



# eNewsletter

Spring 2014

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## Conference Highlights

The 2014 Ohio Precast Concrete Association annual conference was held on March 17-18, 2014. The attendance this year was 53 people from 31 organizations. We had 14 exhibitors and 9 precast companies were represented.

A highlight of the event was the door prize given away at lunch on Tuesday. Leslie Blankenship from Ohio Electric Controls was the winner of a 42" LCD television.



Four educational sessions provided relevant information to the members and guests. A presentation on protecting personal and corporate assets was delivered by G. Kent Mangelson from American Society for Asset Protection. Bob Shank from Spoerr Precast and Dusten Gurney from ODH provided an update on the status of the sewage regulations from the Ohio Department of Health. A very insightful presentation by Kevin Conrad shed some light on the effect that the Affordable Care Act will have on small businesses. Officer Tad Rumas from the Public Utilities Commission presented the most recent information on truck regulations. And, Ron Lucki and Debie Spain from Care Works shared information on managing a worker's compensation claim. A photo collage is included with this eNewsletter.

## Mobile Phones: Policies Needed

According to research published in 2013, 91% of adults now carry a cell phone (Raine 2013). In most organizations, employees keep their phone with them throughout the work day. And, the phones are not just for calling anymore. According to research, 55% of people carrying a phone identify their device as a smartphone (Smith 2013). Employers are facing a new challenge: how are the distractions caused by mobile communications devices controlled in the workplace?

## Mobile Phones Continued...

The solution is certainly not a “one size fits all.” In some organizations, allowing an employee to have access to their mobile communication device during the work day provides a convenient balance to work and life. This can help retain and attract talent by promoting a family friendly work-life employment state. Some employees are even provided a mobile device by their employer as a condition of employment. This also provides access to the employee during typical non-working hours.

OSHA, the Occupational Safety and Health Administration, is investigating the link that cell phones have when a work related incident occurs. Primarily, OSHA is concerned with fatal vehicle crashes which account for 38% of the more than 4,500 reported workplace fatalities annually (OSHA 2014). Even though a law is not available, OSHA can cite the General Duty Clause of the Occupational Safety and Health Act of 1970. The general duty clause, Section 5 of the Act, simply states:

*(a) Each employer --*

*(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;*

Distracted driving is not the only concern for employers. Cell phone usage, especially the use of data and texting, can be a distraction in the factory, or even in the office. Can you imagine the danger of texting while operating a powered industrial truck? Even pedestrians in a factory can blindly walk into the path of danger while reading an email on their phone. OSHA requires employers to analyze the hazards present in the workplace. There are three means by which a hazard can be abated: engineering controls, administrative controls, or personal protective equipment.

With regard to cell phones, engineering controls are not practical, and there are no personal protective devices. This leaves administrative controls: a written policy. A cell phone policy is more critical today than ever. These mobile devices are often used more for texting and surfing the web than for calling. Distractions related to texting while driving are a focus on the highways. A distracted production worker in a precast plant can be equally dangerous. Instead of operating a 1 ½ ton vehicle, the precast employee might be operating a forklift designed to carry loads of 20 or 30 tons.

A search on the web found a lot of discussion about this issue, but this author could not find many examples of cell phone policies that included production duties. There are, however, several available for companies with drivers. Based upon an article published by Inc. magazine (McCorvey 2010), here are some things you should consider when creating a policy:



**Find a person to consult with.** Associates in business, trade association partners, and human resource consultants are a great place to start. It is also a great idea to include your lawyer in this early discussion. Preliminary questions will need to be answered before drafting your policy.

What are the issues that exist already where cell phone usage is an issue?

What are some reasonable guidelines for my business? My employees?

Which employees need access to cell phones during the work hours? Is this a distraction?

Is the company promoting cell phone use and/or texting while an employee is driving?

## Mobile Phones Continued...

**What are the etiquette needs for employees who need to have access to a cell phone?**

Should the ringer be silenced?

Can conversations be held at the workstation, or is this disturbing to others?

What are the rules for responding to texts or voicemail while driving? Should this be immediate, every 30 minutes, or every few hours?

Consider adopting policies regarding social media on the mobile devices as well.

