

**California Service
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LABOR COMMISSIONER CITES NORTHERN CALIFORNIA CARWASHES \$521,000 FOR VIOLATIONS

San Francisco- August 22, 2008- Officials with the State Division of Labor Standards Enforcement (Labor Commissioner's Office) issued citations totaling \$521,000 in fines to car wash businesses in Northern California as part of an ongoing effort to address illegal operations in the underground economy. As part of the recent three-day enforcement sweep, investigators visited 97 carwashes.

"Our efforts are directed at illegally operating carwash businesses as part of the underground economy," said California Labor Commissioner Angela Bradstreet. "These illegal operations have a negative impact on our state's economy, do not provide the protections workers are legally afforded, and have an unfair advantage over competitors who do follow the law."

Fifteen teams of investigators conducted the two day sweeps on Aug, 13-14 and 54 carwash businesses were cited. Thirty out of the 54 carwashes received work stop notices until they can provide workers compensation insurance for their employees. The violations included failure to:

- Provide work permits for minors;
- Provide employees with an itemize wage deduction statement;
- Pay overtime wages;
- Pay the annual registration with the commissioner's office and
- Provide workers' compensation.

"We will continue to strengthen our efforts in addressing these types of violations that are typically associated with the underground economy," added Bradstreet.

OSHA SEEKS CHANGES TO PERSONAL PROTECTIVE EQUIPMENT RULES TO GREATLY INCREASE PENALTIES

New rules proposed by the OSHA could significantly increase the number and size of employer penalties for citations under the agency's personal protective equipment (PPE) standards in general industry, construction and other industries subject to OSHA

authority. In proposed rules published August 19, OSHA seeks to clarify that it has the right to cite and penalize employers on an instance-by instance (including per affected employee) basis for violation of PPE standards.

To help resolve this question, OSHA is proposing amendments on a global basis. Standards dealing with respirators and other PPE would state that employers may be cited and penalized on a per-employee basis for:

1. The failure to provide proper PPE, including respirators, to each employee that requires it, in violation of an applicable standard; and
2. The failure to provide proper PPE training (or institute or implement training programs) as to each employee that requires it, in violation of an applicable standard.

These amendments, if made final, certainly would give OSHA a big club to wield. It could make negotiations of settlements of some citations more difficult and encourage OSHA to seek further concessions beyond the mere abatement of the violations. OSHA has set September 18, 2008, as the closing date for the submission of comments on its proposed rules.

The lessons for employers seem clear, especially if the amendments become final:

- First, all employees requiring PPE, including respirators under present OSHA standards should be given the proper equipment. Respirators include types of respirators from dust masks, to surgical masks up to full blow breathing apparatuses.
- Second, all employee information and training requirements involving PPE, including any remedial instruction or periodic refresher training should be followed.
- Third measures required under the rules should be documented; records should be reviewed regularly for currency and completeness and kept readily available in the event of an inspection.
- Finally, someone or something always falls into the cracks. Such as employees who have been absent during group instruction and have not received training.