

## Commission rules that companies cannot recoup attorney fees from unmeritorious OSHA citation

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In *Commissioner, Department of Labor v. Winston Products Company, LLC, KOSHRC No. 4226-05*, decided May 6, 2008, the Kentucky Occupational Safety and Health Review Commission was asked to award attorney fees in a proceeding contesting the Kentucky OSH Program's issuance of a citation.

The company contended that the Kentucky Occupational Safety and Health Program's compliance officer had engaged in misconduct in connection with the inspection, warranting an award of attorney fees.

While finding that no misconduct had occurred, the Commission went on to hold that such an award was not available under the Kentucky Act.

The company had argued that the compliance officer had violated the Labor Department's closing conference regulation. The Labor Department contended in its filing with the Commission that the Commission had no jurisdiction to award attorney fees.

In agreeing with the Labor Department's position, the Commission noted that in "Kentucky no statute or regulation permits the award of attorney's fees in an administrative case."

It was also pointed out that there was no case law in Kentucky which permits attorney fees to be awarded in an administrative law case.

The company cited KRS 453.260 which pertained to costs which a court can award. The Commission pointed to *Vessels v Brown-Forman Distillers Corporation, Ky, 793 SW2d 795 (1990)*, in which the Kentucky Supreme Court stated that administrative agencies are not courts.

CR 54.04 (1) also references that costs shall be awarded "unless the court otherwise directs..." Again, the Commission pointed out that it is not a court of law.

The company also cited *Kentucky State Bank v AG Services, Ky App, 663 SW2d 754, 755 (1984)*, and asserted its holding authorized an award of attorney fees. The Commission responded, "[y]es, it does, but only where there is a fund available from which to take the attorney fees. The fund might be a bank account or a parcel of land. There are no funds or assets available for attorney fees in OSHA cases."

The Commission reiterated that it "is not a court but is instead an adjudicative agency empowered to try disputes about citations issued by the department of labor. KRS 338.071, KRS 338.081 and 803 KAR 50:010."

Finally, the company pointed to the federal Equal Access to Justice Act which authorizes awards of attorney fees to companies in certain instances, including federal occupational safety and health cases.

However, the Commission notes that that statute does not apply to Kentucky's Occupational Safety and Health Act.

Thus, it would appear that, absent an amendment to the Kentucky Occupational Safety and Health Act, or enactment of a Kentucky statute akin to the Equal Access to Justice Act, companies successfully contesting OSHA citations where there was misconduct on the part of the compliance officer or a clearly unmeritorious claim are not going to be able to recoup the costs of defending against such claims. ▲

**Short of an amendment to Kentucky OSH, or a change in the KRS, companies successfully contesting OSHA citations (where there was misconduct on the part of the compliance officer or a clearly unmeritorious claim) are not able to recoup the costs of defending against such claims.**

The construction industry has higher than average rates of worker alcohol and drug abuse, and it also tops the list of industries with the highest rates of workplace accidents and injuries.

## National drug-free work week to highlight safety and health

Once a year the U.S. Department of Labor promotes a “drug-free” week in the American workplace. This year, Oct. 20-26, 2008 has been designated National Drug-Free Work Week,” and OSHA urges employers, workers and communities to highlight the benefits.

Employers are asked to spread the word that working drug free works to . . .

- Prevent accidents and make workplaces safer.
- Improve productivity and reduce costs.
- Encourage people with alcohol and drug problems to seek help.

According to recent research, it’s a message that many workers need to hear.

- 75 percent of the nation’s current illegal drug users are employed — and 3.1 percent say they have actually used illegal drugs before or during work hours.
- 79 percent of the nation’s heavy alcohol users are employed — and 7.1 percent say they have actually consumed alcohol during the workday.

In Kentucky (and across the nation), drug abuse is a huge problem, and it’s having a terrible effect on business and society at large.

“Establishing policies, educating [workers and the community] about the dangers of alcohol and drug use, deterring and detecting use, and urging people to seek help for alcohol and drug problems are smart safety strategies. They’re also smart business strategies,” OSHA officials say.

