



- JUNE 2009 -

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2009 KCSA/IMAA Joint Summer Meeting French Lick Resort & Casino

The 2009 KCSA/IMAA Joint Summer Meeting will be held at the French Lick Resort – Casino in French Lick, Indiana. The meeting begins on Thursday, August 6th and concludes on Sunday, August 9th.

Thursday night's welcome reception includes time to renew acquaintances and activities for the children. The golf tournament will be Friday morning at the beautiful Donald Ross Course. *The first business session on Friday afternoon will feature a special presentation by Dr. Richard Nelson, National Biodiesel Board and Fred Henderson, Indiana Soybean Alliance.. Friday night features a reception and dinner at the French Lick Resort – Casino with entertainment from Howard Kellman. The Saturday morning session includes a presentation by William C. Vail, Fisher & Phillips, "These Times They Are a-Changin': An Update on New and Potential Laws Affecting Employers" , a safety presentation by Ed Elliott, Director of Safety & Health for Rogers Group Inc. and the KCSA Awards. Saturday evening includes a reception followed by dinner on your own .*

We have reserved a block of rooms at the French Lick Resort - Casino for our meeting **at a rate of \$169 per night**. **YOU ARE RESPONSIBLE FOR MAKING YOUR OWN ROOM RESERVATIONS!** We urge you to make your reservations as soon as possible by contacting the French Lick Resort - Casino at 812-936-9300 and asking for the Kentucky Crushed Stone Association room rate. The deadline for reserving a room is **July 7, 2009**. It is always easier to cancel a room than not to have one. **Rooms for this meeting will be at a premium. MAKE YOUR ROOM RESERVATION TODAY.**

Any questions or suggestions just call Ron or Stephanie at 888-234-5272. We look forward to seeing you at the French Lick Resort – Casino.

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2nd Annual Southeast Central Kentucky Mine Rescue Association



Mine Rescue Contest
Maysville, Kentucky
October 7 - 8, 2009

Experienced & Novice Teams Compete in Mine Rescue, Bench, Gas Tests & First Aid

Contest will be held at the Mason County School's Indoor Athletic Complex
Sponsored by Central Kentucky Mine Rescue Association & Carmeuse Lime and Stone

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KY AGC/SIF Ohio Coverage Changes

Are you a Kentucky AGC/SIF member working in Ohio or making plans to do so? If the answer is yes, please read on for some VERY IMPORTANT information regarding your out of state coverage when working in Ohio.

Changes in Ohio's workers' compensation law now require Kentucky employers to purchase Ohio workers' compensation insurance from the Ohio Bureau of Workers' Compensation (OBWC) from day one of the project instead of ninety (90) days as was Ohio's previous arrangement with Kentucky.

Please understand that the Fund has not changed their policy nor has Kentucky Law changed.

Ohio's Senate Bill 334, (now Ohio law), conveys that Ohio will recognize other states' coverage **IF** other states accept Ohio coverage on employers working in their states.

The **IF** is why this Ohio law is affecting all Kentucky employers no matter who they have their workers' compensation coverage through. Kentucky's law does NOT accept other states' coverage and has not for over 30 years. Therefore, Ohio will now not accept any Kentucky coverage. Furthermore, since Ohio is a Monopolistic State Fund, other carriers (including the Fund) cannot offer workers' compensation insurance in Ohio. The only avenue to purchase workers' compensation in the state of Ohio is through the OBWC,

The OBWC will fine employers working in Ohio if they do not have Ohio workers' compensation coverage. Therefore, if you are currently working in Ohio, or plan to work in Ohio, please contact the OBWC at 1-800-644-6292, 30 W. Spring Street, Columbus, OH 43215-2256, or visit their website at www.ohiobwc.com.

If you have any questions about this issue, please do not hesitate to contact the KY AGC/SIF Fund Office at (502) 245-2007.

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Vulcan CEO Receives Citizenship Award

Don James, chairman and CEO of Vulcan Materials Co., has been honored with the Woodrow Wilson Award for Corporate Citizenship by the Woodrow Wilson International Center for Scholars of the Smithsonian Institution. James, a past chairman of NSSGA, was honored with Sen. Jeff Sessions, R-Ala.

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Kentucky Child Labor Laws

It's that time of year again... school is out!!! Over the next couple of months, high school students around the state will be available to join Kentucky's workforce. Some will no doubt choose the construction industry, thereby affording many KY AGC/SIF members the opportunity to temporarily employ some labor-oriented help at a more economical price.

Hiring these high school employees will impose additional restrictions on employers. Kentucky's Child Labor Laws are applicable to all minors under the age of 18 and include prohibited occupations and a limitation of hours worked, both of which exist to protect the safety and well being of these individuals.

