

**OSC 12**  
Ohio Safety Congress & Expo

**WELL AT HOME. SAFE AT WORK.**

**106 Addressing Unexpected Fall Protection Needs**

Nolan Miller, P.E., C.S.P.

Thursday, March 29, 3:45 to 4:45 p.m.

**Ohio** Bureau of Workers' Compensation

BARNES & THORNBURG LLP  
btlaw.com

**Managing Safety Through The Employment Process**

**March 29, 2012**

*Bill Nolan  
bill.nolan@btlaw.com*

*Jessica Coleman  
Employers Resource Association  
jcoleman@hrxperts.org*

If you want to be aggressive on the back end ...

... you had better be aggressive on the front end.

**Aggressive on Front End**

- Invest in good hiring
- Thorough application and follow up

**Interview About Safety Behaviors**

- Suggestions they have made in the past
- Solicit suggestions on current or possible issues in your shop
- Past training and experiences
- Attitudes

### Do NOT Ask

- Prior comp claims
- Health issues
- Days missed due to illness

### Ability To Do Job

- OK to test ability to do job
  - Check with counsel: medical test?
- Be specific
- Be consistent
- Focus on CAN not CAN'T

### Job Descriptions Help!

- Give you a target
  - ADA
  - FLSA
  - Discrimination
- But they must reflect reality

### Drug Testing and Use

- Do not ask about past addiction or treatment
- Ask about illegal drug use
- Post-offer drug testing

### Performance Management

- Focus on job – and safety is part of job
- Carrots vs. sticks
- Evaluations: will save you or kill you in litigation

### Questions?

... and Thanks!

## Managing Safety Through The Employment Process

March 29, 2012

*Bill Nolan*  
Barnes & Thornburg LLP  
Barnes & Thornburg LLP  
[bill.nolan@btlaw.com](mailto:bill.nolan@btlaw.com)

*Jessica Coleman*  
Employers Resource Association  
[coleman@hrxperts.org](mailto:coleman@hrxperts.org)

- o Points of view, ideas, products, demonstrations or devices presented or displayed at the Ohio Safety Congress & Expo do not constitute endorsements by BWC. BWC is not liable for any errors or omissions in event materials.