



Howard's End of the Week Roundup - January 21

Insights

1.21.18

Introduction.

I started these posts after my partner [Travis Vance](#) and I realized that our clients and Firm friends are eager for information in areas other than labor, OSHA, and employment law. A number of nationally renowned thought leaders argue that law firms should broaden their content. I believe that an effective manager or executive is a whole person and their interests and needs are broad. Can one be an effective leader without good health, knowledge, ethics, and happiness? On a practical note, many folks ask me, “*What are you reading or listening to?*” Respondents to [last week's Roundup](#) seemed to like the Podcast recommendations and movie comments, so we'll do them again. The full content is at www.howardmavity.com. Can't let these things get too long.

We'd really like it if more of you sent in your input, including:

- Suggestions for topics -what's on your mind?
- Thought leaders, articles, books or podcasts which have affected you;
- Your observations about creating a safer and better run workplace.

Thanks.

This Week's Labor, Employment Law and OSHA Legal Developments.

- I hoped that we would not have to deal with a **Federal Government Shutdown**. If the shutdown persists, it will affect OSHA, NLRB and EEOC case handling, which is especially tough for OSHA with their six-month period in which to complete and issue citations. [Go to this LINK for our complete analysis of the effects.](#)
- One question bantered about on Twitter was **whether the Shutdown would “toll” OSHA deadlines**, such as the 15 working day Contest period or the six-month time in which to issue citations. The answer was **NO**. Don't get caught missing a deadline.
- Halleluiah, the Senate HELP Committee **approved proposed Assistant Secretary of Labor – OSHA Scott Mugno** on January 18 ... again. Hopefully he'll be approved by the full senate and in office by the time of the ABA OSHA Midwinter Meeting, and can tell us a bit about his plans. The Committee also passed Patrick Pizzella for deputy labor secretary, Wage and Hour Division administrator nominee Cheryl Stanton, and William Beach for commissioner of the Bureau of Labor Statistics

LABOR STATISTICS.

- I want to reiterate a common topic at the AGC-National Safety Committee Winter Meetings: **Fleet Safety Management**. Construction contractors, ready mix and similar employers face their greatest civil and workers comp liability for their vehicles. Struck-bys involving loaders or bobcats on a site – employees hurt jumping off a truck –or worst of all an accident involving a member of the public. It is not just trucking and logistics companies facing these safety and liability challenges. Carl Heinlein of ACIG and a tireless worker for employee safety sent the following link to the **National Safety Council**, which has defensive diving and other materials.
- Starting with UNITE-HERE's war on Hyatt, we have long tracked **efforts by unions to organize hotel housekeeping employees using safety as the wedge between employees and the employer** and especially ergonomic injuries. A part of this campaign has been to seek local ordinances and State-OSHA rules focusing on Ergonomic injuries and seeking limits on the number of beds made per day, types of sheets, etc. The most significant move was Cal-OSHA's Approval of a Housekeeping Standard, which is likely to go into effect later this year. Remember that **unions win the highest percentage of organizing efforts where safety is a major issue**.

Podcasts that Helped Me.

The Importance of Sleep. (Huge issues for each of us professionals and cause of safety issues).

Former SEAL Medical Officer Dr. Kirk Parsley, in The Vital Importance of Sleep, on Mark Divine's *Unbeatable Mind* podcast succinctly explained the harm to one's testosterone and other effects of regular sleep deprivation, and the connection to weight gain, fatigue and diminished judgment. Dr. Parsley talked also about our high achieving culture which values and boasts about not sleeping enough and the foolishness of that attitude.

We have long believed that fatigue is the most common threat to employee safety, judgment and productivity. Please see my past FP posts: LINK 1, and LINK 2 of two-part series, and LINK 3.

Personality Types.

Apparently I am the only person in the Country who was not familiar with Gretchen Rubin. I had even bought my wife Rubin's NYT bestseller, The Happiness Project. I listened to Rubin first on my go-to source of interesting people, The Tim Ferriss Show, on which Tim interviewed her. I was struck by her down-to-earth nature and self-deprecating manner. I commend his interview because Tim leads her to talk about her own life, her routine, and how she found her calling> Rubin is a morning person, task-oriented, and an "Upholder" under her analysis of traits – and yet she avoids the appearance of being judgmental and rigid of many people of this type.

She is all over YouTube, but I next listened to an interview of her on the Commonwealth Club of California podcast series where she talked about how she classifies people by her "Four Tendencies." I've ordered her book, The Four Tendencies: The Four Personality Profiles that Reveal How to Make Your Life Better (and Other People's Lives Better Too). Her Four Tendencies are:

- **Upholders** respond readily to both outer expectations and inner expectations.

- **Questioners** question all expectations; they meet an expectation only if they believe it's justified, so in effect they respond only to inner expectations.
- **Obligers** respond readily to outer expectations but struggle to meet inner expectations
- **Rebels** resist all expectations, outer and inner alike.

The primary audience of such books is the individual who wants to improve oneself – which means almost all of us – but **I am also eager to apply such analysis in the workplace to better manage people and to work better with other leaders.** One has to understand how people are wired differently than you in order to manage or work with them. Might avoid a few lawsuits as well

Howard