

Ogletree
Deakins

WORKPLACE SAFETY SYMPOSIUM

2022

IN THE WAKE OF COVID-19 — A RETURN TO SAFETY NORMAL OR A NEW NORMAL IN SAFETY?

Tampa Marriott Water Street

505 Water Street
Tampa, FL 33602



PROGRAM AGENDA

DECEMBER 7-9, 2022

WEDNESDAY, DECEMBER 7, 2022

Noon – 2:00 p.m.

REGISTRATION

2:00 – 2:45 p.m.

BREAKOUT SESSIONS—SERIES 1

**OSHA 101: A PRIMER FOR EMPLOYERS
(ESSENTIAL BASICS)**

The first session in the Essential Basics track is designed to provide a foundation of knowledge about the Occupational Safety and Health Administration (OSHA), including how the agency operates and conducts inspections, how the settlement process works, how to contest citations, and more.

Moderator: Eric E. Hobbs (Milwaukee)

Speakers: Jeff T. Leslie (Dallas), Jennifer Yanni (Orange County)

**LOCKOUT/TAGOUT AND MACHINE GUARDING: TRY NOT TO HURT YOURSELF
(HEAVY INDUSTRY AND CONSTRUCTION)**

The opening session of the Heavy Industry and Construction track will cover the latest developments regarding lockout/tagout (LOTO) and offer practical tips on providing effective training for all authorized employees, maintaining adequate documentation, and keeping your workplace safe and compliant with OSHA's standards.

Speakers: Frank D. Davis (Dallas), Dean F. Kelley (Milwaukee)

EVALUATING, UNDERSTANDING, AND ANALYZING CITATIONS (GENERAL EDUCATION)

The General Education track's first session will address the latest trends in enforcement that may lead to a citation. The speakers will offer strategies for avoiding citations, as well as defending against citations should they occur. Join this session for a practical guide to the citation process and insights that can be garnered from OSHA's recent enforcement efforts.

Speakers: Jaslyn W. Johnson (Atlanta), R. Lance Witcher (St. Louis)

2:45 – 3:00 p.m.

BREAK

3:00 – 3:45 p.m.

BREAKOUT SESSIONS—SERIES 2

**RECORDKEEPING AND DOCUMENTATION: A STRONG FOUNDATION FOR WORKPLACE
SAFETY (ESSENTIAL BASICS)**

If you interact with or are responsible for OSHA logs of workplace injuries and illnesses, join this session for the latest updates on OSHA recordkeeping and documentation requirements, including the evolution of recordkeeping requirements related to COVID-19.

Speakers: Michael D. McKnight (Raleigh), William S. Rutchow (Nashville)

**THE FIRST HOUR: THE CATASTROPHE, FATALITY, AND SERIOUS ACCIDENT WHITE
BOARD SESSION (GENERAL EDUCATION)**

When serious injuries, fatalities, or catastrophes happen, employers may be inundated with challenges such as responding to law enforcement and the media and supporting workers and family members. In this session, the speakers will highlight best practices, pitfalls, and strategies to help employers respond when faced with the unthinkable.

Speakers: Wayne E. Pinkstone (Philadelphia), R. Lance Witcher (St. Louis)



WEDNESDAY, DECEMBER 7, 2022 (CONT.)

3:00 – 4:30 p.m.

BREAKOUT SESSIONS—SERIES 2 (CONT.)

MULTI-EMPLOYER AND JOINT EMPLOYER WORKSITES (DOUBLE SESSION—HEAVY INDUSTRY AND CONSTRUCTION)

When worksites include employees sourced through staffing agencies or there is more than one employer at a worksite, employers may be held responsible for hazardous conditions they did not create. Join this session to learn how OSHA's Multi-Employer Worksite Doctrine is applied as well as how to manage compliance, meet your obligations, and mitigate risk.

Speakers: Melissa A. Bailey (Washington, D.C.), Phillip B. Russell (Tampa)

3:45 – 4:30 p.m.

BREAKOUT SESSIONS—SERIES 3

ACCIDENT INVESTIGATIONS: THE FUNDAMENTALS AND ESSENTIAL CONCEPTS AND PRACTICES (ESSENTIAL BASICS)

If an accident occurs, conducting an investigation to determine the cause and how to prevent it from happening again is crucial. However, employers also need to know exactly what they should provide to OSHA, as the agency may use these findings to identify possible violations. In this session, the speakers will provide practical tips on conducting an investigation and identifying potential challenges.

Speakers: Kevin D. Bland (Orange County), Hal A. Shillingstad (Minneapolis)

CREATING SAFETY PROGRAM DOCUMENTS THAT SUPPORT YOUR GOALS (GENERAL EDUCATION)

In addition to accurately reflecting the safety requirements, practices, and procedures for your workplace, the best safety program documents also reflect your company's safety culture.

Join this session to learn how to capitalize on the opportunity to communicate your safety goals and ideals with messaging that will resonate with your workforce.

Speakers: John D. Surma (Houston)
David B. Walston (Birmingham)

6:00 – 9:00 p.m.

