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WHEN THINGS WON'T CHANGE

UNION EDUCATION AND THE TOP 10 OSHA CITATIONS

Every year, the Department of Labor's Occupational Safety and Health Administration (OSHA) releases workplace injury statistics and lists the most frequent safety and health violations. OSHA's most recent report showed that 4,500 workers are killed on the job every year, and 3 million are left injured — many badly enough to end up in the hospital. As a workers' compensation lawyer, the OSHA report isn't news to me. I know how often people get hurt while working. What's troubling is how the violation report doesn't seem to change year after year.

I have a lot of clients come into my office who are suffering because their employer committed one of these common violations, and falls, lockout/tagout, and machine guarding failures are our most frequent cases. What's worse, this list is almost identical to the list from 2015, and the only change is that machine guarding has moved above electrical wiring. In fact, if you look back 10 years ago at the list from 2006, you'll find the exact same 10 safety and health violations.

We know these are common problems, and if employers would just fix the top 10 violations, it would really cut down on the number of injuries and deaths. By law, employers are required to provide a safe and healthful workplace for their employees, but too many employers are more interested in cutting corners and doing things the cheap way instead of the right way. When employers refuse to correct easy problems, it's employees who always end up paying the most for their mistakes.

At the office, we're always going to be doing our part on this end, but I'd be happy if I didn't have to be standing over a hospital bed, staring down at people whose lives



have been turned upside down because their employers weren't following the rules. Because this is such a frequent problem, and because employers frequently turn a blind eye to the plight of the injured employee hurt by an unsafe workplace, I offer my services for speaking engagements on the subject of workers compensation to unions and other labor organizations free of charge. Education is really important. If employers aren't going to change their behavior after thousands of violations, then it's my job to make sure workers know what they should do if they become a victim of one of these violations.

- Joseph Miller

In 2016, the top 10 most cited safety and health violations were:

- Fall protection
• Hazard communication
• Scaffolds
• Respiratory protection
• Lockout/tagout
• Powered industrial trucks
• Ladders
• Machine guarding
• Electrical wiring
• Electrical, general requirements

If you belong to a union or other labor-related group and want to schedule my presentation at your group's speaking arrangement, you can do so by calling 888-694-7994. The presentation is free of charge, offers important information for taking appropriate action in Virginia workers' compensation cases, and everyone in attendance gets a free copy of my book, "10 Traps and Lies that Can Ruin Your Virginia Workers Compensation Case." Education is the best way to protect yourself from making a mistake, so call now before it's too late.

SAVE THE BEES | Populations Are Decreasing, But You Can Help!

Spring is officially here. The grass is green again, trees have regrown their leaves, and flowers are emerging from the earth. Busy bees are ready to pollinate the new blossoms, but sadly, the rusty patched bumble bee may not be around to pollinate much longer.

The rusty patched bumble bee is one of 47 species of bee native to North America. These bees are "buzz pollinators," which means they cling tightly to a flower and vibrate their flight muscles to collect pollen. In this way, the bees pollinate blueberries, cranberries, clover, and tomatoes.

Once ranging from North Dakota to Maine and Quebec and as far south as Georgia, the bee's population has declined by 87 percent since the 1990s. Experts now consider the rusty patched bumble bee to be on the brink of extinction. President Obama made the rusty patched

bumble bee a priority by placing it on the endangered species list in January.

The reasons for the bee's decline are not fully understood, but it is hypothesized that habitat loss, diseases, parasites, pesticides, pollution, and climate change may have something to do with it.

Not all hope is lost. The U.S. Fish and Wildlife Service has some suggestions for stopping the bee's decline. Individuals can plant native flowers, limit their use of pesticides, and avoid cutting grass and garden plants after summer to provide a habitat for bees during the winter. This, along with the critically endangered species status, may prevent the bee from extinction, and even increase future populations.



# THE RIDE OF YOUR LIFE

## THE BEST AMUSEMENT PARKS IN AMERICA (THAT AREN'T DISNEY)



Summertime means family vacations, and few places offer as much family fun as your classic amusement park. When it comes to amusement parks, a few big names come to mind, but many of us would rather avoid the high prices and long lines found at the home of a certain mouse. Luckily, there are countless amusement parks all across this great nation! Consider some of these for your family's vacation destination:

### **Cedar Point, Sandusky, Ohio**

Found on every thrill-seeker's to-do list, Cedar Point has been dubbed the "roller coaster capital of the world." Cedar Point

is home to 17 current and former world record-holding roller coasters, including the Valravn, the world's tallest, fastest, and longest dive coaster. Even if roller coasters aren't your thing, guests can enjoy other thrill rides, family rides, attractions, and several kid sections throughout the park.

### **Knoebels, Elysburg, Pennsylvania**

Knoebels is the park for families on a budget, offering free parking and admittance — guests just pay for any food or rides they enjoy during their stay. While everyone else is busy scrambling for the "latest and greatest," Knoebels prides itself on nostalgia, with bumper cars, wooden coasters, and a classic carousel among an array of other attractions.

