards, or bypassing safety interlocks
- Injuries resulting from a fall when employees did not tie off, or secure a ladder

When machines can amputate, when vehicles can crash and cause quadriplegia, when chemicals can blind, and when lives can be severely altered and ruined, then safety personnel, HR, and company management should never back down from their safety expectations.

When fines can pile up, when civil lawsuits are filed, when costs will rise, when productivity will fall, and when we can lose needed job skills, then safety personnel, HR, and company management should never back down from their safety expectations.

It is true incentive programs have positive outcomes also and I support them as a GREAT strategy. Do you take time to thank employees when they "do it right"? Do you perform inspections where hazards are noted and corrected, but employees are also thanked for following rules like lockout procedures or wearing PPE? Companies might hesitate to budget for \$10 Quick Trip gift cards, but have no problem paying an extra \$125,000 for workers compensation insurance. Do yourself a favor and list 10 ways to thank an

employee for \$0 – and start your incentive program – based on positive results noted in spot checks and employee observations – and do it today.

This article is somewhat authoritarian, for which I do not apologize. Safety personnel have two roles: Be an advocate for the employee and be an advocate for the employer. We protect both. The clear expectation and enforcement of safety rules will do both. The highest form of respect is to keep employees safe from harm at work. Machines know nothing other than “ON”, “OFF” and “pain”. Humans and their fingers, eyes, appendages, and lives ALWAYS lose against a machine. Remember that.

~ Mark

Golf Carts, On and Off the Course

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

After weeks of ongoing discussion and debate, mainly about safety concerns, the city I live in recently passed a law allowing golf carts to be driven on some city streets. The new law allows regulated golf carts and personal assisted mobility devices — motorized wheelchairs or scooters — and other low-speed vehicles. No riding mowers, sadly. The people with suspended drivers’ licenses who look longingly at their riding mowers, yearning for the same DUI loophole often exploited in rural areas, get nothing new from the law. You still can’t drive one of those on the public roads, at least not while suspended.

Under the new law, golf carts can be used on those public roads with speed limits of 25 mph or less. They can’t be used on sidewalks. The operator must be insured and have a valid driver’s license. The vehicle must be equipped with front and rear lights, and operators and all passengers must wear seat belts. A permit sticker will be provided by police after a one-time mandatory inspection.

Although the new law doesn’t please the more libertarian among our populace, typical for new laws where I live, it makes sense whether people like it or not. There are some bad things which can happen when golf carts are used, and big liability exposures for whoever owns the cart involved.

It’s common to see individuals purchase their own golf carts for use around their homes and resort properties. Owning a golf cart for use around the neighborhood sounds like a fun idea. There are also many golf carts rented out on golf courses and resorts, or perhaps included with condo rentals, and owned by companies for use on their properties. I see them being driven inside manufacturing plants and even inside malls and airports.

In the workplace, the OSHA powered industrial truck rules don’t apply to golf carts, but that doesn’t mean anything goes. For workplace use of carts, I’d use the PIT rules as a model for what to do, at least.

Golf carts are handy for getting around cleanly and quietly, indoors and out, but like everything else we might do, we just need to do it right. There are opportunities to misuse any golf cart, and perhaps to incur some liabilities for the owners of the cart. At risk of taking some of the fun out of happily driving around in a golf cart, let’s discuss.

Some of the possible doom-and-gloom scenarios we should prepare for which could result in liability claims:

- Driver hits a pedestrian.
- Driver turns too fast/runs over a curb and flips the cart, and someone riding in it incurs disabling, life-changing injury – it’s surprisingly easy to turn one over when the ground isn’t level.
- Child driving golf cart wrecks it and in the process injures two other children riding in it.
- Intoxicated person takes the cart out on the public road and is involved in an MVA.
- Driver routinely leaves the keys in the cart and later finds it has been stolen.
- Driver damages someone’s property with the cart.

If we buy a golf cart for use around the neighborhood, maybe taking it onto the local golf course to save on rental costs, we should get adequate insurance for the cart. If we’re going to lend or rent a golf cart to someone, employee or otherwise, then we need the proper insurance coverage and a waiver which covers rules for operation.

