

A publication of  
Business Staffing, Inc.

# REVIEWS & STUFF

A monthly review of stuff affecting employees of Business Staffing, Inc.



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[www.osha.gov](http://www.osha.gov)

## OSHA's Hazardous Communication Standard

**P**rotection under OSHA's Hazard Communication Standard (HCS) includes all employees exposed to hazardous chemicals in all industrial sectors. This standard is based on a simple concept - that employees have both a need and a right to know the hazards and the identities of the chemicals they are exposed to when working. They also need to know what protective measures are available to prevent adverse effects from occurring.

### Coverage

More than 30 million employees are potentially exposed to one or more chemical hazards. There are an estimated 650,000 existing hazardous chemical products, and hundreds of new ones are being introduced annually. This poses a serious problem for exposed employees and company owners.

### Benefits

The HCS covers both physical hazards (such as flammability or the potential for explosions), and health hazards (including both acute and chronic effects). By making information available to owners and employees about these hazards, and recommended precautions for safe use, proper implementation of the HCS will result in a reduction of illnesses and injuries caused by chemicals.

Owners will have the information they need to design an appropriate protective program. Employees will be better able to participate in these programs effectively when they understand the hazards involved, and to take steps to protect themselves. Together, the owner and employee actions will prevent the occurrence of adverse effects caused by the use of chemicals in the workplace.

## What are Your Responsibilities Under OSHA as an Employer?

[www.osha.gov/OshDoc/data\\_General\\_Facts/jobsafetyandhealth-factsheet.pdf](http://www.osha.gov/OshDoc/data_General_Facts/jobsafetyandhealth-factsheet.pdf)

**I**f you are a company owner covered by the OSH Act, you must provide the employees with jobs and a place of employment free from recognized hazards that are causing, or are likely to cause, death or serious physical harm. Among other actions, you must also comply with the OSHA statutory requirements, standards, and regulations that, in part, require you to do the following:

- u Provide well-maintained tools and equipment;
- u Provide training required by OSHA standards;
- u Report to OSHA within 8 hours acci-

dents that result in fatalities;

u Report to OSHA within 8 hours accidents that result in the hospitalization of three or more employees;

u Keep records of work-related accidents, injuries, illnesses-and their causes-and post annual summaries for the required period of time. A number of specific industries in the retail, service, finance, insurance, and real estate sectors that are classified as low-hazard are exempt from most requirements of this regulation;

u Post prominently the OSHA poster (OSHA 3165) informing employees of

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## How does OSHA contribute to job safety and health?

Congress passed the Occupational Safety and Health Act of 1970, ( OSH Act), "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." Title 29 of the Code of Federal Regulations ( CFR) , Parts 1902-1990, contains OSHA regulations and standards.

Some states have enacted occupational safety and health laws and operate federally approved state plans. Such states adopt and enforce state standards and regulations that are at least as effective as those enacted under federal law.

## Are all employees covered by the OSH Act?

The OSH Act covers all employees except workers who are self-employed and public employees in state and local governments.

In states with OSHA-approved state plans, public employees in state and local governments are covered by their state's OSHA-approved plan. Federal employees are covered under the OSH Act's federal employee occupational safety and health programs, see 29 CFR Part 1960. United States Postal Service employees, however, are subject to the same OSH Act coverage provisions as are private sector employers.

The OSH Act does not apply to particular working conditions addressed by regulations or standards affecting occupational safety or health that are issued by federal agencies, other than OSHA, or by a state atomic energy agency. Other federal agencies that have issued requirements affecting job safety or health include the Mine Safety and Health Administration and some agencies of the Department of Transportation.

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# Q & A

## Q Where do I send my OSHA 300?

**A** You don't have to send your OSHA 300 unless it is requested of you by the Bureau of Labor Statistics. If this happens, you will be notified a year in advance. If you get this request, send it to the Safety Department at BSI. We will be more than happy to help with that. In the meantime, you must **post** your OSHA 300A

**only** in a conspicuous location on February 1st and leave it posted until April 30th.

## Q How can I get more information on safety and health?

**A** OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through workplace consultation.

If you would like written publications you have several options. 1) let the Safety Department at BSI know what you are interested in; 2) send a self-addressed mailing label to OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535; or 3) go to the OSHA webpage at [www.osha.gov](http://www.osha.gov).