— Continued on page 8. See DRUG FREE

### Safety and Health Training Schedule — August 2008

The following are free courses offered by the state OSHA agency. To enroll, go to <http://rsvpreregister.com/event.php?28468>, or call 502-564-3070.

Gilbertsville  
Kentucky Dam Village State Resort Park

#### Agenda

August 11 – 15, 2008

#### Monday, August 11, 2008

*Overview of the KY OSH Program* 8:30 - 11:30 a.m.  
This session discusses the obligation to provide a safe and healthy workplace, free from recognized hazards.

Topics include the KY OSH Program, enforcement and voluntary compliance services, and topics being considered for future standards and policies.

*Keeping New Employees Safe - Orientation That Works.* 1:00 - 4:00 p.m. New and young employee injury rates far exceed their proportion in the workforce. This course will help participants improve the safety component of their new-hire orientation.

#### Tuesday, August 12, 2008

*Injury/Illness Recordkeeping* 8:30 - 11:30 a.m.  
This session is for those persons responsible for maintaining the revised injury and illness records. The forms 300, 301, 300A will be covered. A recordkeeping example workshop will be part of the course, time permitted.

*Bloodborne Pathogens* 1:00 - 4:00 p.m.

This session explains the measures that must be implemented to protect employees from the hazards of occupational exposure to blood and other potentially infectious materials containing bloodborne pathogens, such as hepatitis B virus, and human immunodeficiency virus.

#### Wednesday, August 13, 2008

*Fire Safety and Protection* 8:30 - 11:30 a.m.  
This session introduces participants to potential fire hazards and emergency procedures. Topics include the chemistry of fire, types and effectiveness of extinguishing agents, means of egress, detection and alarm systems, fire brigades, fire prevention plans.

*Powered Industrial Truck Safety* 1:00 - 4:00 p.m.

This session explains the selection and use of gasoline, electric, and LPG powered industrial trucks.

#### Thursday, August 14, 2008

*Electrical Safe Work Practices* 8:30 - 11:30 a.m.  
This course will familiarize participants with the KY OSH’s Electrical Safety-Related Practices standards.

*Hexavalent Chromium Course* 1:00 - 4:00 p.m.

This course covers the new hexavalent chromium standards as they apply in General Industry and Construction.

#### Friday, August 15, 2008

*Health Hazard Recognition* 8:30 - 11:30 a.m.

This session provides basic procedures to identify potential health hazards for those who lack expertise in the industrial hygiene field. Topics of discussion include safety and health audits to anticipate, recognize, evaluate, and control health hazards in the workplace, types of health hazards common to the workplace and, an overview of hazard monitoring methodology. The course will help you determine when it may be necessary to utilize the services of an industrial hygienist. ▲

## MAY CITATIONS & FINES

Below is a partial listing of the citations and fines issued by the Kentucky Occupational Safety and Health agency during the month of May 2008. Provided here are summaries of the citations and the total amount of the fine. A company has 15 working days from receipt of the citations and proposed penalties to either elect to comply with them, to request and participate in an informal conference with the KOSH area director, or to contest them before the independent Occupational Safety and Health Review Commission.

**NYPRO INC. DBA NYPRO KENTUCKY**  
**7301 Distribution Dr., Louisville**  
**Inspection site: 7301 Distribution Dr., Louisville**  
**5-15-08** **\$27,000**

**Serious**

- Employer did not ensure employees used proper lockout procedures, and employee was electrocuted while attempting to check a fuse. \$4,500
- Employees exposed to unexpected release of energy were not properly trained in safe application, usage and removal of energy controls, resulting in electrocution of employee. \$4,500
- Employees were not trained and familiar with safety-related electrical work practices. \$4,500
- Employer did not ensure that all employees working on energized electrical parts possessed knowledge and qualifications to take precautionary measures, and use proper PPE and insulated tools. \$4,500
- Employer did not ensure employees working on energized electrical parts wore proper PPE. \$4,500
- Employee removed fuse from 480-volt electrical cabinet without use of insulated tools while conductors were still energized; employee was electrocuted. \$4,500