I can think of a few rules to cover in the waiver along with the usual hold-harmless material:

1. The person who has been given custody of the cart is responsible to ensure the rules for the cart are followed, and the cart is only used by appropriate drivers.
2. The cart is to be used only in the designated areas specific to the cart, which depends very much on the circumstances of ownership. For example, if it's a golf course, then the cart must stay on the course property, and not take a detour down the road shoulder to the corner store for beer.
3. Safe operation and driving are expectations.
4. No driving while under the influence of alcohol or drugs.
5. Posted traffic signs for speed limits, stop, yield and so on must be obeyed even while operating on private property.
6. The cart is not to be driven on pedestrian sidewalks.
7. Drivers are expected to have a valid driver's license. There may not be a legal requirement for a license for strictly off-road use, but a driver's license shows the driver has passed a minimum standard for operating a motor vehicle, which is at least something.
8. Nobody under a certain age may drive it. I'm in favor of limiting use to 18 years and up, but I could see 16, as long as ALL DRIVERS are licensed. Just remember how you were when you were 16...
9. If the cart has seat belts, everyone in the cart must use them. If it doesn't have seat belts, then seat belts should be professionally installed by a golf cart service shop, and everyone in the cart must use them. See what I did there? Pretty smooth.
10. Drivers are expected to park the cart in a safe area and always remove the key when leaving it unattended.

Now, a moment for the insurance. Typical auto insurance coverage stays a country mile away from golf carts so the people who drive the cart have no coverage of their own. A lot of personal insurance carriers offer golf cart liability policies. Kind of like the coverage we would get for a motorcycle. Some states have personal injury laws which for some reason have led to carriers not insuring carts in those states – at least how I read it – so what coverage plans you have available depends on where you and the golf cart reside. To sum up insurance: one, you don't have it until you buy it, and two, you need it.

Golf carts are handy little vehicles to own, rent or borrow. It's not hard to drive one, not hard to get in trouble with one, and not hard to do it right. As usual, it's look before you leap. Take some time to prepare and protect yourself from common golf cart liabilities.

~Bill

Illinois Workers Compensation Update

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

The Illinois Court of Appeals upheld a denial of compensability in the attached decision: [Emily Purcell v. IWCC](#).

Here, claimant was turning in her time card. However, to get to the personnel building, she attempted to "hop" over a chain barrier/fence. The heel of her shoe got caught, and she fell injuring her right shoulder.

The claimant admitted that there was no defect with the fence or the ground around it where she fell. Although the route she took was the most direct route, approximately 10 to 15 feet to the left of where she fell was an area without a fence. She admitted that there were no obstructions or anything else that would have prevented her from taking a route that would have allowed her to avoid the chain fence. She also admitted that it would have been safer to use a route that did not require her to cross the chain, and it would have only taken a couple of extra seconds for that route.

CLAIM NOT COMPENSABLE

The Illinois Court of Appeals upheld the finding of the Commission that **this claim is NOT compensable** under the Illinois Workers Compensation Act, stating:

"The claimant voluntarily hopped over the chain fence when the heel of her shoe got caught and

she was injured. This decision exposed her to an unnecessary danger entirely separate from her employment responsibilities. The claimant did not assert that her decision to hop over the chain fence was to avoid any defect or obstruction. Additionally, her decision not to use the walkway, which she testified would have been safer and only taken an extra few seconds, was for her own benefit and not to the benefit of the University. An injury does not arise out of employment where an employee voluntarily exposes herself to an unnecessary personal danger solely for her own convenience. Orsini v. Industrial Comm'n, 117 Ill. 2d 38, 47 (1987); see Hatfill v. Industrial Comm'n, 202 Ill. App. 3d 547, 553 (1990)"

PRACTICE POINTS

Generally speaking, most injuries that occur on an Employer's property will be compensable if the injury occurs as a result of a defect in the property. However, as in this case, the absence of a defect and the absence of a work-related component to the injury means that the Employer has an opportunity to deny the claim.

