

Pre-conference Workshops*, Wednesday, October 13, 2020

***Additional registration required.**

Pre-conference Workshop Registration & Continental Breakfast

7:30 a.m. – 8:30 a.m.

Choose from 1 full-day or 2 half-day preconference workshops

Full-day preconference master class workshop

Cal/OSHA Injury & Illness Recordkeeping, Reporting, and Antiretaliation Requirements/

8:30 a.m. – 4:00 p.m. (Refreshment breaks included from 10:00 a.m. – 10:15 a.m. and 2:30 p.m. – 2:45 p.m.; lunch on your own from 11:30 a.m. – 1:30p.m.)

Cal/OSHA's injury and illness recordkeeping standards create challenges for many California employers. From determining which injuries and illnesses must be recorded to maintaining and updating records properly and adhering to posting and notification obligations, the rule encompasses a number of complex requirements that many organizations struggle to manage. And with the new electronic recordkeeping requirements that recently took effect in 2017, the stakes for noncompliance are now higher than ever, as OSHA will have access to a vast amount of establishment-specific data that the agency can use to target enforcement efforts.

This full-day intensive training will cover:

- **The purpose and overview of Cal/OSHA's Recordkeeping and Reporting Occupational Injuries and Illnesses rule (8 CCR 14300)**, including who must keep records, what records must contain, what constitutes a recordable injury, how to distinguish between first aid and medical treatment, and more;
- **Similarities and differences between Cal/OSHA and fed OSHA's e-recordkeeping rule**, including which employers have to submit data, what data must be submitted and when, potential California developments on the horizon, and how the data are used to target enforcement efforts;
- **The antiretaliation provisions under California law and fed OSHA's e-recordkeeping rule and their practical impact** on reporting procedures, incentive and discipline programs, postaccident drug testing, and Section 11(c) rights;
- **Cal/OSHA's "continuing violation" rule and the application of the federal OSH Act with respect to enforcement of the recordkeeping rule**, including the latest for avoiding compliance pitfalls under Cal/OSHA's "continuing violation" rule and how to manage Cal/OSHA recordkeeping audits;

- **Regulated companies and industries, temporary agencies, and union hiring halls, including recordkeeping and reporting requirements that apply to each type of entity**, the limited exemptions for small businesses, low-hazard industries, how OSHA recordkeeping and workers' compensation laws interface, and more;
- **Tricky scenarios and FAQs**, such as how to handle a variety of tricky recordkeeping scenarios, from conflicting medical opinions about an injury to recording a case in which light duty is recommended but not available to situations when work-relatedness is unclear;
- **What's Immediately reportable as a serious injury** and recent changes to Cal/OSHA's definition of a severe injury and the actions you need to take to report serious injuries and illnesses to Cal/OSHA;
- **Cal/OSHA 300, 301, and 300A forms and avoiding criminal penalties** by effectively managing how your records are created, signed, and maintained to comply with the latest requirements, including who must complete the forms, best practices for completing them correctly, and how to avoid certifying inaccurate recordkeeping data; and
- **Recordkeeping beyond Cal/OSHA 300—best practices and mistakes to avoid** by following tips for effective root cause incident analysis to ensure accurate reporting related to LOTO, PPE assessment, medical evaluations and exposure monitoring results, hearing conservation programs, hazard communication, workplace inspections, and worker training.

Half-day preconference workshops

(AM Only) Workers' Compensation for EHS Professionals: Managing Claims and Controlling Costs Through Safety Initiatives

8:30 a.m. – 11:30 a.m. (Refreshment break included from 10:00 a.m. – 10:15 a.m.)

Presented by: Don Dressler, Esq., Don Dressler Consulting

Why do some employers experience high costs for workers' compensation while others have fewer, less costly claims? Chances are the employers that have lower claims costs are doing a host of things those with higher workers' compensation costs aren't doing right or doing at all. This intensive workshop is led by a national expert on labor law, risk management, and Human Resources solutions who has designed customized safety-management plans that significantly reduce workers' compensation costs for employers in California and beyond.

You will learn how to:

- Recognize key information needed to control an experience modification in California, including action steps employers and teams can implement to get the results they want.
- Implement an effective safety-management program to help reduce injuries.
- Derive real value from your return-to-work program.
- Train supervisors and managers to do their part in helping the organization control injuries and claims.

- Artfully employ chiropractic care and mental health services for challenging employees—outside of the workers' compensation system.
- Create a streamlined process for handling workplace injuries in a way that helps the organization minimize workers' compensation costs.

(PM Only) Cal/OSHA 101: Understanding and Complying with the Nation's Strictest Workplace Safety Laws

1:30 p.m. – 4:30 p.m. (Refreshment break included from 2:30 p.m. – 2:45 p.m.)

