In This Issue

1. Editorial
2. Ask the Lawyer: I have heard that OSHA may ban safety incentive programs. My company has used an employee incentive program that provides a bonus for meeting quality, productivity, and safety performance targets. The program has been very successful, has reduced injuries and is popular with employees. Do we have to take safety out that program? It would seem that having an employee incentive program without safety sends the wrong message.
3. What has happened to the ISHM accounting process?
4. Board of Director Thoughts, This month Randy Morton, Chairman
5. Position Available

EDITORIAL

The holiday seasons are rapidly approaching. The entire ISHM staff hopes you have a safe and happy holiday season

Ask the Lawyer:

I have heard that OSHA may ban safety incentive programs. My company has used an employee incentive program that provides a bonus for meeting quality, productivity, and safety performance targets. The program has been very successful, has reduced injuries and is popular with employees. Do we have to take safety out that program? It would seem that having an employee incentive program without safety sends the wrong message.
**Answer:** OSHA currently has no regulations in place that address safety incentive programs, and there is no truth to the rumor that OSHA may implement a regulation banning safety incentive programs. Notably, OSHA has acknowledged the positive role that safety incentive programs that focus on “leading” indicators have on workplace safety. OSHA, however, is assessing whether to place restrictions on certain safety incentive programs that focus exclusively on “lagging” indicators, as OSHA believes that an emphasis on lagging indicators reduces overall safety.

“Lagging” and “leading” indicators are terms of art in the safety field. Generally speaking, “indicators” measure an employer’s overall safety performance. Lagging indicators are safety metrics that measure the outcome of undesirable events that have already happened, such as a work-related accident. Leading indicators, on the other hand, are safety metrics that are associated with and precede undesirable events, such as identifying areas of weakness or concern prior to the event.

Not surprisingly, many employers have implemented safety incentive programs that focus exclusively on lagging indicators, because it is easier to identify lagging indicators and administer those programs. For the same reason, fewer employers have implemented safety incentive programs based exclusively on leading indicators, as it is much more difficult to identify leading indicators and administer those programs.

OSHA has weighed in on this issue on several occasions. First, on September 28, 2010, OSHA issued a National Emphasis Program (NEP), “Directive on its Injury and Illness Recordkeeping National Emphasis Program.” Under this NEP, OSHA investigated companies that had policies in place that discourage accurate recordkeeping, including safety incentive policies based exclusively on lagging indicators. OSHA believes that employees will be discouraged from reporting an incident if it will affect their incentive pay. Second, in June 2011, OSHA issued Revised VPP Policy Memorandum #5: Further Improvements to the Voluntary Protection Programs (“VPP Policy Memo”). This VPP Policy Memo sets forth specific safety incentive program criteria for OSHA’s VPP participants to address OSHA’s fear that, “[w]hen an incentive program discourages worker reporting or, in particularly extreme cases, disciplines workers for reporting injuries or hazards, problems remain concealed, investigations do not take place, nothing is learned or corrected, and workers remain exposed to harm.” Accordingly, VPP participants are now prohibited from utilizing rate-based programs that directly reward workers for achieving low injury and illness rates. To remedy this, the VPP Policy Memo encourages the use of “positive incentive programs” (i.e., leading indicators) that encourage or reward workers for reporting injuries, illnesses, near-misses, or hazards or recognizes rewards, and thereby encourage worker involvement in the safety and health management system. And third, on March 12, 2012, OSHA issued a memorandum, Employer Safety Incentive and Disincentive Policies and Practices, in which OSHA states that in view of an inherent conflict with Section 11(c) of the OSHA Act, which prohibits an employer from discriminating against an employee because the employee reports an injury or illness, OSHA expresses its concerns with safety incentive programs that “unintentionally or intentionally provide employees an incentive not to report injuries.”