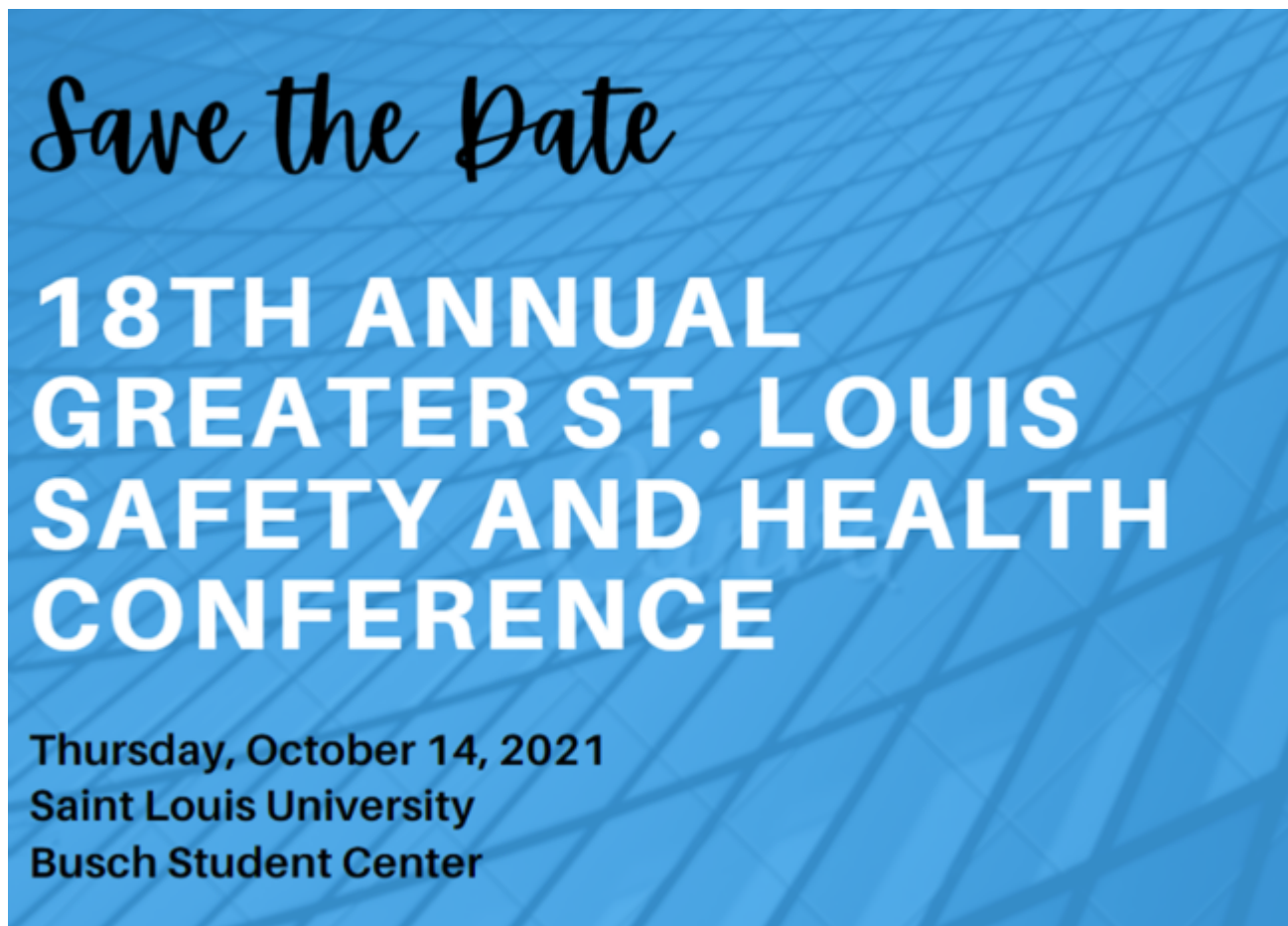
If you have any claims where the claimant was injured because he/she voluntarily exposed himself/herself to an unnecessary risk, there may be strong defenses to the compensability of that claim.

If you have any questions about this particular claim or have any questions about how this decision might apply to any of your current claims, please let me know.

~Brad

[Greater St. Louis Safety and Health Conference - Oct 14, 2021](#)

~ shared by Mary Beth Proost



**SAVE
THE
DATE**

AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

TOGETHER PRESENT.....

**PROFESSIONAL
DEVELOPMENT
CONFERENCE**

November 15th, 2021
Held at French Gerleman *
2023 Westport Center Drive
St. Louis, Missouri 63146
7 am to 4 pm
***Virtual Options Available**

*Details
to come!*

St. Louis Chapter Executive Board Contacts

President - Steve Williams - swilliams@frenchgerleman.com

Vice President - Dennis Pivin - DPivin@aegion.com
Secretary - Nate Richardson - nate.richardson.safety@gmail.com
Treasurer - Mae Patrick - stlassptreas20@att.net
Past President - Rick Reams - 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 Excellence (WISE) Coordinators
JaNola Rigsby – jrigsby@qualsafesolutions.com
Patte Ackermann, PT – ackemap@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.

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