Presented by: Andrew Sommer, Esq., and Megan Shaked, Esq., Conn Maciel Carey LLP

Learn key differences between Cal/OSHA and federal OSHA and the basic steps for building a Cal/OSHA-compliant safety program.

You'll get valuable insight into:

- IIPP/other written plan requirements
- Unique Cal/OSHA enforcement priorities and processes
- How to meet heat-stress protection requirements
- Essential steps for ensuring safety training mastery
- What multistate employers operating in other states can do to establish and manage processes and procedures that govern California-based employees

Day 1 of Main Conference, Thursday, October 14, 2020

Registration Continental Breakfast, & Exhibits

7:00 a.m. – 8:00 a.m.

Welcome Remarks

8:0 a.m. – 8:05 a.m.

Opening Keynote | Workplace Safety Compliance Trends and Cal/OSHA Regulatory Enforcement Updates

8:05 a.m. – 9:35 a.m.

Presented by: Andrew Sommer, Esq., Conn Maciel Carey LLP

Cal/OSHA is perhaps the most aggressive and enforcement-heavy approved state OSH program in the nation. In the past year, California's Division of Occupational Safety and Health has continued enforcement priorities and policy initiatives that have influenced which businesses are inspected and the standards commonly cited. New regulatory standards have been adopted, other proposed standards are expected to emerge from rulemaking, and the Appeals Board and courts have recently issued key decisions impacting employers' compliance obligations.

This session will address:

- Data and trends in Cal/OSHA enforcement
- Top legal developments, including those related to protective footwear
- Amended serious injury reporting requirements
- New rules regarding wildfire smoke and training on Valley Fever
- Other developments, such as rulemaking over the indoor heat illness rule and workplace violence in general industry rule

Networking, Refreshments, & Exhibits Break

9:35 a.m. – 9:55 a.m.

Workplace Violence Prevention: Policies and Practices for the Upcoming General Industry Standard

9:55 a.m. – 10:55 a.m.

Presented by: Jenifer L. Kienle, Esq., Kienle Law

California is poised to become the first state nationwide to implement workplace violence prevention standards for general industry. This development could have a major impact on employers' compliance obligations for California-based operations, as currently, workplace violence hazards can only be regulated through the Cal/OSHA General Duty Clause. This session will provide the latest insights into the likely timeline for implementation, what to expect, and how to prepare.

Setting Your Safety Committee Up for Success: Goal Setting, Communication, and Other Strategies to Help Your Safety Committee Drive Engagement

11:00 a.m. – 12:00 p.m.

Presented by: Cathi L. Marx, ALCM, COSS, CHPP, Aspen Risk Management Group

Cal/OSHA requires employers to communicate hazards and controls to their employees. This is a critical function of the safety program and is an element of the Injury and Illness Prevention Program (IIPP). In fact, "communication" is listed as number three of eight required elements of the IIPP. It's more than training records. Employers will be evaluated on the "effectiveness" of the training via employee interviews, observations, and the implementation of safety programs.

Cal/OSHA considers safety committees a critical partner in ensuring effective communication.

You'll learn how to:

- Apply best practices and Cal/OSHA safety committee requirements if you elect to use them to satisfy communication requirements under the IIPP rule.
- Engage senior management as an active partner of your safety committee.

- Communicate successes and milestones so employees know the safety committee has their best interest in mind.
- Keep the safety committee engaged and on task and minimize “burnout.”

Networking Lunch & Exhibits

12:00 p.m. – 1:00 p.m.

Drug Testing in California: How to Conduct Routine, Random, Reasonable Suspicion, and Postaccident Testing and Take Appropriate Action without Violating Applicable, Federal, State, or Local Laws

1:00 p.m. – 2:00 p.m.

Presented by: Christine M. Fitzgerald, Esq., Jackson Lewis P.C.

This session will explore common issues employers encounter in connection with drug testing and how to analyze whether a drug test is appropriate under federal, state, or local law.

You'll learn how to:

- Handle preemployment drug screenings without landing in legal land mines.
- Implement routine testing in annual or periodic physical examinations.
- Perform random drug tests in accordance with the law.
- Ensure you meet the threshold for having reasonable suspicion to warrant a drug test.
- Legally conduct postaccident drug testing.
- Evaluate next steps after receiving the results of a drug test.

Emergency Preparedness in California: Planning and Protecting Employees from Wildfire Smoke, Earthquakes, and Other Natural Disasters

2:05 p.m. – 3:05 p.m.

Presented by: Evan Koepke, CEM, PMP, Constant Associates

From seasonal wildfires to earthquakes, California can be a hotbed for natural disasters. From a safety and an HR management standpoint, it's important to have an emergency preparedness plan in place to protect employees when disaster strikes. And, it's equally important to have a comprehensive plan of action in place from a compliance standpoint, too. For instance, the 2019 adoption of emergency regulations related to wildfire-associated smoke hazards by the Department of Industrial Relations'

Occupational Safety and Health Standards Board underscores the importance of paying close attention to required protections.