# What do You Know ? Independent Contractor or Employee

www.irs.gov Submitted by Jeremy Gillihan

## Which are you?

*For federal tax purposes, this is an important distinction. Worker classification affects how you pay your federal income tax, social security and Medicare taxes, and how you file your tax return. Classification affects your eligibility for employer and social security and Medicare benefits and your tax responsibilities. If you are not sure of your work status, you should find out now.*

The courts have considered many facts in deciding whether a worker is an **independent contractor** or an **employee**. These relevant facts fall into three main categories: behavioral control; financial control; and relationship of the parties. In each case, it is very important to consider all the facts - no single fact provides the answer. Carefully review the following definitions.

## Behavioral Control

These facts show whether there is a right to direct or control how the worker does the work. A worker is an employee when the business has the right to direct and control the worker. The business does not have to actually direct or control the way the work is done - as long as the

employer has the right to direct and control the work. For example:

- **Instructions** - if you receive extensive instructions on how work is to be done, this suggests that you are an employee. Instructions can cover a wide range of topics, for example:
  - how, when, or where to do the work
  - what tools or equipment to use
  - what assistants to hire to help with the work
  - where to purchase supplies and services

If you receive less extensive instructions about what should be done, but not how it should be done, you may be an **independent contractor**. For instance, instructions about time and place may be less important than directions on how the work is performed.

- **Training** - if the business provides you with training about required procedures and methods, this indicates that the business wants the work done in a certain way, and this suggests that you may be an **employee**.

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## Reviews & Stuff

This newsletter is intended to make you aware of some of the rules and regulations affecting you in the workplace. We would like to give you some insight into the progress of Business Staffing Inc., and to keep you abreast of the changes affecting staff leasing.

Please feel free to write to us and let us know your ideas on the things we could do to improve our services. We would appreciate your comments.

## Most Frequently Cited OSHA Standards

www.osha.gov

The following were the top 10 most frequently cited standards in fiscal year 2008 (October 2007 through September 2008):

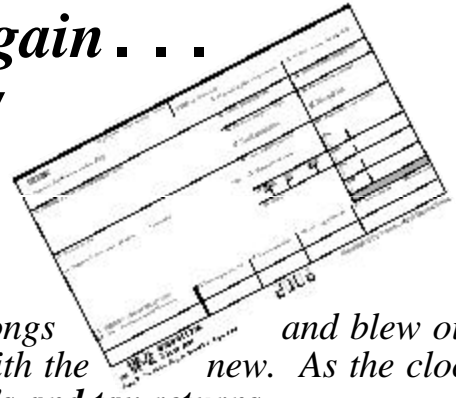
1. Scaffolding, general requirements, construction (29 CFR 1926.451)
2. Fall protection, construction (29 CFR 1926.501)
3. Hazard communication standard, general industry (29 CFR 1910.1200)
4. Control of hazardous energy (lockout/tagout), general industry (29 CFR 1910.147)
5. Respiratory protection, general industry (29 CFR 1910.134)
6. Electrical, wiring methods, components and equipment, general industry (29 CFR 1910.305)
7. Powered industrial trucks, general industry (29 CFR 1910.178)
8. Ladders, construction (29 CFR 1926.1053)
9. Machines, general requirements, general industry (29 CFR 1910.212)
10. Electrical systems design, general requirements, general industry (29 CFR 1910.303)



**He who  
doth  
not  
work  
shall  
not eat.**

-Captain John Smith

## *It's that time of year again . . . Old Year Out / New Year In*



Juanita Ruth

**W**e clinked our glasses, sang our songs and blew our horns. Out with the old and in with the new. As the clock ticks on, it also tells us **it's time for W-2's and tax returns.**

If you have moved please let Business Staffing know your new mailing address. Every year we get several hundred W-2's returned to us with incomplete address, zip codes and/or no such #. If we don't have your correct information we can't get you your W-2 in a timely manner.

Also if you want to change the way you claim for the New Year please complete a new W-4 and send to Business Staffing either by fax (936)521-1520 or by mail 2505 N Frazier St., Conroe, TX 77303. You can also send your new W-4 by way of your employer.

Thanks  
Juanita

### **Carvie's Corner**

### The Taylors

### Editorial



I have heard, "I'm going to lose weight, stop smoking, eat better and exercise more." Every January, many people (myself included) resolve to make big changes in their lives.

As most of us know all too well, changing behavior is easier said than done. Most habits form over time. Experts say that it also takes time to replace one habit with another.

Experts say that if you don't want to make a change, or don't believe you can, you're bound to fail.

