



1

---

---

---

---

---

---

---



2

---

---

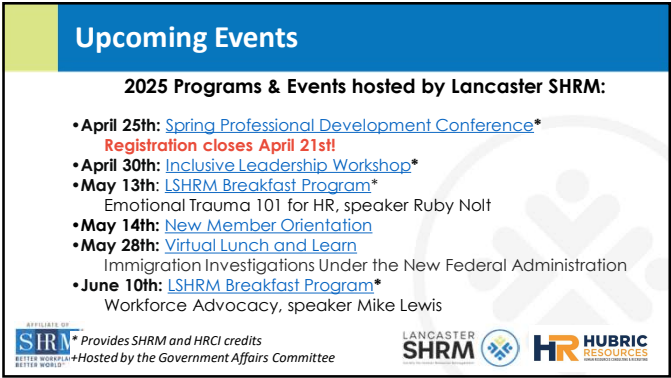
---

---

---

---

---



3

---

---

---

---

---

---

---

Upcoming Events

2025 Programs & Events hosted by our partners:

- May 8th: PA SHRM [Legal and Legislative Conference\\*](#)
- May 9th: [Lancaster Chamber HR Roundtable\\*](#)
- May 9th: [Pathways Training\\*](#) by Career Ready Lancaster at Workforce Development Board
- June 13th: [Pathways Training\\*](#) by Career Ready Lancaster at Workforce Development Board
- June 29-July 2: [SHRM 2025\\*](#)

\* Provides SHRM and HRCI credits  
+ Hosted by the Government Affairs Committee

ASSOCIATE OF  
**SHRM**  
BETTER WORKPLACES  
BETTER WORLD®

LANCASTER  
**SHRM**

**HR** HUBRIC  
RESOURCES

4

---

---

---

---

---

---

---

---

Early Bird Registration  
through March 14  
ONLY \$225

*join us for our*  
**2025  
LEGAL & LEGISLATIVE  
CONFERENCE**

PA SHRM's Legal & Legislative Conference is a first-in-class event for Pennsylvania's Human Resources Professionals and anyone seeking to stay on top of labor and employment law updates.

[www.pashrm.org/legislative-legal-conference.php](http://www.pashrm.org/legislative-legal-conference.php)

**SHRM**  
Pennsylvania  
REGISTRATION OPEN

**THURSDAY**  
May 8, 2025  
7 AM-4 PM  
Penn Harris Hotel  
Camp Hill, PA  
(Evening Welcome Reception May 7)

Register Now

5

---

---

---

---

---

---

---

---

SAN DIEGO SUNSHINE  
MEETS SHRM25

JOIN US AT THE WORLD'S  
LARGEST HR CONFERENCE!

**SAVE YOUR SEAT**

**SHRM25**  
SAN DIEGO  
JUNE 29 - JULY 2, 2025

SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO  
SAN DIEGO

6

---

---

---

---

---

---

---

---



7

---

---

---

---

---

---

---



8

---

---

---

---

---

---

---



9

---

---

---

---

---

---

---



## IT'S NOT JUST A SMALL TOWN IN WISCONSIN

Lancaster SHRM | HR 101  
April 10, 2025

Angela H. Sanders  
**Post & Schell**  
ATTORNEYS AT LAW

Aron K. Hoffman, CSP  
**ELITE**  
MANAGEMENT CONSULTING CORPORATION

10

---

---

---

---

---

---

---

---



**Angela H. Sanders**  
Principal  
Employment & Labor Practice Group  
**Post & Schell, P.C.**  
asanders@postschell.com  
717-391-4436



**Aron K. Hoffman, CSP**  
President, Safety Consultant  
**Elite Management Consulting Corporation**  
akh@emccsafety.com  
717-525-3734

11

---

---

---

---

---

---

---

---

# OSHA

**REQUIREMENTS FOR ALL EMPLOYERS**

12

---

---

---

---

---

---

---

---

## OCCUPATIONAL SAFETY AND HEALTH ACT

### DUTIES OF **ALL** EMPLOYERS

- Provide workplace free from serious hazards
- Comply with standards issued under OSH Act
- Post OSHA poster
- Examine workplace conditions
- Communicate potential hazards to employees
- Establish safety policies/procedures
- Provide safety training



