



# **COVID-19 WEBINAR SERIES**

## **PREPARING YOUR DEALERSHIP FOR A HEALTH & SAFETY INSPECTION**



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# THANKS FOR PROMOTING

- Chicago Automobile Trade Association (CATA) [www.cata.info](http://www.cata.info)
- Iowa Automobile Dealers Association (IADA) [www.iada.com](http://www.iada.com)
- Florida Independent Automobile Dealers Association (FIADA) [www.fiada.com](http://www.fiada.com)
- Minnesota Automobile Dealers Association (MADA) [www.mada.org](http://www.mada.org)
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- W3 Insurance – a provider of insurance products to auto dealers [www.w3ins.com](http://www.w3ins.com)
- Strategic Source – helping dealerships reduce costs, save time, and manage vendors [www.strategicsource.com](http://www.strategicsource.com)
- Innovative Auto HR – human resources support for dealerships [www.innovativeautohr.com](http://www.innovativeautohr.com)

# ACTIONS TAKEN TO FLATTEN THE CURVE

- State and local emergency orders (differ based upon jurisdiction)
  - Shelter in place
  - Social distancing
  - Wear masks in public
  - Criminal fines and penalties

# CHANCES OF DEALERSHIP INSPECTION

- With many businesses shut-down as non-essential, there are fewer businesses to inspect, which means the dealerships continuing to operate are bigger targets for inspectors
  - They are also relatively safe places for an inspector
- Health departments have started citing businesses and criminally charging owners for not adhering to the emergency orders
- OSHA actively inspected dealerships and service centers in the past month during the pandemic declaration
  - Many were initiated due to worker complaints and many cited “Health” concerns
  - OSHA’s 2020 budget was already over \$581 million for 2020
  - The stimulus package provided the Department of Labor with \$345 million plus an additional \$15 million that can be disbursed to OSHA specifically for enforcing workplace safety laws

# KNOW YOUR INSPECTOR

- If it is the health department or law enforcement
  - Focused on emergency order violations
- OSHA – focused on violation of OSH Act
  - Inspection Priorities:
    - Imminent danger situation
    - Severe injury or illness
    - Worker complaints
    - Referrals
    - Targeted inspections
    - Follow-up inspections
    - Otherwise planned inspections
    - Unplanned inspections
  - If related to COVID-19, most likely due to a worker complaint



US Labor Department ✓  
@USDOL

.@USDOL reminds employers that they cannot retaliate against workers who report unsafe conditions during the #COVID19 pandemic: [dol.gov/newsroom/relea...](https://www.dol.gov/newsroom/releases/)

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# OSHA INSPECTION

- When an OSHA inspector arrives on-site, he/she will present credentials, which include a photograph and serial number
- There will be an Opening Conference and the inspector will explain:
  - Why the dealership was selected for an inspection
  - The scope of the inspection
  - Walkaround procedures
  - Employer representation
  - Employee representation
  - Employee interviews
- “Employers have the right to require compliance officers to obtain an inspection warrant before entering the worksite.”
  - That is for your dealership to determine. May or may not be the best practice.

# GOAL SHOULD AN INSPECTION OCCUR

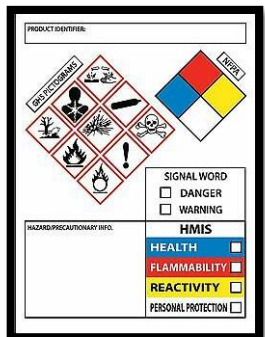
- Establish that you take worker health and safety seriously
  - Be organized – engage in pre-inspection planning
  - If possible, fix issued addressed on the spot
    - May still get cited

# PRE-INSPECTION PLANNING



- Social distancing practices?
  - Workers (stations and shifts)
  - Guests (x marks the spot)
- Housekeeping practices and chemical inventory?
- Hand-sanitizer stations?
- Signage?
- Where will the pre-meeting be held?
- Who will represent the dealership? Who is the back-up?
- Written Hazard Communication Plan?
  - Safety Data Sheets?
 