To date, OSHA has not issued a formal regulation addressing safety incentive programs, but it is foreseeable that OSHA will restrict safety incentive programs that focus exclusively or primarily on lagging indicators. OSHA may issue a rulemaking as early as 2014 as part of the Injury and Illness Prevention Programs (I2P2), or OSHA may address it in a completely different context. Regardless of the form, employers are on notice that OSHA does not favor any safety incentive program that may discourage workers from reporting injuries and illnesses.
What has happened to the ISHM accounting process?

As cost saving imitative and what we had hoped would be a simpler payment process we changed our credit card processor.

The new system works fine and is somewhat cheaper than the previous system. The issue is that the new processing system does not play well with our accounting software.

It has created several problems that have required a lot of personnel attention to resolve. We are confident that we will soon have all the bugs corrected.

In the meantime please accept our apologies for the inconveniences.

We really appreciate your patience.

Board of Director Thoughts: This month Randy Morton, Chairman

ISHM promotes the management skills and abilities in effectively creating processes and culture in making our work place safer. As I look at that statement, I think of one term that stands out the most in managing ….”Operational Credibility”.

I believe there are several ways to define this term, but here is my take.

No matter what the widget you are making, or service you may provide you still need to “operationalize” the services and work product we put in place, it must fit the needs and culture of your organization.

Over the years I have been around some brilliant folks in our profession that could create some wonderful and meaningful programs in place, yet they struggled. Why, because they built a program and laid it out with little consideration in how the implementation would affect the organization. No consideration as to how it “fits” in the culture.

I believe it is much more effective to buy into what the organization is trying to accomplish from an overall perspective and manage the relationships required to foster our profession as a true “business partner”. We don’t do what we do because we have to or to “be in compliance”, but because it is the right thing to do and because our profession brings value to any organization.

But we as safety managers will be off target if we fail to recognize this…. 
If the organization does not feel you are not buying in in what it is trying to do, they are going to struggle in what you are trying to do.

6. Position Available

Executive Director, Environmental and Industrial Programs (UA SafeState) The University of Alabama, College of Continuing Studies

The University of Alabama invites inquiries, nominations, and applications for the position of Executive Director, Environmental and Industrial Programs. The University of Alabama is a major, comprehensive, student-centered research university founded in 1831 as Alabama’s first public college [www.ua.edu](http://www.ua.edu). The University is located in Tuscaloosa on a beautiful campus, approximately 50 miles southwest of Birmingham, Alabama. A full position profile can be found at [http://alabamasafestate.ua.edu/executivedirector](http://alabamasafestate.ua.edu/executivedirector).

**Position Summary**
The Executive Director, Environmental and Industrial Programs, leads a comprehensive program providing training, career enhancement, research, and technical assistance related to environmental and occupational safety and health throughout the state and region. The Executive Director’s role encompasses engineering, applied science, industrial technology, energy, occupational safety and health, environmental control, and other technical areas related to regulatory compliance, loss control, productivity, economic growth and development, and technology transfer.

**Responsibilities**
The Executive Director is responsible for three subunits: Occupational Safety and Health Consultation, Environmental Programs, and Training and Conference Activities. The Director leads the acquisition and management of grant funds that support environmental programs as well as occupational safety and health programs. The Director is generally responsible for the growth of the division’s client base as well as innovation in delivery of services and offerings.

**Qualifications**
- Master of Science in Environmental Health and safety or equivalent
- Six years’ experience in the practice of environmental safety and health
- Six years’ experience in the management of growing and diverse environmental safety and health programs or organizations
- Certification in an environmental safety and health discipline by a professional organization holding accreditation by the Council of Engineering and Scientific Specialty Boards and/or the National commission for Certifying agencies
- Financial management experience
- Exceptional communication and interpersonal skills
- Demonstrated networking skills

**To Apply**
To apply for this position follow [http://staffjobs.ua.edu/](http://staffjobs.ua.edu/).

In addition to the completed application, post a cover letter describing your experiences as they relate to the stated qualifications and a current resume. The screening process will be ongoing until the position is filled.

The University of Alabama is an Equal Employment / Equal Educational Opportunity Institution.