13

---

---

---


---

---

---

---

---



### Job Safety and Health IT'S THE LAW!


**All workers have the right to:**

- A safe workplace
- Have a safety or health concern with your employer or OSHA, or report a workplace injury or illness, without being retaliated against
- Receive information and training on job hazards, including all hazardous substances in your workplace
- Request an OSHA inspection of your workplace if you believe that you or your coworkers are in jeopardy or safety conditions are unsafe or violate OSHA standards
- Participate for free your representative participation in an OSHA inspection and send it private to the inspector
- File a complaint with OSHA within 30 days by phone, online or by mail if you have been retaliated against for using your rights
- See any OSHA citations issued for your workplace
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log

This poster is available free from OSHA.

Contact OSHA. We can help.

1-800-325-OSHA (6742) • TTY 1-877-480-6827 • [www.osha.gov](http://www.osha.gov)



14

---

---

---

---

---

---

---

---

## OCCUPATIONAL SAFETY AND HEALTH ACT

### RIGHTS OF **ALL** EMPLOYEES

- Workplace that does not pose risk of serious harm
- File a complaint with OSHA to have workplace inspected
- Receive information and training about workplace hazards, methods to prevent harm and OSHA standards applicable to workplace
- Receive copies of injury and illness records, workplace testing results, and their own workplace medical records
- Participate in OSHA inspection
- File a complaint with OSHA if they have been retaliated against or punished for making a complaint



15

---

---

---

---

---

---

---

---

INJURY REPORTING

EMPLOYEE INVOLVEMENT

- Employees have the right to report work-related injuries and illnesses
- Employers **must** inform employees how they are to report work-related injuries and illnesses
  - Post OSHA poster
  - Accident/Injury Reporting Policy and Procedure in Handbook
  - Accident/Injury Reporting Policy and Procedure in Safety Manual
  - Training on Injury Reporting

Post&Schell.  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---

---

16

SEVERE INJURY REPORTING

REQUIRED BY ALL EMPLOYERS

- What to Report
  - Work-related incidents that result in fatality, inpatient hospitalization, amputation, or loss of an eye
  - Work-related: An event or exposure in the work environment caused/contributed to the resulting condition or significantly aggravated a pre-existing injury/illness
- When to Report
  - Death – Within 8 hours
  - Inpatient hospitalization, amputation, loss of eye – Within 24 hours
- How to Report
  - Telephone to nearest area office – Harrisburg: 717-782-3902
  - Telephone to 1-800-321-OSHA (6742)
  - Electronic submission via OSHA website ([www.osha.gov](http://www.osha.gov))

Post&Schell.  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---

---

17

ANTI-RETALIATION OBLIGATIONS

DISCRIMINATION AND WHISTLEBLOWER PROTECTIONS

- OSH Act Section 11(c) (29 U.S.C. § 660)
  - Prohibits discrimination/retaliation against employee that files a complaint, institutes a proceeding under OSH Act, testifies or is about to testify in proceeding, or exercises rights under OSH Act
- 2016 Amended Injury & Illness Reporting Regulations (29 C.F.R. § 1904)
  - Section 1904.35: Employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries and illnesses
  - Section 1904.36: Employers are prohibited from discriminating against employees for reporting work-related fatalities, injuries or illnesses
- Whistleblower Protections
  - OSHA has authority to enforce whistleblower protections arising under 21 additional federal safety laws

Post&Schell.  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---




---

18

### ANTI-RETALIATION OBLIGATIONS

#### DRUG AND ALCOHOL POLICIES

- Preamble to 2016 Amended Injury and Illness Reporting Regs
  - Drug testing policies should limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use
  - Employers need not specifically suspect drug use before testing, but there should be a reasonable probability that drug use was a contributing fact
- **PROBABLE CAUSE**
  - Employer Action
    - Review and update drug testing policies – post-incident testing should not be mandatory/blanket\*
    - Review and update arrangement with occupational health providers – employees should not be automatically tested