Training records? Must effectively train workers “who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.” “Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.”
  - Secondary containers properly labeled?
- Written Emergency Response Plan?
- Written Outbreak, Epidemic & Pandemic Response Plan?
- Employee’s Rights Poster posted?
- OSHA 300A posted (2.1 through 4.30)? OSHA 300s and 301s maintained?
- Who will inform the employees that there is a visitor?
  - Remind them of obligations regarding obeying emergency orders?
  - Remind them of where to find Safety Data Sheets?

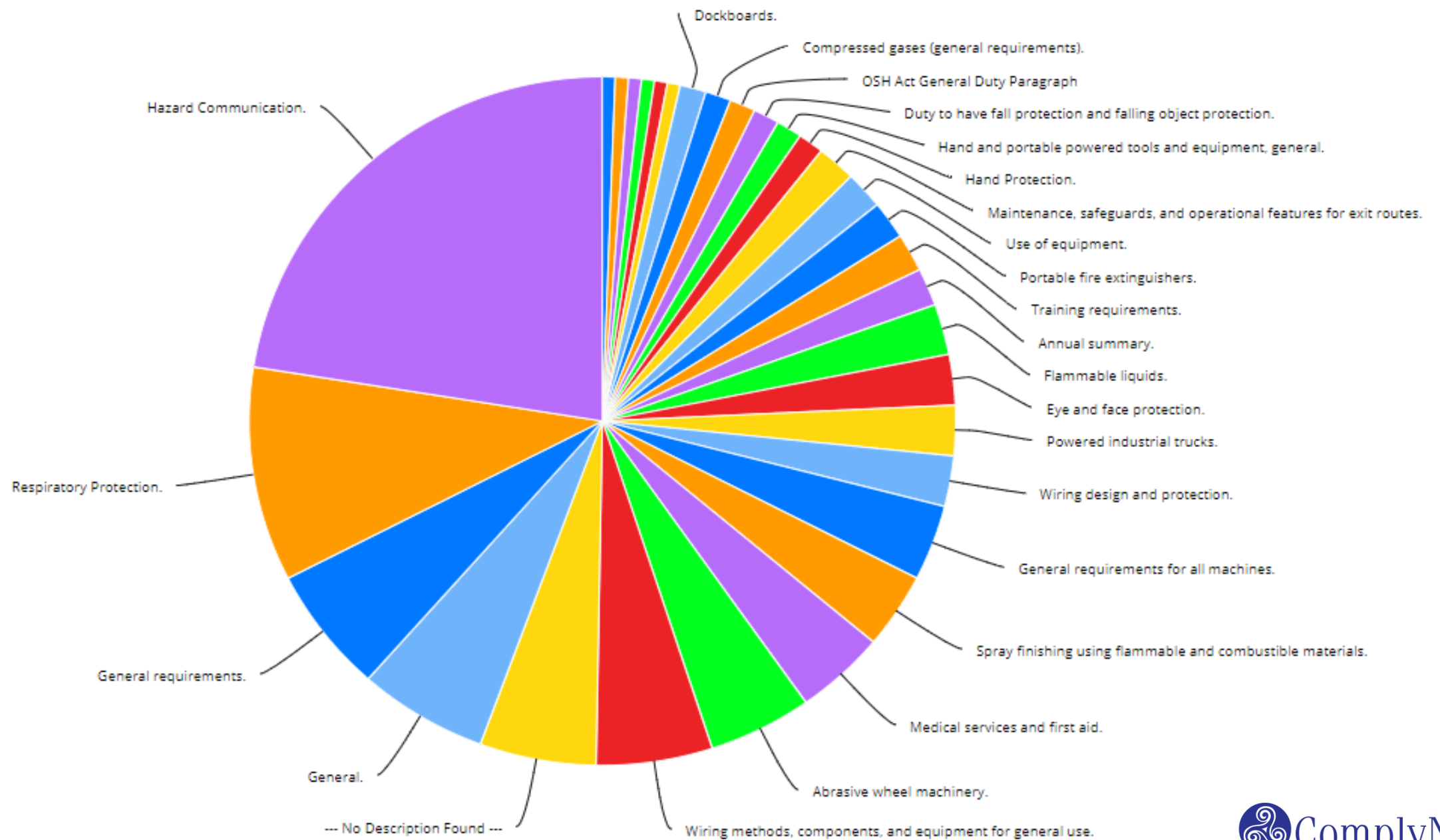


# POSSIBLE COVID-19 OSHA VIOLATIONS

- OSHA standards that may apply:
  - General duty clause: must furnish to each employee a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm. 29 U.S.C. 654, 5(a)1.
  - Hazard Communication. 1910.1200.
  - Personal protective equipment (PPE). 29 CFR 1910.132.
  - Respiratory protection. 29 CFR 1910.134.
  - Eye and face protection. 29 CFR 1910.133
  - Hand protection. 29 CFR 1910.138
  - Sanitation. 29 CFR 1910.141