### **Schlitterbahn Water Park, New Braunfels, Texas**

In the heat of summer, sometimes we just want to take a swim. Schlitterbahn Water Park in New Braunfels, Texas, is the answer! Amusement Today's "Best Water Park" for 15 years, Schlitterbahn encompasses 65 acres of amazing fun.

Along with the classic waterslides, wave pools, and floating rivers, guest can also spend a long day surfing, enjoying refreshments in a heated pool, and riding an uphill water coaster.

### **Knott's Berry Farm, Buena Park, California**

Don't let its age fool you; one of America's oldest amusement parks has no problem keeping up with the expectations of today's guests. Packed full of thrill rides and roller coasters, family rides and 4-D experiences, live entertainment, a full ghost town, and some of the best dining you'll find at any amusement park, Knott's Berry Farm knows how to have fun. You can even grab a jar of famous Knott's jam before you head out!

If you're ready for roller coasters, one-of-a-kind attractions, delicious food, or just looking to create new memories with your family, you really can't go wrong with an amusement park. Just hold tight and have fun!

# CAN I CLAIM WORKERS' COMP IF I TELECOMMUTE?

Telecommuting is more popular than ever. Statistics from Global Workplace Analytics show 7 million Americans spend at least half their week telecommuting. With this rise of a new working habit, the legal system has had to decide if telecommuters are entitled to the same workers' compensation benefits as traditional employees. The short answer is yes. However, it can get complicated.

In a workers' comp case, an injured employee doesn't need to prove the accident was the fault of the employer. They just need to show the accident was work-related. This is much harder to do when an employee is at home rather than at the office or job site. If an employee falls while walking to the office bathroom, they're entitled to benefits. If that same employee were to fall while walking to the bathroom

in their home, insurance companies and defense lawyers will likely argue the accident wasn't work-related at all.

In this case, a big question is whether or not the accident happened during the injured person's working hours. Many telecommuters clock into a computer system to log their time during the day. If an injury occurred when the employee was clocked in, they have a stronger case. However, if a 9-to-5 employee decided to work at 7 p.m. and experienced an accident, it may not be considered as having occurred during the course of employment. Additionally, many telecommuters might be considered independent contractors rather than full-time employees. In North Carolina and Virginia, only employees are entitled to workers' comp benefits.



The relation between telecommuting and workers' comp continues to evolve. If you have questions about claiming benefits for at-home injuries as a telecommuter, give us a call at **888-694-1671**. You can also learn more about workers' compensation cases by visiting our blog at [joemillerinjurylaw.com/blog](http://joemillerinjurylaw.com/blog).

## Work Injury Center

### SPONSORS YOUNG ATHLETE

Joe Miller Law and the Work Injury Center were honored this past March to be asked to sponsor a young athlete's to attendance at the 757 Shutdown Academy Falcons football camp in Denbigh, Newport News, Virginia.

We were pleased to sponsor Jeremiah Taylor, a 9-year-old defensive end at Greenwood Elementary School in Newport News, Virginia.

757 Shutdown is a local, nonprofit organization that has, at its core, a mission to empower youth to reach their full potential though the primary values of integrity, honor, and respect.

Beyond on-the-field excellence, the athletic program promotes personal traits, including commitment, discipline, team cooperation, individual leadership, sportsmanship, and consideration of others. These attributes are vital to the success of Shutdown Academy, where students not only play to have fun, improve, and build character — but also to win.

We look forward to continuing to give back to the 757 Shutdown Academy, as well as other organizations committed to empowering our youth and helping them excel on every level.



Joe Miller, Jeremiah Taylor, and Coach Darreous Moody.

## Joe's Monthly 'SOUL SNACKS'

"Every word of prayer is a vessel to receive your desired abundance, helping you attain what you want in a way that will bring you closer to G-d."

-R. Arush

"A person must subjugate his will to the will of his Creator and have complete Faith that everything He does for him is for the very best, so that he can pray and Thank G-d in complete joy."

-R. Arush

"Every night before you go to bed, think about how your day was. If it was a good day in serving G-d, give thanks; plead to G-d that during the following day you will be able to improve your deeds, more and more. If, Heaven forbid, it was not a day as it should have been, then ask for forgiveness and atonement for the past and pray about the future."

-R. Nachman

## MARVELOUS Macaroni Salad



Spring is here and summer is on its way, which means picnic season has sprung. Enjoy this incredible pasta salad recipe with friends, or steal it all for yourself. We won't tell!

### What You'll Need ...

#### Dressing

- 1 cup mayonnaise
- 2 tablespoons vinegar
- 1 tablespoon mustard
- 1 teaspoon sugar
- 1 teaspoon salt
- ¼ teaspoon pepper

#### Salad

- ½ pound macaroni, cooked, drained, and cooled
- 1 cup sliced celery
- ½ cup chopped green pepper
- ½ cup chopped red pepper
- ½ cup chopped green onion

### Step by Step ...

1. Mix together dressing ingredients.
2. Mix together salad ingredients.
3. Mix dressing and salad together. Chill before serving.
4. Enjoy!

Recipe inspired by Food.com.