**JOE CLANTON DBA CLANTON CONSTRUCTION**  
**2968 Treece Road, Hornbeck, Tenn.**  
**Inspection site: Paducah Sports Plex, 6525 Hwy. 60, Paducah**  
**5-1-08** **\$22,500**

**Willful Serious**

- Nine employees conducting steel erection at least 27 feet above ground were not protected from falling. \$10,500
- Nine employees conducting steel erection at least 27 feet above ground were not properly trained on fall protection. \$10,500

**Serious**

- Nine employees were exposed to falls while climbing and working on rails of scissors lift. \$1,500

**ALERIS INTERNATIONAL**  
**P.O. Box 480, Lewisport**  
**1372 State Road, 1957, Lewisport**  
**5-16-08** **\$20,000**

**Serious**

- Cable clamps on warehouse crane had been improperly installed and ropes slipped, resulting in an accident. \$5,000
- Hoist chain on warehouse crane was not visually inspected daily and did not appear as a specific item on monthly inspection reports. \$5,000
- Employer did not perform thorough inspections of warehouse crane on periodic basis. \$5,000
- Employer did not implement preventive maintenance program on warehouse crane. \$5,000

**LOUISVILLE AND JEFFERSON CO. METROPOLITAN SEWER DISTRICT**  
**700 W. Liberty St., Louisville**  
**Inspection site: 3923 Manner Dale Dr., Louisville**  
**5-29-08** **\$15,000**

**Serious**

- Employee working in excavation at least eight-feet deep had undermined a sidewalk without support system or other means of protection. \$5,000
- Employer did not ensure that daily inspections of excavations, adjacent areas and protective systems were made by competent person. \$5,000
- Employee was working in excavation at least eight-feet deep without cave-in protection; employee was working in excavation that had vertical walls greater than two feet below bottom of shield. \$5,000

**LOUISVILLE AND JEFFERSON CO. METROPOLITAN SEWER DISTRICT**  
**700 W. Liberty St., Louisville**  
**Inspection site: 4510 S. Third St., Louisville**  
**5-29-08** **\$14,500**

**Serious**

- Employee was working in excavation more than six-feet deep without hardhat. \$3,500
- Employer did not ensure that daily inspections of excavations, adjacent areas and protective systems were made by competent person. \$5,000
- Employee was working in excavation more than six-feet deep without cave-in protection. \$5,000

**Other**

- Employer did not establish exact location of water line. \$1,000

**M&W CONSTRUCTION**  
**2600 Bridge St., Paducah**  
**Inspection site: Paducah Sports Plex, 6525 Hwy. 60, Paducah**  
**5-1-08** **\$11,250**

**Willful Serious**

- Nine employees conducting steel erection at least 27 feet

above ground were not protected from falling. \$10,500

**Serious**

- Nine employees were exposed to falls while climbing and working on rails of scissors lift. \$750

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**K&P ROOFING, SIDING AND HOME IMPROVEMENT**  
**914-A1 N. English Station Road, Louisville**  
**Inspection site: 1470 Cherry Blossom Way, Georgetown**  
**5-16-08 \$10,000**

**Repeat Serious**

- Five roofing employees were working more than 11 feet above ground without fall protection. \$10,000

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**LAMINATING SERVICES**  
**4700 Robards Lane, Louisville**  
**Inspection site: 4700 Robards Lane, Louisville**  
**5-14-08 \$9,800**

**Serious**

- Employer did not establish program for energy control procedures, employee training and periodic inspections for employees maintaining machines. \$3,500
- Printing presses were not properly guarded. \$3,500
- Shafts of printing press were not smooth and projected more than one-half the diameter of the shaft. \$1,050
- Gears for rollers on printing press were not guarded. \$1,750

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**AMERICAN MANAGEMENT SERVICES DBA PINNACLE**  
**1 Trafalgar Square, Louisville**  
**Inspection site: 1 Trafalgar Square, Louisville**  
**5-16-08 \$9,000**

**Serious**

- Employer did not provide emergency eye-wash or shower for employees using corrosive products, including drain openers, mildew remover, bleach and rust remover. \$4,500
- Written hazard communication program did not include list of hazardous chemicals known to be present; employer did not have material safety data sheets available; employer did not provide effective information and training for employees working with corrosive chemicals. \$4,500