19

---

---

---

---

---

---

---

---



20

---

---

---

---

---

---

---

---

### RECORDING WORK-RELATED INCIDENTS

#### EMPLOYERS WITH MORE THAN 10 EMPLOYEES

- Who must record
  - Employers with 10 or fewer employees during prior calendar year do not need to keep OSHA injury and illness records unless required by OSHA or BLS
  - Employers in certain industries do not need to keep injury and illness records unless required by OSHA or BLS
- Must record work-related incidents that result in:

Death




Days Away from Work

Restricted Work or Transfer

Medical Treatment Beyond 1<sup>st</sup> Aid

Loss of Consciousness

Significant Injury/Illness Diagnosed



21

---

---

---

---

---

---

---

---



[illegible]

22

---

---

---

---

---

---

[illegible]

23

---

---

---

---

---

---

[illegible]

24

---

---

---

---


---

---




### ELECTRONIC INJURY SUBMISSION

#### INJURY TRACKING APPLICATION – MARCH 2ND



EMPLOYEES	COVERED INDUSTRIES	ITA
250 or more	<ul style="list-style-type: none"><li>All industries <b>unless</b> listed as exempt in 1904, Subpart B, Appendix A</li><li>Exempt Industries: <a href="https://www.osha.gov/recordkeeping/presentations/exempttable">https://www.osha.gov/recordkeeping/presentations/exempttable</a></li></ul>	300A data
20-249	<ul style="list-style-type: none"><li>Industries listed in 1904, Subpart E, Appendix A</li><li>Includes agriculture, construction, manufacturing, utilities, wholesale, retail, trucking, healthcare facilities</li><li>Covered Industries: <a href="https://www.osha.gov/recordkeeping/naics-codes-electronic-submission">https://www.osha.gov/recordkeeping/naics-codes-electronic-submission</a></li></ul>	300A data
100 or more	<ul style="list-style-type: none"><li>Industries listed in 1904, Subpart E, Appendix B</li><li>Includes agriculture, construction, manufacturing, utilities, wholesale, retail, trucking, healthcare facilities</li><li>Covered Industries: <a href="https://www.osha.gov/sites/default/files/appendix_b_to_subpart_e_of_part_1904.pdf">https://www.osha.gov/sites/default/files/appendix_b_to_subpart_e_of_part_1904.pdf</a></li></ul>	300/301 data

Post & Schell  
ATTORNEYS AT LAW



25

---

---

---

---

---

---

---

---



# OSHA

## COMPLIANCE

26

---

---

---

---

---


---

---

---


### COMPLIANCE TIPS

#### ALL EMPLOYERS



- Conduct job hazard analysis
  - Identify hazards in the workplace based on job tasks
  - Identify and implement hazard controls to reduce/eliminate risk of injury/illness
  - Hazard controls: personal protective equipment (PPE), safety devices, engineering controls, practical approaches to job tasks, training
  - Job Hazard Analysis – OSHA 3071 (<https://www.osha.gov/sites/default/files/publications/osha3071.pdf>)
- Update handbook to include safety reporting policy
- Provide and document regular safety training, maintenance
- Form a safety committee
- Consider OSHA Consultation Program or safety consultant