RECEPTION AND DINNER



THURSDAY, DECEMBER 8, 2022

7:30 – 8:30 a.m.

BREAKFAST

8:00 a.m. – 5:00 p.m.

REGISTRATION

8:30 – 8:45 a.m.

OPENING REMARKS

Speaker: Eric E. Hobbs (Milwaukee)

8:45 – 9:30 a.m.

OSHA's ENFORCEMENT AND REGULATORY AGENDA—AN INSIDER'S VIEW

This session will offer an insider's look at OSHA with DOL Assistant Secretary of Labor for Occupational Safety and Health Amanda Edens. Join us as we kick off the day with a discussion of OSHA's regulatory agenda and enforcement initiatives, including where and how OSHA is focusing its enforcement resources.

Introduction: Phillip B. Russell (Tampa), *Member*, Safety Committee of the Florida Transportation Builders' Association Inc.

Speaker: Amanda Edens, *Deputy Assistant Secretary of Labor for Occupational Safety and Health*

9:30 – 10:00 a.m.

WORKPLACE SAFETY LEGISLATIVE, POLICY, AND REGULATORY DEVELOPMENTS

In this session, our Washington, D.C., team brings their inside knowledge of plans for policy, rulemaking, and enforcement—along with a sprinkle of political intelligence. Join us for critical insights to help prepare your workplace for 2023 and beyond.

Speakers: Melissa A. Bailey (Washington, D.C.), James J. Plunkett (Washington, D.C.)

10:00 – 10:45 a.m.

TRUTH AND CONSEQUENCES: LEGAL ISSUES DURING INSPECTIONS

When not carefully conducted, inspections can have unintended consequences down the line. In this session, the speakers will review critical issues to keep in mind during an investigation, including work product and attorney-client privileges, accident investigation reports, employer admissions, and evidence of chain of custody. Join this session for a review of these and other issues that may negatively impact your OSHA appeal.

Speakers: J. Davis Jenkins (Washington, D.C.), Wayne E. Pinkstone (Philadelphia)

10:45 – 11:00 a.m.

BREAK

11:00 – 11:45 a.m.

QUOTES, QUESTIONS, AND QUERIES: A QUEST FOR MANAGING OSHA INTERVIEWS

Being prepared and knowing your rights as an employer is crucial when faced with OSHA interviews. In this session, the speakers will review key issues to keep in mind with regard to interviews of both management and nonsupervisory personnel, including identifying representation issues, determining the time and place of interviews, and preparing managers for interviews.

Speakers: Dee Anna D. Hays (Tampa), John D. Surma (Houston),
R. Lance Witcher (St. Louis)

11:45 a.m. – 12:30 p.m.

SAFETY LINKS: THE INTERSECTION OF WORKPLACE SAFETY AND OTHER EMPLOYMENT ISSUES (PART I)

Workplace safety is connected to and interrelated with other areas of employment law, and understanding this intersection can help you avoid negative consequences. In this session, join Ogletree Deakins attorneys for best practices and real-world solutions when safety and health intersect with drug testing, disciplinary actions, retaliation, and return-to-work issues.

Moderator: Eric E. Hobbs (Milwaukee)

Speakers: Michael Clarkson (Boston), Erika L. Leonard (Austin)

12:30 – 1:30 p.m.

LUNCH AND LEARN WITH RETIRED CSHOs: FORMER INSIDERS SHARE THEIR TIPS FOR EMPLOYERS

During an OSHA inspection, have you ever wondered what the compliance safety and health officer (CSHO) was really thinking or focusing on? Three veteran—and retired—CSHOs with decades of experience will candidly share their thoughts, experiences, and tips for employers. Bring your questions for this open discussion.

Moderator: Phillip B. Russell (Tampa)

Speakers: Shara Francis, *OSHA Safety Consultant*, OSHA Response Assistant, LLC
Daniel Gonzales, *Senior Manager of Employee Health and Safety*, ADT Solar
Matthew R. Humphreville, MS, CSP, CIH, *Senior Industrial Hygienist and Safety Consultant*, Universal Engineering Sciences



THURSDAY, DECEMBER 8, 2022 (CONT.)

1:30 – 2:30 p.m.

THE HOT TOPIC OF HEAT ILLNESS

Many employers are feeling “hot-blooded” trying to understand and comply with the growing number of state and federal heat illness regulations and emphasis programs. In this session, the speakers will discuss required (and recommended) policies, training, and effective employer practices, as well as multi-employer worksites, subcontractors, and nuanced enforcement issues.

Speakers: Kevin D. Bland (Orange County), Jaslyn W. Johnson (Atlanta)

2:30 – 3:15 p.m.

SAFETY LINKS: THE INTERSECTION OF WORKPLACE SAFETY AND OTHER EMPLOYMENT LAWS (PART II)

Join this session for more information on how workplace safety is connected to and interrelated with other areas of employment law. In this session, the speakers will offer practical tips and strategies regarding the intersection of workplace safety and health with labor organizing and unfair labor practices, multi-agency investigations, wage and hour issues, and other related claims.

Speakers: Frank D. Davis (Dallas), Erika L. Leonard (Austin)

3:15 – 3:30 p.m.

