Federal Judge Upholds OSHA Citations and Penalties Against Medical Center

An administrative law judge with the Occupational Safety and Health Review Commission (OSHRC) has affirmed one willful, and four serious safety citations issued by the Occupational Safety and Health Administration (OSHA) against Jersey City Medical Center. The New Jersey employer was found to have violated OSHA's lockout/tagout and personal protective equipment standards.

OSHA cited the medical center after an inadequately trained maintenance employee received an electric shock which resulted in a fatal fall. The judge also affirmed OSHA's proposed penalties totaling $174,593.

The judge found that the employer willfully failed to train the employee for the hazardous electrical work he was directed to perform.

IRS Expands List of Preventive Care Benefits Covered Under High Deductible Health Plans

The Internal Revenue Service (IRS) has published an updated list of preventive care benefits that may be provided under a high deductible health plan (HDHP) including items or services associated with specified care for chronic conditions.

In IRS Notice 2019-45, the agency has expanded the list of benefits permitted to be covered by an HDHP under section 223(c)(2) of the Internal Revenue Code without a deductible, or with a deductible below the applicable minimum deductible (self-only or family) for
OSHA Unveils New Website Designed to Improve Workplace Safety Programs

A new OSHA website shows how businesses can improve safety and health programs by tracking workplace conditions and events to prevent injuries or illnesses before they occur.

The focus of the site is on using leading indicators, proactive and preventive measures that can pinpoint the effectiveness of safety and health activities and identify potential problems in a safety and health program.

The site includes a link to a page that contains a document that provides guidance on using leading indicators to improve safety and health programs and practices. The document, *Using Leading Indicators to Improve Safety and Health Outcomes*, identifies the characteristics of effective leading indicators, lists the steps to effectively implement leading indicators, and provides examples of how to utilize leading indicators to improve workplace safety.

NLRB Decides First Mandatory Arbitration Case After Supreme Court’s Epic Systems Ruling

The National Labor Relations Board has addressed several important matters involving mandatory arbitration agreements following the Supreme Court’s 2018 Epic Systems decision.

In Epic Systems v. Lewis, the Supreme Court held that class-action and collective-action waivers in mandatory arbitration agreements do not violate the National Labor Relations Act (NLRA).

In its Cordua Restaurants, Inc. decision, the Board held: employers are not prohibited under the NLRA from informing employees that failing or refusing to sign a mandatory arbitration agreement will result in their discharge; employers are not prohibited under the NLRA from promulgating mandatory arbitration agreements in response to employees opting in to a...
collective action under the Fair Labor Standards Act or state wage-and-hour laws; and employers are prohibited from taking adverse action against employees for engaging in concerted activity by filing a class or collective action, consistent with the Board’s long-standing precedent.

Board Chairman, John F. Ring, was joined by members Marvin E. Kaplan and William J. Emanuel in the majority opinion. Member Lauren McFerran dissented in part.