Post & Schell  
ATTORNEYS AT LAW



27

---

---

---

---

---

---

---

---



28

---

---

---

---

---

---

---

---



29

---

---

---

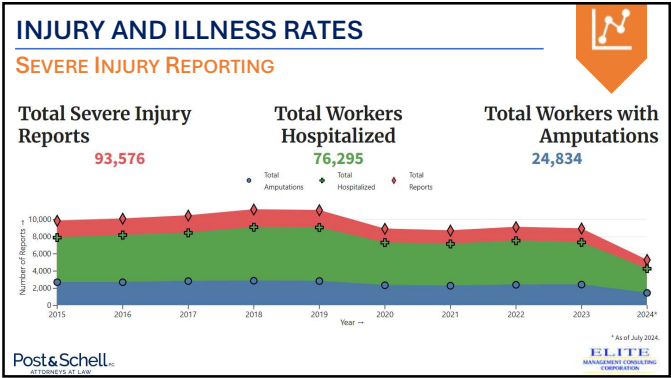
---

---

---

---

---



30

---

---

---

---

---

---

---

---

INJURY AND ILLNESS RATES

FY 2023 DATA (PAGE 1 OF 37)

TABLE 1. Incidence rates <sup>(a)</sup> of nonfatal occupational injuries and illnesses by industry and case types, 2023						
Industry <sup>(b)</sup>	NAICS code <sup>(c)</sup>	TRK <sup>(d)</sup>		LWCR <sup>(e)</sup>		
		Total recordable cases	Total	Cases with days away from work, job restriction, or Cases with days of job transfer or restriction	Other recordable cases	
All industries including private, state and local government <sup>(f)</sup>		2.7	1.5	1.0	0.6	1.1
Private industry <sup>(f)</sup>		2.4	1.5	0.9	0.6	1.0
Goods-producing <sup>(g)</sup>		2.7	1.7	1.0	0.7	1.0
Natural resources and mining <sup>(h)</sup>		3.0	1.9	1.2	0.7	1.1
Agriculture, forestry, fishing and hunting <sup>(i)</sup>	11	4.2	2.7	1.6	1.1	1.5
Crop production <sup>(j)</sup>	111	4.5	2.6	1.4	1.2	1.9
Oilseed and grain farming <sup>(k)</sup>	1111	2.8	1.8	1.1	0.6	1.0
Vegetable and melon farming <sup>(l)</sup>	1112	4.4	2.6	1.5	1.1	1.8
Forest and tree nut farming <sup>(m)</sup>	1113	5.2	3.3	1.6	1.7	1.9
Greenhouse, nursery, and floriculture production <sup>(n)</sup>	1114	4.1	2.2	1.4	0.9	1.9
Animal production and aquaculture <sup>(o)</sup>	112	4.1	2.7	1.9	0.8	1.4
Cattle ranching and farming <sup>(p)</sup>	1121	3.5	2.4	1.9	0.5	1.0
Beef cattle ranching and farming, including feedlots <sup>(q)</sup>	11211	4.7	3.3	2.4	0.9	1.5
Dairy cattle and milk production <sup>(r)</sup>	11212	3.1	2.2	1.9	0.4	0.9
Hog and pig farming <sup>(s)</sup>	1122	8.7	5.3	3.2	2.0	3.5
Poultry and egg production <sup>(t)</sup>	1123	3.6	2.2	1.3	0.8	1.5
Other animal production <sup>(u)</sup>	1129	5.0	3.5	2.4	1.1	1.5
Forestry and logging <sup>(v)</sup>	113	3.1	2.2	2.1	—	0.8
Logging <sup>(w)</sup>	1133	3.6	2.1	2.1	—	0.8

Post & Schell

ATTORNEYS AT LAW

ELITE

MANAGEMENT CONSULTING CORPORATION

31

---

---

---

---

---

---

---

---



32

---

---

---

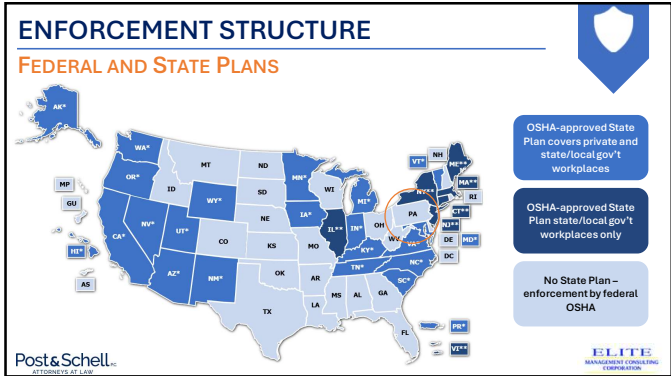
---

---

---

---

---



33

---

---

---

---

---

---

---

---

## ENFORCEMENT STRUCTURE

### PENNSYLVANIA (REGION 3)

**Harrisburg Area Office**  
4050 Crums Mill Road, Suite 102  
Harrisburg, PA 17112-2827  
☎ (717) 782-3902  
📠 (717) 782-3746