# Percentage of OSHA Citations Issued to Franchised Dealers by Violation Type

October 2018 to September 2019



# CDC RECOMMENDATION



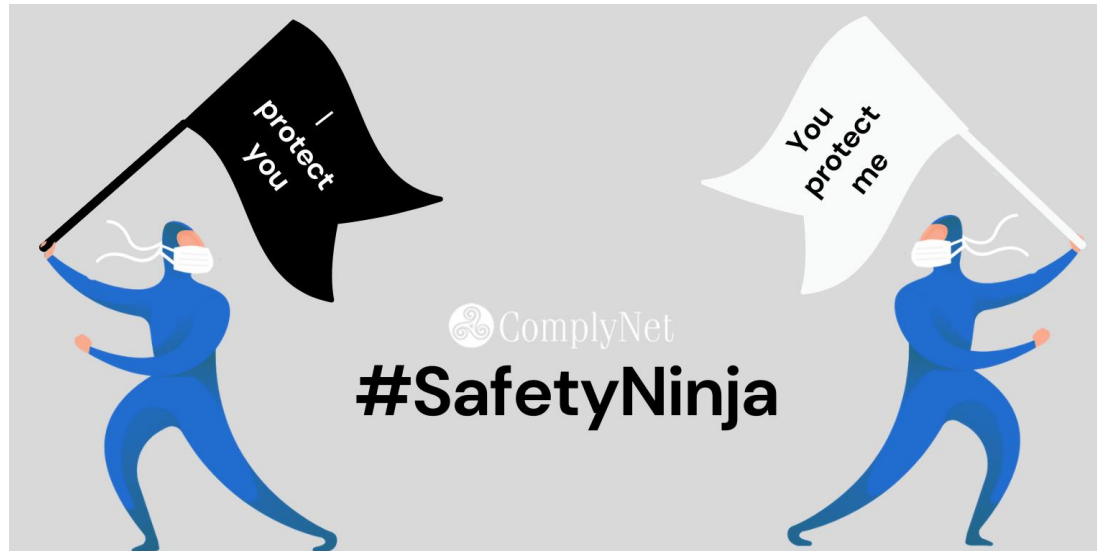
## Cover your mouth and nose with a cloth face cover when around others

- You could spread COVID-19 to others even if you do not feel sick.
- Everyone should wear a cloth face cover when they have to go out in public, for example to the grocery store or to pick up other necessities.
  - Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- The cloth face cover is meant to protect other people in case you are infected.
- Do NOT use a facemask meant for a healthcare worker.
- Continue to keep about 6 feet between yourself and others. The cloth face cover is not a substitute for social distancing.

# FACEMASKS/N95 RESPIRATOR MASKS

- Face Coverings

- Meant to protect others
- Is believed to offer a *limited* amount of protection
- Makes you look like a Safety Ninja



- N95 Respirators

- Meant to provide air filtration
- Can be hot/stuffy
- If voluntarily worn, this type of filtering facepiece does not need to be fit-tested or medically evaluated. 29 CFR 1910.134(c)(2)(ii).
  - But maybe there should be a medical evaluation

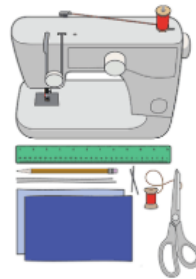


# MAKING FACE COVERINGS

## Sewn Cloth Face Covering

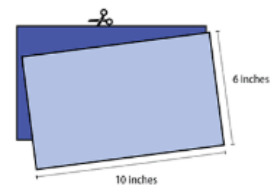
### Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

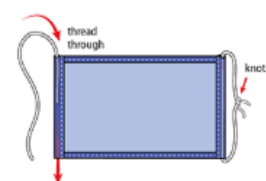


### Tutorial

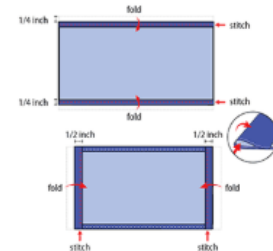
1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the mask as if it was a single piece of fabric.