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CONSTRUCTION RELATED WORK, REGARDLESS OF TYPE OF OPERATION, IS STRICTLY PROHIBITED FOR MINORS 14, BUT NOT YET 16 YEARS OF AGE.

Violations of the child labor laws are subject to monetary fines.

For information the Fund has obtained directly from the Kentucky Labor Cabinet to help you avoid an unnecessary fine, please see below.

The following is a list of **prohibited occupations** for all minors **under the age of 18**:

- Jobs in or around plants that make or store explosives or articles containing explosive components
- Motor vehicle driver and outside helper
- Slaughtering, meat packing or processing
- Operation of bakery machines
- Operation of paper product machines
- Coal mining operations
- Logging or saw milling operations
- Operation of power-driven woodworking machines
- Exposure to radioactive substances
- Operation of power-driven hoisting apparatus
- Operation of power-driven metal-forming, metal-punching & metal-shearing machines
- Mining (other than coal)
- Manufacture of brick, tile and similar products
- Operation of circular saws, band saws and guillotine shears
- Wrecking, demolition and shipwrecking operations
- Roofing
- Excavating operations
- Liquor operations
- Pool or billiard rooms

CONSTRUCTION (INCLUDING DEMOLITION AND REPAIR) IS A PROHIBITED OCCUPATION FOR ALL MINORS 14, BUT NOT YET 16 YEARS OF AGE

Minors that are 14 years of age, but not yet 18, have restrictions regarding the hours they are permitted to work.

Ages 14 and 15

- May not work BEFORE 7:00 a.m.
- May not work AFTER 7:00 p.m. (9:00 p.m. June 1 through Labor Day)
- Maximum hours when school is in session:
 - o 3 hours per day on a school day
 - o 8 hours on a non-school day
 - o 18 hours per week
- Maximum hours when school is not in session
 - o 8 hours a day
 - o 40 hours a week

Ages 16 and 17

- May not work BEFORE 6:00 a.m.
- May not work AFTER 10:30 p.m. preceding a school day or 1:00 a.m. preceding a non-school day
- Maximum hours when school is in session:
 - o 6 hours per day on a school day
 - o 8 hours on a non-school day
 - o 30 hours per week*
- Maximum hours when school is not in session
 - o NO RESTRICTIONS

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(*A minor that is 16 or 17 years of age may work up to 40 hours per week when school is in session if a parent or legal guardian gives permission in writing, and the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading period. The school certification will remain valid for one (1) year unless revoked sooner by the school authority. Both the parental permission and the school certification shall remain at the employer's place of business.)

Additionally, you should know that minors under eighteen (18) years of age shall NOT be permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period. It should also be noted that proof of age is required for all minors fourteen (14), but not yet eighteen (18) years of age. This may include a drivers' license, birth certificate or government document with date of birth. Employers are also required to maintain the following information in their records for any minor that is employed: name, age, address, the time of the beginning and ending of each work shift and each meal period. A child labor poster, including prohibited duties is required to be posted by employers.

For additional information, you can contact the Kentucky Department of Labor at the following location: Kentucky Department of Labor Division of Employment Standards, Apprenticeship and Mediation 1047 US Hwy 127 S, Suite 4 Frankfort, KY 40601-4381 Phone (502)564-3070 Fax (502)564-2248

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AGC-SIF WORKERS COMP. MEMBERS

Free Training -Meet Your 2-hour Safety Requirement

All members of the AGC-SIF Workers Comp fund are required to attend a 2-hour Safety course by October 31, 2009. The Home Builders Association of Lexington will be hosting a FREE TRAINING course performed by the Kentucky Community Technical College (KCTCS) sponsored by the Susan Harwood Training Grant.

RSVP Online at: www.hbalexington.com/free- Reservations are required

Seating is limited at 50 people per course- RSVP today to ensure your spot.

WHAT	Residential & Commercial Fall Hazard Class
WHEN	July 23 & August 11
WHERE	HBA of Lexington, 3146 Custer Drive, Lexington, KY
TIME	9AM -11AM (meets the 2-hour AGC Safety Requirement)
FEE	Free to all AGC-SIF members in Kentucky (any trade Association) *

This exciting class will be packed full of information you can use to protect yourself and your employees from hazards you encounter on your sites every day.

This class will improve your knowledge in correct methods of fall protection.

Also to be covered:

1. Electrical Hazards
2. Fire Protections
3. Cranes, Hoists, Derricks, Elevators, and Conveyors
4. Scaffolds
5. Aerial Lifts

RSVP Online at: www.hbalexington.com/free or call 859-273-5117 or email steven@hbalexington.com for more information. Seating is limited -first come, first served. Reserve your spot today!!!