**Kevin T. Chambers**  
Area Director

34

---

---

---

---

---

---

---

---

## OSHA INSPECTIONS

### INSPECTION PRIORITIES

- Unprogrammed Inspections
  - Imminent Danger:** OSHA responds *immediately* to reports of conditions or practices that pose an imminent danger to workers
  - Fatalities and Catastrophes:** Incidents resulting in fatality or the hospitalization of an employee due to a work-related event
  - Complaints:** Inspections in response to complaints filed by workers or their representatives regarding unsafe or unhealthy working conditions
  - Referrals:** Inspections may be initiated based on referrals from other agencies, individuals, or organizations
- Programmed Inspections
  - Special Emphasis Programs:** National, regional, and local
  - Site Specific Targeting:** Random inspection of high-hazard workplaces
- Follow-up Inspections

35

---

---

---

---

---

---

---

---

## OSHA INSPECTIONS

### INSPECTION STATISTICS

OSHA Inspection Statistics	FY 2018	FY 2019	FY 2020*	FY 2021*	FY 2022	FY 2023
Total Inspections	32,023	33,393	21,710	24,333	31,820	34,221
Total Programmed Inspections	13,956	14,900	8,729	10,584	14,081	15,844
Total Unprogrammed Inspections	18,067	18,493	12,981	13,749	17,739	18,377
- Fatality/Catastrophe Inspections	941	919	1,498	1,386	1,119	952
- Complaints Inspection	7,489	7,391	4,592	4,955	6,789	8,221
- Referrals	6,463	6,718	4,810	5,310	6,091	6,419
- Other Unprogrammed Inspections	3,174	3,465	2,081	2,098	3,740	2,785

\*This period represents the height of the COVID-19 pandemic.

36

---

---

---

---

---

---

---

---

OSHA INSPECTIONS

INSPECTION PROCEDURES

- **NO** advance notice
- Presentation of Credentials
- Opening Conference
- Walk Around
  - Employee interviews
  - May come more than once
- Closing Conference

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---

---

---

37

CITATIONS AND PENALTIES

2025 PENALTIES

TYPE	EXPLANATION	PENALTY
Posting	Failure to post required OSHA poster	Not to exceed \$16,550
Other-Than-Serious (OTS)	A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm	Not to exceed \$16,550
Serious	The workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, unless the employer did not know or could not have known of the violation	Not to exceed \$16,550
Willful	A violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety	Not to exceed \$165,514
Repeated	The employer has previously been cited for the same or substantially similar condition	Not to exceed \$165,514
Failure to Abate	Failure take corrective action to resolve unsafe condition resulting in issuance of citation	Not to exceed \$16,550 per day

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---

---

---

38

CITATIONS AND PENALTIES

NAICS CODE SPECIFIC PENALTIES

Frequently Cited OSHA Standards Results  
NAICS Code: 2371 Utility System Construction  
Establishment Size: ALL sizes

Listed below are the standards which were cited by Federal OSHA for the 2021 NAICS Code for establishments with ALL size employees, that were issued during the period October 2023 through September 2024. Penalties shown reflect current federal civil penalty amounts. For more information, see standards.