**Other**

- Employer did not establish and implement written respiratory program for employees required to use respirators. \$0
- Employer did not provide medical evaluation for painter required to use respirator. \$0
- Employer did not provide fit-test for painter required to use respirator. \$0
- Employer did not provide training for painter required to use respirator. \$0

**PREMIER PACKAGING**  
**3900 Produce Lane, Louisville**  
**Inspection site: 3900 Produce Lane, Louisville**  
**May 6 \$5,250**

**Serious**

- No emergency shower or eye-wash was in place for employees working with corrosive products. \$1,750
- Employer did not develop, implement and maintain written hazard communication for maintenance employees and machine operators. \$1,750
- Containers were not properly labeled with identity or hazards of chemicals; employer did not have material safety data sheets for dissolver, adhesive or anti-static spray; employer did not provide effective information and training for employees working with chemicals. \$1,750

**Other**

- Employer did not develop and implement a sound-exposure monitoring program. \$0
- Employees were not given opportunity to select hearing protectors from variety of suitable protectors provided by employer. \$0
- Employer did not institute training program for employees exposed to continuous noise. \$0
- Employer did not make copies of hearing standard available to employees or their representatives. \$0
- Employees' audiometric tests records did not include employees' job classifications. \$0

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**WAL-MART DC 6097**  
**3701 Russell Dycbe Memorial Hwy., London**  
**Inspection site: 3701 Russell Dycbe Memorial Hwy., London**  
**5-15-08 \$5,000**

**Other**

- Employer did not orally report hospitalization of employee within 72 hours. \$5,000
- Angle iron used to protect ends of racks that employees could trip over or fall against was not marked in yellow hazards. \$0
- Fire extinguisher near emergency exit was not clearly identified as to its location. \$0

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**OSRAM SYLVANIA**  
**900 Tyrone Pike, Versailles**  
**Inspection site: 900 Tyrone Pike, Versailles**  
**5-14-08 \$4,500**

**Serious**

- Paint mixer shafts were not properly guarded, resulting in amputation of employee's fingertips. \$4,500

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**BEGLEY LUMBER CO.**  
**P.O. Box 2800, London**  
**Inspection site: 24 Seeley Road, London**  
**5-14-08 \$4,000**

**Serious**

• Employer did not establish and maintain audiometric testing program for employees using chippers, saws and other machinery; employees were not given opportunity to select suitable hearing protectors provided by employer; employer did not provide training in use and care of hearing protectors; employer did not institute training program for employees exposed to noise. \$4,000

**Other**

• Employer did not make copies of hearing standard available to employees or their representatives. \$0  
 • Employer did not provide written respiratory program for employees voluntarily using respirators. \$0  
 • Employer did not provide proper training for employees expected to use portable fire extinguishers. \$0

**KENTUCKY ELECTRIC STEEL**

**P.O. Box 2119, Ashland**

**Inspection site: 2704 S. Big Run Road, Ashland**  
**5-14-08 \$4,000**

**Serious**

• Protective clothing used to protect employees' lower extremities of torch operators was not of sufficient flame retardant qualities; employee received serious burns on both legs when pants ignited. \$4,000

**KIRIU USA CORP.**

**359 Mitch McConnell Way, Bowling Green**

**Inspection site: 359 Mitch McConnell Way, Bowling Green**  
**5-15-08 \$3,250**

**Serious**

• Two employees working on electric junction box, with power on, did not utilize safety-related work practices and were exposed to live electrical parts. \$3,250

**Other**

• Pressure nozzle was broken on air hose. \$0  
 • Surge protector/extension cord was used as permanent outlet. \$0  
 • Floor fan with exposed wiring on fan motor was in ready-to-use location, rather than tagged for repair. \$0

**GERALD E. HARPER DBA G'S WEATHERPROOFING ROOFING**

**3570 Sharon Grove Road, Elkton**

**Inspection site: Old Court House, Elkton**  
**5-14-08 \$3,000**

**Serious**

• Two roofing employees were working about 35 feet above ground without fall protection. \$1,500  
 • Two extension ladders were extended full length to 35 feet with less than three feet above the upper landing surface. \$1,500