Once you have firmly decided to make the change, preparation is essential. Make a plan, be specific, be realistic and take it step by step. When necessary, ask for support. Tell family and friends about your resolution and ask and expect their support.



**"Right now, my primary goal is to reach retirement in one piece."**

Carvie  
ADL

# NEWS RELEASE

## Job Injuries and Illnesses Requiring Days Off Decrease in Texas

[www.insurancejournal.com](http://www.insurancejournal.com) / December 10, 2008

**E**mployers in private industry in Texas reported a total of 69,320 nonfatal occupational injuries and illnesses involving days away from work for 2007, according to the most recent data from the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses.

This was a 4.6 percent decrease from the 72,660 cases reported in 2006, the Texas Department of Insurance reported.

The Survey of Occupational Injury and Illnesses for 2007 revealed that there were 94.3 injuries and illnesses per 10,000 full-time equivalent employees in Texas. This rate was 9.7 percent lower than the rate of 104.4 in 2006 and is lower than the national rate for 2007 of 122.

The median days away from work for Texas in 2007 was 9, which is higher than the 8 days for 2006 and higher than the nationally reported median days of 7.

Hear Ye,  
Hear Ye,  
Hear Ye!

All ye who  
haveth eyes  
to see and  
ears to  
hear!

If you think  
you have an  
interesting  
story or  
article that  
you would  
like to see  
printed, in  
Reviews &  
Stuff send  
it in to me.  
If we use it  
in one of our  
publications,  
we will give  
you \$25.00.

Send all  
stories,  
articles and  
inquiries to:  
C. P.  
Chapman

(See address  
on page 2)



### Start Looking for:

## Your OSHA 300 and 300A

If you have not received yours before January 30th  
please call your BSI regional office

Be responsible and accountable for your  
ACTIONS  
Call or visit your PARENTS more frequently  
Quit SMOKING, either with the patch or cold  
turkey  
Develop better study habits to become a better  
STUDENT  
Try to keep a positive ATTITUDE; it could be  
worse  
Plan a fun and affordable family VACATION  
Take VITAMINS and supplements for better  
health  
Take time for YOURSELF with a massage,  
meditation, etc.  
Improve HAPPINESS by keeping busy with  
personal interests  
Get more ORGANIZED by sorting out paper-  
work and tasks  
VOLUNTEER time to help those in need  
Respect coworkers and improve relations in the  
WORKPLACE  
Eat more green and crunchy VEGETABLES

Eat less FAT by choosing lean meats and better  
foods  
Change spending habits and get out of DEBT  
Set a personal GOAL to achieve something  
great this year  
Spend more TIME with friends and family  
Take the time to LEARN new things everyday  
Cook healthy MEALS and eat out less  
Set a BUDGET and save for that big purchase  
Attend and participate in a CHURCH or reli-  
gious group  
Go to a DOCTOR and get a physical exam  
Get more exercise: park farther from the  
OFFICE  
Be more patient and tolerant when dealing with  
PEOPLE  
Become a better PERSON and read a self-  
improvement book  
Take STAIRS instead of the elevator for more  
exercise  
Eat dessert only occasionally and eat less  
SWEETS  
Exercise, get fit, and lose WEIGHT

Answers to Resolutions  
on p. 8



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# Independent Contractor or Employee

Cont. from p. 3

## Financial Control

These facts show whether there is a right to direct or control the business part of the work. For example:

- **Significant Investment** - if you have a significant investment in your work, you may be an **independent contractor**. While there is no precise dollar test, the investment must have substance. However, a significant investment is not necessary to be an **independent contractor**.
- **Expenses** - if you are not reimbursed for some or all business expenses, then you may be an **independent contractor**, especially if your unreimbursed business expenses are high.
- **Opportunity for Profit or Loss** - if you can realize a profit or incur a loss, this suggests that you are in business for yourself and that you may be an **independent contractor**.

## Relationship of the Parties

These are facts that illustrate how the business and the worker perceive their relationship. For example:

- **Employee Benefits** - if you receive benefits, such as insurance, pension, or paid leave, this is an indication that you may be an **employee**. If you do not receive benefits, however, you could be either an **employee** or an **independent contractor**.
- **Written Contracts** - a written contract may show what both you and the business intend. This may be very significant if it is difficult, if not

impossible, to determine status based on other facts.