Standard	Citations	Inspections	Penalty	Description
Total	863	336	\$7,827,686	All Standards cited for Utility System Construction
1926.501	244	161	\$2,190,117	Specific Excavation Requirements
1926.502	237	167	\$3,865,680	Requirements for protective systems
1926.1153	48	17	\$136,854	--- No Description Found ---
1926.0021	34	27	\$191,332	Safety training and education
1926.1101	30	3	\$251,877	Asbestos
1926.1003	28	27	\$80,761	Ladders
1910.134	27	11	\$73,869	Respiratory Protection
1926.0251	19	10	\$44,798	Rigging equipment for material handling
1926.100	18	16	\$136,826	Head protection
1926.001	15	15	\$130,618	OSHA Act General Duty Paragraph
1910.1201	13	8	\$61,286	Hazard Communication
1926.0038	10	10	\$36,011	--- No Description Found ---
1926.0051	9	7	\$86,696	Duty to have fall protection

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING  
CORPORATION

---

---

---

---

---

---

---

---

39

Post & Schell  
ATTORNEYS AT LAW

13  
© 2025 Post & Schell, P.C.

---

---

---

---

---

---

40

---

---

---

---

---

---

41

---

---

---

---

---

---

42

PENALTY ADJUSTMENTS

INFORMAL CONFERENCE

REASON FOR ADJUSTMENT	ADJUSTMENT
<b>Clean History</b> Must have been inspected in past 5 years and not issued serious citation	10%
<b>Good Faith</b> Employer has safety and health plan, training, worksite analysis, employee involvement, records, enforcement of safety requirements	25%
<b>Size</b> 1-10 Employees 11-25 Employees 26-100 Employees 101-250 Employees 251 or more	70% 60% 30% 10% 0%
<b>Quick Fix</b> Employer abates violation within 24 hours	15%
<b>Enhanced Abatement</b>	Discretionary

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING CORPORATION

43

---

---

---

---

---

---

---

---

INFORMAL SETTLEMENT AGREEMENT

- Employer’s agreement to correct violations
- Amendment of penalties
- Amendment of abatement deadlines
- Enhanced abatement requirements
- Payment plan terms
- Waiver of right to contest Citation
- Anti-discrimination provision
- Consequences of employer’s breach/default

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING CORPORATION

44

---

---

---

---

---

---

---

---

ABATEMENT

- Action by the employer to comply with a cited standard/ regulation or eliminate a hazard identified by OSHA
- Common Examples
  - Implementing (or updating) safety programs (lockout/tagout, hazard communication, respiratory protection, bloodborne pathogens)
  - Installing machine guarding
  - Employee medical evaluation/fit testing
  - Conducting employee training (including updates on safety programs)
  - Developing orientation and annual training
  - Implementing new engineering controls

Post & Schell  
ATTORNEYS AT LAW

ELITE  
MANAGEMENT CONSULTING CORPORATION

45

---

---

---

---

---

---

---

---





46

---

---

---

---

---

---

---



47

---

---

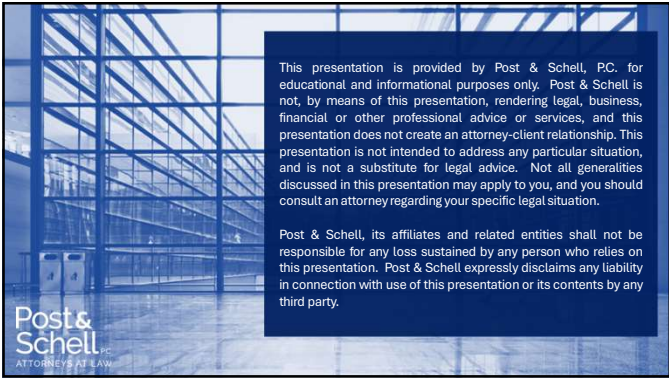
---

---

---

---

---



48

---

---

---

---

---

---

---

Thank you to our sponsors!











49

---

---

---

---

---

---

---

Closing Announcements

Thank you for joining us!  
Please don't forget:

➤ Renew Membership

➤ Invite new members/guests

➤ Post Program Survey



Complete  
the event  
survey

Lancaster SHRM

SHRM







50

---

---

---

---

---

---

---

Post & Schell  
ATTORNEYS AT LAW

17  
© 2025 Post & Schell, P.C.