**JOE SWISHER**

**5961 Hwy. 405, Owensboro**

**Inspection site: 106 Magnolia Dr., Central City**  
**5-30-08 \$3,000**

**Serious**

• Three employees working at least nine feet above ground were not protected from falling. \$1,500  
 • Employer did not certify employees had been properly trained to recognize and minimize fall hazards. \$1,500

**BLUE GRASS PROVISION CO. DBA BLUE GRASS QUALITY MEATS**

**P.O. Box 17658, Crescent Springs**

**Inspection site: 2645 Commerce Dr., Crescent Springs**  
**5-16-08 \$2,750**

**Serious**

• Employer did not provide training in use and care of hearing protectors for chopper operator and packing machine operator; employer did not evaluate hearing protectors for specific work environments; employer did not properly train employees exposed to noise; employer did not maintain accurate record of employees exposure to noise. \$2,750

**Other**

• Employer did not provide hearing standard to employees or their representatives. \$0  
 • Employer did not provide effective information to employees voluntarily using respirators. \$0  
 • Employer did not certify hazardous energy inspections had been performed for employees who perform maintenance on equipment. \$0  
 • Employees who use fire extinguishers not properly trained. \$0  
 • Employer did not annually evaluate program covering occupational exposure for first-aid providers. \$0

**COMSTOCK BROTHERS ELECTRIC CO.**

**4780 Allmond Ave., Louisville**

**Inspection site: 220 Abraham Flexner Way, Louisville**  
**5-15-08 \$2,500**

**Serious**

• Three employees performing voltage testing on 4,000-amp circuit breaker were not using proper electrical protective equipment; employees were not wearing nonconductive head protection; employees were not wearing proper protective equipment for eyes or face. \$2,500

**GREIF PACKAGING**

**7425 Industrial Road, Florence**

**Inspection site: 7425 Industrial Road, Florence**  
**5-14-08 \$1,625**

**Serious**

• Electrical box was missing a knockout; light switch cover was not effectively closed; junction box was missing knockout. \$1,625

**Other**

• Button on crane's pendant control was missing, and button being used was made of a plastic cap and a screw. \$0  
• Ground pins were missing on industrial fans. \$0

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**ITW POWERTRAIN FASTENING**

**2001 Buck Lane, Lexington**

**Inspection site: 2001 Buck Lane, Lexington  
5-27-08**

**\$1,625**

**Serious**

• Safety shutoffs for header/threader machines were inoperable or bypassed by employees. \$1,625

**Other**

• Compressed air used for cleaning dust off assembly machine was blowing at 76 psi. \$0

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**WEBASTO ROOF SYSTEMS**

**2200 Innovation Dr., Lexington**

**Inspection site: 2200 Innovation Dr., Lexington  
5-16-08**

**\$1,625**

**Serious**

• Floors were not kept as dry as possible due to leaking water hose, resulting in accident. \$1,625

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**MAY BLOCK AND CONCRETE PRODUCTS CO.**

**P.O Box 406, Allen**

**Inspection site: Old U.S. 23, Allen  
5-28-08**

**\$1,575**

**Serious**

• Block machines were not properly guarded. \$875  
• Two chains and sprockets were not properly guarded. \$700

**Other**

• Employer did not certify that operators were trained and certified in operation of powered industrial trucks. \$0

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**B&A ROOFING**

**100 Ice Road, Boston**

**Inspection site: 90 John Rowan Blvd., Bardstown  
5-27-08**

**\$1,500**

**Serious**

• Four employees working at least 12 feet above ground were not protected from falling. \$1,500

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**EAST KENTUCKY DRYWALL**

**84 Industry Road, London**

**Inspection site: 205 Bryant Dr., Nicholasville  
5-15-08**

**\$1,500**

**Serious**

• Two employees working 25 feet above ground were not wearing lanyard attached to boom while working in aerial lift. \$1,500