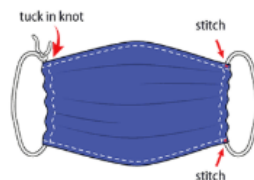
3. Run a 6-inch length of 1/8-inch wide elastic through the wider hem on each side of the mask. These will be the ear loops. Use a large needle and a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the mask behind your head.



2. Fold over the long sides 1/4 inch and hem. Then fold the double layer of fabric over 1/2 inch along the short sides and stitch down.



4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the mask on the elastic and adjust so the mask fits your face. Then securely stitch the elastic in place to keep it from slipping.

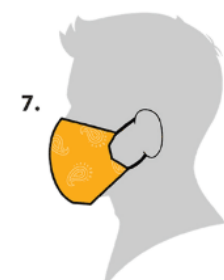
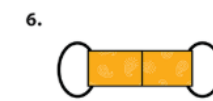
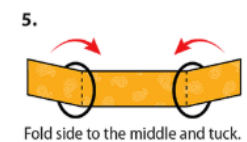
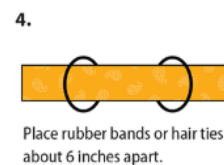
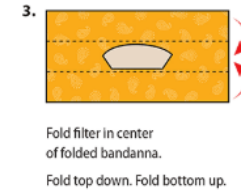
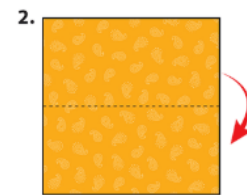
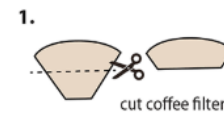


## Bandana Face Covering (no sew method)

### Materials

- Bandana (or square cotton cloth approximately 20"x20")
- Coffee filter
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

### Tutorial

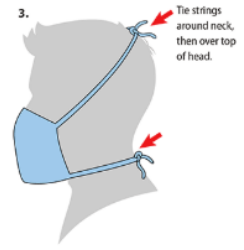
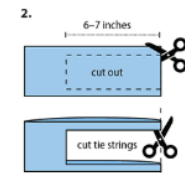
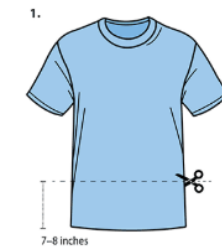


## Quick Cut T-shirt Face Covering (no sew method)

### Materials

- T-shirt
- Scissors

### Tutorial



# RECORDABLE?

- Injuries and illness that occur in the work environment, and results in a fatality, days away from work, job transfer or restriction, or medical treatment beyond first aid
  - Must be a confirmed case
    - Viral culture or real-time RT-PCR
  - Work be work related
    - Look for known exposure in workplace setting
- Possible Exceptions:
  - Does not apply: Common cold or flu. 29 CFR 1904.5(b)(2)(viii)
  - Visiting establishment as member of general public. 29 CFR 1904.5(b)(2)(i)

# WALKAROUND

- Will walk through facility with representatives
- Look for hazards that could lead to an injury or illness
- Look for official OSHA poster and 300A (2.1 through 4.30)
- Consult privately with a reasonable number of employees

# CLOSING CONFERENCE

- Discuss finding with representatives
- Discusses possible course of action, which could include an informal conference with OSHA or contesting citations and proposed penalties
- Discusses employee rights

# RESULTS

- May issue citations and fines
  - Must issue citation and proposed penalty within 6 months
  - Citations describe:
    - OSHA requirement allegedly violated
    - Proposed penalties
    - Deadline for correcting hazards
- When citations are issued, OSHA offers the employer an opportunity for an informal conference to discuss, and potentially work out a settlement agreement to resolve the matter and to eliminate hazards
  - Alternatively, employer has 15 days to formally contest or the citation becomes a final order
- You never want to be cited by OSHA!
  - Repeat violations are very costly! Maximum is almost \$135K per repeat violation.

# COMPLYNET'S COVID-19 RESOURCE CENTER

- Available at: <https://www.complynet.com/covid-19-coronavirus/>



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