**Who pays the bill?**

Are business related calls on a personal cell phone reimbursed?

Does the company provide a cell phone, or is the use of an employee's cell phone expected?

Who pays for a lost, broken, or stolen phone?

**If the company owns the phone, consider these issues:**

Who owns the phone number? If the employee leaves, does the employee keep their number?

What expectation of privacy does the employee have? Will the monthly charges be reviewed?

Will the employee be tracked using the GPS function?

**Make sure the policy clearly defines talking and texting while driving.**

Some states prohibit use of cell phone unless hands free.

Many states prohibit texting while driving. OSHA can cite a company under the general duty clause.

Different situations: Personal car, personal phone, on company business; Company car, company phone, on personal time; any combination of these.

**Rules that are not enforced are worse than not having a policy in the first place.**

Create a clear and simple disciplinary action procedure.

Apply disciplinary action consistently and fairly.

Use a progressive discipline plan.

Train employees to the plan.

Have the employees read the policy and sign it. Keep this in the personnel records.

The technology of the 21<sup>st</sup> century has provided a tremendous amount of benefit to employees as well as employers. The use of cell phones is here to stay, and the work environment must adapt to this in the same manner that they have with any other hazard. The first step in addressing this trend is creating a company policy and then enforcing it. Be prepared to make changes to the policy as technologies and the employment situations change.

*Written by Sam Lines*

## Bibliography

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# 2014 OPCA Conference Photo Collage



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**We're on the web!**  
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## OUR PURPOSE

The Ohio Precast Concrete Association (OPCA) is a group of producer members and associated industries cooperating together as an association. The intent being to bring pertinent issues and information that impact the Precast Concrete Industry, to the attention of government agencies which participate in the origination of these issues.

The OPCA is interested in assisting these agencies by providing expert advice and counsel in the development of regulations involving the industry and the general public.

The OPCA producer and associate members whose products and services range from the construction of buildings and highways to the manufacture of precast concrete products for the treatment of commercial and residential waste water. The OPCA member products and services affect the lives of nearly every Ohioan on a daily basis.

Some specific areas of interest being pursued by the OPCA are as follows:

The introduction of new sewage guidelines relating to the specific construction and operation of home waste water treatment products (septic tanks, aerators, etc.) by the Ohio department of health and the Ohio EPA.

The introduction of programs and policies relating to the testing of materials and products being used on Ohio Department of Transportation projects.

The development of quality control procedures and inspections services training by the Ohio Department of Transportation.

The Ohio Precast Concrete Association will be expanding its' scope of interest as membership roles grow and diversify. The need for input, regarding issues and regulations which effect the large segment of the public which it serves, comes to the forefront.

# OPCA Member Companies

## PRODUCER MEMBERS

E.C. Babbert, Inc.  
Everly Concrete Products, Inc.  
Hanson Pipe and Precast  
J.K. Precast, LLC  
Lindsay Precast  
Mack Industries  
Norwalk Concrete Industries  
Premier Precast Products  
Quaker City Septic Tanks, LLC  
Scioto Valley Precast  
Sickels Septic Tanks, Inc.  
Spoerr Precast Concrete, Inc.  
Stiger Precast, Inc.  
Uniontown Septic Tank, Inc.

United Precast, Inc.

## ASSOCIATE MEMBERS

A-lok Products, Inc.  
A.L. Patterson, Inc.  
Blackthorn, LLC  
Champion Pump Company  
Concrete Sealants, Inc.  
EJ USA, Inc.  
EMH, Inc.  
Engineered Wire Products, Inc.  
Essroc Cement Co.  
Euclid Chemical  
Gotham Staple Co., Inc.  
Hamilton Kent, LLC  
Hill and Griffith Company

Infiltrator Systems, Inc.

Jet, Inc.  
Mixer Systems, Inc.  
Ohio Electric Control, Inc.  
Polylok, Inc. / Zabel Environmental  
Premiere Concrete Admixtures, LLC  
Press-Seal Gasket Corporation  
Sika Corporation  
St. Mary's Cement  
Tuf-Tite, Inc.  
W.P. Hilts & Company  
**PROFESSIONAL MEMBERS**  
Concrete Engineering Solutions  
Delta Engineers, Architects & Land Surveyors