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**HAYS AND HAYS INC.**

**2170 W. Meadowland Dr., Rockport, Ind.**

**Inspection site: 1857 Nicholasville Road, Lexington  
5-27-08**

**\$1,500**

**Serious**

• Six roofing employees working at least 20 feet above ground were not protected from falling. \$1,500

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**C&S VAULTS INC.**

**P.O. Box 2095, Inez**

**Inspection site: Industrial Drive, Inez  
5-14-08**

**\$1,400**

**Serious**

• Employer did not develop and implement a hearing monitoring program for employees working with grinders, welders and other machinery. \$1,400  
• Employer did not establish valid baseline audiogram for employees working with grinders, welders and other machinery. \$0

**Other**

• Employer did not have written respiratory protection procedures in place. \$0  
• Employer did not implement a change schedule for respirator canisters and cartridges. \$0  
• Employer did not provide a medical evaluation for employees required to use respirators. \$0  
• Employer did not ensure employees were fit-tested before using respirators. \$0  
• Employer did not develop, implement and maintain a written hazard communication program for paint sprayers. \$0  
• Employer did not provide paint employees with effective information and training on hazardous chemicals in their work areas. \$0

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**PRINCE HOOKAH LOUNGE**

**555 S. Limestone, Lexington**

**Inspection site: 555 S. Limestone, Lexington  
5-13-08**

**\$1,200**

**Serious**

• Employer did not develop, implement and maintain written hazard communication for employees that work with lemon charcoal, which produces carbon monoxide when burned. \$600  
• Employer did not have material safety data sheets for lemon charcoal. \$600

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**H&H SHEET METAL FABRICATORS**  
**355 Peyton St., Russellville**  
**Inspection site: 355 Peyton St., Russellville**  
**5-29-08 \$1,000**

**Serious**

- Stairway floor opening was not guarded by standard railing. \$625
- Horizontal band saw was not properly guarded. \$375

**Other**

- Storage platform above offices was not protected by enclosing screen or other barrier to prevent falling materials. \$0
  - Florescent lighting and receptacles in spray area were not approved for locations. \$0
  - Spray area was not kept free from accumulation of combustible residues. \$0
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**GOLDEN BRANDS**

**P.O. Box 398, Louisville**  
**Inspection site: 2520 Seventh St. Road, Louisville**  
**5-27-08 \$900**

**Serious**

- Sprocket wheels and chains were not properly guarded. \$900
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**SUMITOMO ELECTRIC WIRING SYSTEMS**

**949 Pedigo Way, Bowling Green**  
**Inspection site: 949 Pedigo Way, Bowling Green**  
**5-14-08 \$900**

**Serious**

- Horizontal band saw was not properly guarded. \$900

**Other**

- Electric surge protector/extension cord was used as permanent outlet for bench grinders and sander. \$0
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**T&R CONSTRUCTION**

**554 Myers Chapel Road, Belton**  
**Inspection site: 109 Eastview, Central City**  
**5-14-08 \$750**

**Serious**

- Four employees were working on roof about nine feet above ground without fall protection. \$750

**CUNDIFF STEEL FABRICATORS AND ERECTORS**

**4558 Knopp Ave., Louisville**  
**Inspection site: 4558 Knopp Ave., Louisville**  
**5-29-08 \$625**

**Serious**

- Extension cords were found with cuts; extension cord was taped, with inner wires exposed. \$625

**Other**

- Ground pin was broken off fan's plug. \$0
  - Electrical cord did not have strain-prevention device. \$0
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**SELLERS ENGINEERING CO.**

**918 W. Walnut St., Danville**  
**Inspection site: 918 W. Walnut St., Danville**  
**5-15-08 \$625**

**Serious**

- Safety latches on two-ton cranes were missing. \$625

**Other**

- Radial arm drill was not properly guarded to protect operators or other employees from flying metal chips or sparks. \$0
  - 480-volt disconnect box was missing a knockout. \$0
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**JASPER MANUFACTURING**

**100 Continental Dr., Richmond**  
**Inspection site: 100 Continental Dr., Richmond**  
**5-22-08 \$600**

**Serious**

- Employer did not establish and maintain audiometric testing program for employees. \$600