BREAK

3:30 – 4:00 p.m.

IMPORTANT OSHA CASES: A PRACTICAL UPDATE

In this session, the speakers will provide a fast-paced update on key 2022 OSHA case law, developments, and pending appeals—and what they mean for employers. Join this session for tips on how to plan, prepare, and adjust for changes to interpretations and new rulings.

Moderator: Eric E. Hobbs (Milwaukee)

Speakers: Thomas R. Chibnall (St. Louis), Dean F. Kelley (Milwaukee)

4:00 – 4:30 p.m.

DIGGING INTO THE DATA: SAFETY, ACCIDENT, AND OSHA CITATION DATA AND TRENDS IN LEADING AND LAGGING INDICATORS

Analyzing data and statistics can be valuable tools when forecasting and managing safety and workplace hazards. Join this session as the speakers make sense of the latest data and trends, and discuss how employers can use this information to prepare for 2023 and beyond.

Moderator: Melissa A. Bailey (Washington, D.C.)

Speakers: Timothy Fox (Director of Practice Intelligence and Analytics, Ogletree Deakins)
Phillip B. Russell (Tampa)

4:30 – 4:50 p.m.

WACKY OSHA CASES

It's time for a lighter look at wacky workplace safety cases from the past year. Join the dynamic duo of Joe Clees and Melissa Bailey for a review of surprising, silly, and strange occurrences in 2022!

Speakers: Melissa A. Bailey (Washington, D.C.), Joseph T. Clees (Phoenix)

6:30 – 9:30 p.m.

STARSHIP DINNER CRUISE

Join us for a relaxing reception and dinner as we set sail on the waterways of Tampa Bay and Clearwater in a luxury yacht.



FRIDAY, DECEMBER 9, 2022

7:30 – 8:30 a.m.

BREAKFAST

8:30 – 11:00 a.m.

THE GRAND FINALE: A MOCK OSHA INSPECTION

We close out this year's symposium with our traditional interactive session, where attendees will join our Ogletree Deakins attorneys to discuss real-world scenarios. This session will include issue-spotting, sample documents, and mock interviews for an informative and interactive experience.

Facilitator: Melissa A. Bailey (Washington, D.C.)

Featuring: Kevin D. Bland (Orange County), Michael Clarkson (Boston), Frank D. Davis (Dallas), J. Davis Jenkins (Washington, D.C.), Jaslyn W. Johnson (Atlanta), Dean F. Kelley (Milwaukee), William S. Rutchow (Nashville), R. Lance Witcher (St. Louis), Jennifer Yanni (Orange County)

11:00 – 11:15 a.m.

CLOSING REMARKS

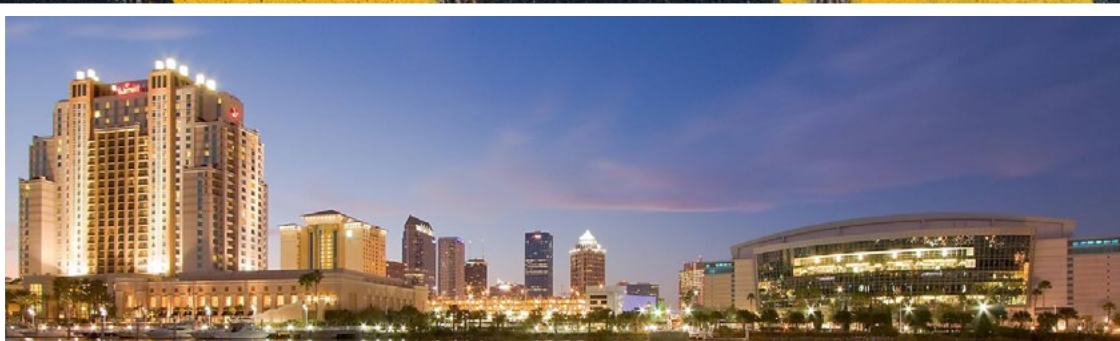
Speaker: Eric E. Hobbs (Milwaukee)



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2022



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Atlanta	Dallas	Mexico City	Paris	San Diego
Austin	Denver	Miami	Philadelphia	San Francisco
Berlin	Detroit (Metro)	Milwaukee	Phoenix	Seattle
Birmingham	Greenville	Minneapolis	Pittsburgh	St. Louis
Boston	Houston	Montréal	Portland (ME)	St. Thomas
Charleston	Indianapolis	Morristown	Portland (OR)	Stamford
Charlotte	Kansas City	Nashville	Raleigh	Tampa
Chicago	Las Vegas	New Orleans	Richmond	Toronto
Cleveland	London	New York	Sacramento	Torrance
Columbia	Los Angeles	Oklahoma City	Salt Lake City	Tucson
Columbus	Memphis	Orange County	San Antonio	Washington, D.C.

Continuing legal education (CLE) will be requested for this program. Alabama CLE credit is not available for this program. Please email any CLE-related questions to cle@ogletree.com. This program qualifies for both experienced and newly admitted attorneys. Attorneys who need financial aid to attend may view the policy [here](#).