This session will cover planning and protection for natural disasters, including how to:

- Recognize compliance obligations concerning emergency preparedness plans.
- Identify protective measures and equipment needed to protect your workforce.

- Assess specific risks wildfire smoke, earthquakes, or other natural disasters could pose to your workplace, given the location of worksites.
- Prepare your business for a disaster, from personnel considerations (remote work, communication, etc.) to physical facility preparedness.
- Train employees on what to do during a natural disaster and effectively practice those skills.
- Advocate for preparedness program spending and find external sources of support.

Networking, Refreshments, & Exhibits Break

3:05 p.m. – 3:25 p.m.

Let's 'Toolbox Talk'! How to Deliver an A+ Meeting Experience

3:25 p.m. – 4:25 p.m.

Presented by: Joe Korpi, CSP, Renewable Energy Group

What works and what doesn't when you're planning and delivering a toolbox talk?

Listen as Joe Korpi, who spends a great deal of his time training employees on safety, shares insights on how to:

- Evaluate multiple ways to communicate safety concepts.
- Identify toolbox talk techniques that are effective and impactful.
- Prepare toolbox talks to be given by others.
- Coach frontline supervisors on how to deliver toolbox talks effectively.

Day 2 of Main Conference, Friday, October 15, 2020

Continental Breakfast, & Exhibits

7:00 a.m. – 8:00 a.m.

Breakfast & Learn: Interactive Demo of Safety.BLR.com®, Your One-Stop Tool to Ace Compliance

7:30 a.m. – 7:45 a.m.

Alignment Between ISO 45001 & Cal/OSHA IIPP Requirements: Leveraging a Management System

8:00 a.m. – 9:10 a.m.

Presented by: Kahlilah Guyah, CHMM, ASP, CSP, EHS Compliance Services Inc.

ISO 45001 provides a framework for organizations to develop and implement an occupational health and safety management system (OHSMS). An effective management system includes core interrelated elements that provide a systematic approach to identify, assess, and mitigate organizational risks. An effective OHSMS will provide a platform for worker engagement and continual performance improvement. This session will provide you with essential tools for ensuring alignment between ISO 45001 and Cal/OSHA injury and illness prevention plan (IIPP) requirements.

You'll learn how to:

- Define a "management system."
- Identify the development of the ISO 14001 Standard.
- Recognize the value of a management system based on the ISO 14001 Standard.
- Understand the framework and elements of the ISO 45001 Standard.
- Utilize your IIPP to create an implementation strategy.

Networking, Refreshments, & Exhibits Break

9:10 a.m. – 9:30 a.m.

Cal/OSHA Injury & Illness Recordkeeping Tripwires to Avoid System

9:30 a.m. – 10:30 a.m.

Presented by: Rachel Conn, Esq., Nixon Peabody LLP

Over the past 2 years, California has passed multiple new bills that affect Cal/OSHA's injury and illness recordkeeping and reporting requirements. Effective January 2019, Assembly Bill No. 2334 expanded Cal/OSHA's ability to cite California employers for recordkeeping violations. In addition, it also opened the door for Cal/OSHA to consider making e-recordkeeping requirements stricter than its fed OSHA.

In addition, effective January 2020, Assembly Bill No. 1805 amended California Labor Code Section 6302 and the definition of "serious injury or illness" and "serious exposure," changing when employer reporting obligations are now triggered. Assembly Bill 1804 also amended California Labor Code Section 6409.1, changing the actual methods for reporting.

This presentation will discuss these new laws, as well as provide tips for making sure your company is in compliance with Cal/OSHA's recordkeeping and reporting requirements. You'll learn how to:

- Evaluate how new laws impact Cal/OSHA recordkeeping and reporting requirements.
- Determine when serious injury reporting requirements are triggered.
- Recognize the impact of potential rulemaking at Cal/OSHA, which could significantly increase the e-recordkeeping burden for employers.
- Avoid exposure to citations and fines related to Cal/OSHA's change to the definition of "occurrence" as it pertains to injury and illness recordkeeping violations.
- Maintain complete, accurate, and compliant injury and illness records.

Selling Safety to the C-Suite: Using Metrics to Demonstrate the ROI of Health and Safety Initiatives

10:35 a.m. – 11:50 a.m.

Presented by: Ryan Davis, MBA, CSP, CIT, Ryner Safety, Inc.

This presentation will explore how health and safety metrics we currently collect, and use may be combined with other operational measures and how to present this information to senior leadership.



CAL/OSHA Summit/20

An EHS Daily Advisor Event

October 14-16, 2020 | San Diego, CA

You'll learn how to:

- Identify the four types of data variables.
- Compare common health and safety metrics with other organizational metrics.
- Choose the best data visualization tools for each variable.
- And more!

Conference Adjourns

11:50 a.m.

Agenda and speakers subject to change.