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MSHA Conferences- yes or no?

The Mine Safety & Health Administration (MSHA) has announced a new procedure for reviewing citations and proposed civil penalties. The new procedure basically comes down to this: Operators can have a conference if they request one within 10 days of an inspection. Except in limited circumstances, no conference will occur until after civil penalties are assessed.

MSHA has had a regulation for many years that provides: All parties shall be afforded an opportunity to review with MSHA each citation and order issued during an inspection. While the regulations make such conferences discretionary, traditionally, mine operators would be granted a conference if they made a request within 10 days of inspection closeout.

Conferences, of course, were designed to give operators an opportunity to talk with MSHA about the inspector's findings and to provide information to prevent unfairness, to avoid undeserved sanctions such as repeat penalty closure orders, elevated assessments and needless special investigations. Conferences also allow MSHA to explain why a citation was justified. Until recently, conferences were conducted prior to MSHA's assessment of penalties. If MSHA explained matters satisfactorily, the operator might never challenge the subsequent civil penalty.

It is worth stressing that conferences allow for valuable communication between operators and MSHA. They facilitate problem resolution and advance operator understanding of important safety issues. They also provide worthwhile feedback for MSHA.

In the past, conferences often ended disputes regarding inspector findings. If not completely satisfied, an operator might at least feel the company had its day in court. An MSHA conference is not a court procedure, but the procedure served MSHA and the industry well for years.

What's changed?

Until 2005 (the safest year in mining history), the number of conferences was seemingly manageable for MSHA and probably would have continued to be manageable even with increases. Since 2005, the volume of citations has increased by 55 percent, which would occasion a corresponding increase in conferences. Much more has changed, however, starting with an almost 800 percent increase in civil penalties.

Add to the mix the potential for pattern-of-violations sanctions and mega penalties (\$220,000) for flagrant violations. History of violations has become extremely important since up to 25 points can be added to a penalty calculation for history and more points for repeat violations. Even the smallest companies have been affected.

Little wonder MSHA became overwhelmed with conference requests after 2006 (when Sago and other coal accidents prompted changes in law and civil-penalty regulations). No less surprising is that formal litigation skyrocketed, and this situation was aggravated when MSHA started refusing conferences.

Since MSHA is clearly not planning to reduce penalties or enforcement, the case load will continue to be large, resulting in continued swamping of MSHA's conference officers, attorneys and the Federal Mine Safety and Health Review Commission.

Future conferences useful?

Effectively, informal conferences are gone. They are replaced by formal litigation, abbreviated as follows:

1. MSHA will assess all citations immediately.
2. The operator must contest the civil penalties for all disputed violations.
3. MSHA will assign a conference and litigation representative (CLR).

4. The CLR will ask the commission to allow 90 days for a conference.
5. If a settlement is reached, the CLR will file papers seeking commission approval.
6. Absent settlement, the case will proceed with the CLR or an attorney.

It seems like MSHA wants to make deals just to dose cases. How does this ensure that the government is always acting responsibly and fairly? MSHA's goal is miles away from the operator's. MSHA wants to control the unintended high level of litigation that was the inevitable consequence of today's elevated penalties and pattern enforcement.

I do not see how this contributes to the goal of enhanced safety compliance

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2ND Annual Teachers' Workshop

The 2nd Annual Teachers' Workshop held on June 17-18 at the Georgetown College Conference Center in Georgetown Kentucky was a huge success! The workshop is free to the teachers and sponsored by members of KCSA. Twenty teachers from across Kentucky attended the workshop.

The workshop included a tour of the Vulcan Quarry (Lexington), a tour of McConnell Springs, and a Barbeque hosted by Brandeis Machinery & Supply Company. The workshop sessions which are hands-on activities geared to teacher's grades 3-9 included actual lessons which taught about the industry; "Birdseed Mining", Mineral "Detection", "Cookie Mining", and "Fossil Sleuth". The teachers left the 1 1/2 day sessions with notebooks full of ideas and firsthand experience of the operations of a quarry. All activities are aligned with Kentucky Standards so teachers will be able to use this fine workshop for professional development hours, an essential requirement for all educators.

The goals of the workshop are to increase an understanding of the importance of the aggregates industry and to promote the industry as safe and environmentally friendly. Assisting in the development of the workshop along with association members are Kentucky Geological Survey and CINSAM at NKU.

We would like to thank the sponsors of the teachers' workshop. Your sponsorship made this event a success.

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Meeting Information

2009 KCSA Summer Meeting

French Lick Resort Casino
August 6-9, 2009

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Kentucky Crushed Stone Association

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- Let us know if your company has news to be included in the KCSA newsletter, info@kycsa.org .

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