## When You Are an Employee

- Your employer must withhold income tax and your portion of social security and Medicare taxes. Also, your employer is responsible for paying social security, Medicare, and unemployment (FUTA) taxes on your wages. Your employer must give you a Form W-2, Wage and Tax Statement, showing the amount of taxes withheld from your pay.
- You may deduct unreimbursed employee business expenses on Schedule A of your income tax return, but only if you itemize deductions and they total more than two percent of your adjusted gross income.

## When You Are an Independent Contractor

- The business may be required to give you Form 1099-MISC, Miscellaneous Income, to report what it has paid to you.
- You are responsible for paying your own income tax and self-employment tax (Self-Employment Contributions Act - SECA). The business does not withhold taxes from your pay. You may need to make estimated tax payments during the year to cover your tax liabilities.
- You may deduct business expenses on Schedule C of your income tax return.

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## Your Responsibilities Under OSHA

Cont. from p. 1

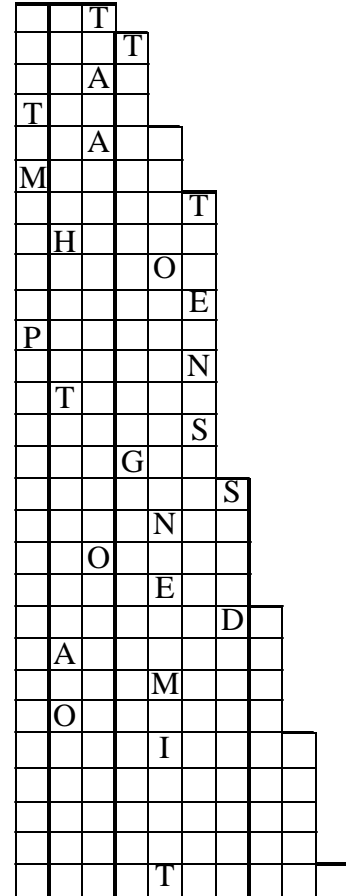
their rights and responsibilities;

- ⌋ Provide employees access to their medical and exposure records;
- ⌋ Do not discriminate against employees who exercise their rights under the OSH Act;
- ⌋ Post OSHA citations and abatement verification notices at or near the work-site;

- ⌋ Abate cited violations within the prescribed period; and
  - ⌋ Respond to survey requests for data from the Bureau of Labor Statistics, OSHA, or a designee of either agency.
- Note:** There may be additional OSHA standards and guidance materials that also apply to your business.

# RESOLUTIONS

- ♦ Eat less \_\_\_ by choosing lean meats and better foods
- ♦ Change spending habits and get out of \_\_\_
- ♦ Set a personal \_\_\_ to achieve something great this year
- ♦ Spend more \_\_\_ with friends and family
- ♦ Take the time to \_\_\_ new things everyday
- ♦ Cook healthy \_\_\_ and eat out less
- ♦ Set a \_\_\_ and save for that big purchase
- ♦ Attend and participate in a \_\_\_ or religious group
- ♦ Go to a \_\_\_ and get a physical exam
- ♦ Get more exercise: park farther from the \_\_\_
- ♦ Be more patient and tolerant when dealing with \_\_\_
- ♦ Become a better \_\_\_ and read a self-improvement book
- ♦ Take \_\_\_ instead of the elevator for more exercise
- ♦ Eat dessert only occasionally and eat less \_\_\_
- ♦ Exercise, get fit, and lose \_\_\_
- ♦ Be responsible and accountable for your \_\_\_
- ♦ Call or visit your \_\_\_ more frequently
- ♦ Quit \_\_\_, either with the patch or cold turkey
- ♦ Develop better study habits to become a better \_\_\_
- ♦ Try to keep a positive \_\_\_; it could be worse
- ♦ Plan a fun and affordable family \_\_\_
- ♦ Take \_\_\_ and supplements for better health
- ♦ Take time for \_\_\_ with a massage, meditation, etc.
- ♦ Improve \_\_\_ by keeping busy with personal interests
- ♦ Get more \_\_\_ by sorting out paperwork and tasks
- ♦ \_\_\_ time to help those in need
- ♦ Respect coworkers and improve relations in the \_\_\_
- ♦ Eat more green and crunchy \_\_\_



Answer on p. 5



**Business Staffing, Inc.**  
**2505 N. Frazier**  
**Conroe, TX 77303**



## The Suggestion Box

If you are having trouble getting your supervisor to participate in safety or if you have special safety concerns that are not being addressed, write me. We all must do our part to keep you safe and healthy.