**Other**

- Employer did not provide exposure determination for office manager who is certified and designated to act as first responder. \$0
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**STS ENTERPRISES DBA FASFLO**

**211 Breezehill Dr., Winchester**  
**Inspection site: 211 Breezehill Dr., Winchester**  
**5-22-08 \$500**

**Serious**

- Employer did not implement and maintain written hazard communication program for employees exposed to solvents. \$500
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**SHIPMAN CONSTRUCTION**

**4159 W. 750 S., Jamestown, Ind.**  
**Inspection site: 702 Winthrop Dr., Frankfort**  
**5-27-08 \$375**

**Serious**

- Roofing employees were working at least seven feet above ground with no fall protection. \$375 ▲

**DRUG FREE** / continued from page 1

The drug-free work week program is backed by OSHA, employers, construction associations and labor unions. It focuses on the construction industry because research indicates that it has higher than average rates of worker alcohol and drug abuse — a serious concern given that it also tops the list of industries with the highest rates of workplace accidents and injuries. But because drug-free workplace programs benefit all workplaces, employers and employees in all industries, not just construction, are encouraged to take part.

Specific suggestions on how your business can support Drug-Free Work Week include,

1. Implement a Drug-Free Workplace program and promote it.
2. Train supervisors and educate workers.
3. Remind employees of the availability of assistance.
4. Offer health screening.
5. Compile a list of local resources.
6. Review your health insurance policy.
7. Allow employees time to volunteer in community drug prevention efforts.
8. Create a drug-free workplace display.
9. Feature the Drug-Free Work Week in the employee newsletter or Intranet.
10. Hold a social event celebrating safety and health.

For more ideas on how to recognize Drug-Free Work Week, visit the Working Partners Web site at [www.dol.gov/working-partners](http://www.dol.gov/working-partners).

## Public employees' health and safety

**K**entucky state government employees 34,000 workers. Ensuring their health and safety in the workplace is a job of the Personnel Cabinet, along with other agencies. An administrative regulation (101 KAR 2:150) establishes within the Personnel Cabinet a program called the State Safety Program, which is managed by the cabinet's Office of Employee Relations.

The mission of the State Safety Program is to promote a safe and healthy workplace for state employees (and others in the state workers' compensation fund) by providing training, education, information, coordination and assistance. It helps state agencies set up safety committees and helps ensure that workplaces are in compliance with OSHA standards and regulations.

The State Safety Program also monitors injury and accident reports and works with agencies to develop strategies to reduce accidents and illnesses and to lower workers' compensation costs.

- It is estimated that more than 300,000 injuries occur each year nationwide from slips, trips and falls.
- A simple slip and fall accident can result in an impact similar to a car accident at 55 mph.
- Walking on ice can reduce traction by 60 percent, and wet-ice can reduce traction by 90 percent.
- OSHA standards state stairways having four or more risers, or rising more than 30 inches (76 cm) in height, whichever is less, must have at least one handrail.
- Fall protection is needed for work at or near a drop off greater than 4 feet. Protection can include a railing or body harness.

According to the Personnel Cabinet's Web site, the majority of accidents in Kentucky government are slips, trips, and falls. Nationwide, slips, trips and falls are the third leading cause of workplace injury, and account for 12 percent of workplace fatalities.

## Please slow down! My daddy works here!

**E**arlier this year (in April), the Kentucky Transportation Cabinet participated in promoting National Work Zone Safety Week. The idea was to encourage safe driving through highway construction work zones.

According to a Transportation Cabinet statement at the time, "More than 40,000 people are injured yearly in work zones [nationwide] and [more than a thousand] are killed. The majority of those killed, 85 percent, are motorists. . . . six people were killed in Kentucky highway work zones in 2007."

## KY OSH citations and fines this year

**S**o far this year — January through May — as reported in the *Kentucky OSHA Journal*, Kentucky OSH has cited and fined 251 businesses in the state. The total amount of fines for the five-month period was \$1,037,645, an average of \$4,134 per each business fined. These figures do not include businesses who received a citation for a violation but were not fined — there are always a few of those each month: three or four, or sometimes eight or 10. The number of businesses cited and fined has averaged 50 per month thus far. ▲