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Marijuana Law

Cont. from p.1

"The first thing I'm going to tell any employer to do is take a close look at their existing written policies regarding drug and alcohol use in the workplace," said Phoenix labor lawyer Don Johnsen. "We want to make sure the policies reflect the changes in law so the employer is not viewed as going farther than what the law allows."

That goes directly to the question of a policy of testing workers, whether at random or after an accident.

"If the positive drug test is of a person who's a cardholder, the law has a presumption that the marijuana use was for medical purposes, not recreational," Phoenix attorney David Selden.

That, Selden said, presents a new hurdle for a company that wants to fire a worker: proving impairment.

"One of the most common ways is through symptoms," he said, "a delayed reaction, a lack of perception, loss of energy, bloodshot eyes, dilated pupils - those kinds of things that people remember from college," Selden said.

"It's turning employers into the equivalent of a field sobriety test," he continued. "There is a not a scientific measurement of impairment the way there is for alcohol."

Difficult to test

With alcohol, for example, there are specific measurements: A blood-alcohol content of 0.08 is considered presumption of intoxication under state driving laws.

Not only is there is no numerical standard for marijuana, Selden said the test used doesn't even measure current impairment. He said a worker who has used marijuana weeks earlier still can test positive.

Johnsen, however, said he believes employers can take a much more hard-line approach to rid their companies of workers who test pos-

itive, including those with the medical marijuana cards. He said that, as far as he's concerned, any worker with any amount of marijuana in his or her system could be considered "impaired."

"We know from physical testing that people are actually impaired by their use of marijuana for days after they actually use it," Johnsen said, citing scientific data that measure things like agility.

Impairment lingers

One 1985 study at Stanford University allowed airline pilots to smoke low-grade marijuana and then put them into flight simulators. That resulted in numerous "crashes."

But the real key, said Johnsen, is that they got back in the simulator a day later and still crashed the planes.

Johnsen said a company that works with a pharmacologist or other scientific expert on the effects of marijuana will be able to justify firing a worker based on impairment.

Selden, however, said he would not advise companies to fire a card-carrying worker based solely on a positive test.

"Employers are going to have to train people who are supervisors in safety-sensitive jobs to tell what the symptoms are and to observe their employees for signs," he said. That means going through procedures to ensure a worker is alert and oriented.

Selden said the need for that goes beyond identifying and firing an impaired worker without being sued by that employee. He said a company faces possible lawsuits if it doesn't find that worker.

"Under Occupational Safety and Health Administration (rules), there's a duty to provide a workplace free of recognized hazards that could cause serious injury," Selden said.

That anti-impairment requirement of Proposition 203 applies across the board, and not just to those who

are running equipment or doing other potentially dangerous tasks.

"But I don't think employers are going to be going around and looking into everybody's eyeballs and checking them out in the morning," he said.

Selden said there's one other danger for employers in the new law: the possibility that someone who has a medical marijuana card - and the company knows about it - claiming they are being subject to closer

monitoring than co-workers.

There aren't a lot of legal precedents for Arizona employers to follow in figuring out how to deal with the law. That's because the medical marijuana laws previously enacted in most states do not have the workplace immunity provision.

Article by Howard Fischer. Reprint Permission by Capitol Media Services.

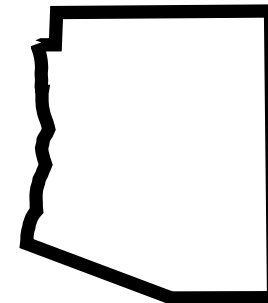


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DATE:	Tuesday, February 8, 2011	TIME:	Seminar: 3:30 p.m. - 7:30 p.m. Approx
LOCATION:	Tucson Chamber of Commerce 465 W. St. Mary's Rd. (Corner of Granada & St. Mary's)	FEE:	\$50.00 ACT Members \$75.00 Non Members

* Mail reservations to: ACT, 465 W. St. Mary's Rd. # 100, Tucson, AZ 85701 OR

Call (520) 624-3002 OR Fax Form to: (520) 624-3049

Minimum enrollment required-Class subject to 24-hour cancellation



You will be charged for No Show Reservations unless you have cancelled within 48 hours prior to Seminar schedule!



OSHA 10 - Hour Construction Safety & Health Class Tuesday & Wednesday, March 8 & 9, 2011

OSHA requires that all employees be trained in basic hazard recognition and avoidance.

This class will cover the major OSHA 1926 construction standards. It will provide the skills to aid in recognizing the most frequently occurring hazards and commonly cited OSHA violations found in construction work.

Instructor: Powers Safety Services, Sharon Powers-RSP - OSHA Authorized Outreach Instructor.

Topics to be covered include but are not limited to:

- OSHA and the General Duty Clause
- Hazard Communication
- Excavations/Confined Space
- Fall Protection/Aerial Lifts
- Electrical Safety & Lockout/tagout
- Personal Protective Equipment
- Tool & Equipment Safety
- First Aid & Bloodborne Pathogens
- Site safety & Emergency Response
- Stairways & Ladders
- Fire Prevention
- Demolition
- Scaffolds

Space is limited, *so sign up early*
Price includes seminar materials, OSHA
10 Hour Card & Refreshments

DATE:	Tuesday & Wednesday — March 8 & 9, 2011	FEE:	\$70.00 ACT Members \$100.00 Non Members
TIME:	Seminars Start at: 7:30 am	OSHA Standards Book not required for course but available at a cost of \$18.00 upon ordering with course by checking here <input checked="" type="checkbox"/>	
LOCATION:	Tucson Chamber of Commerce 465 W. St. Mary's Rd. (Corner of Granada & St. Mary's)	Order me # _____ Books <input checked="" type="checkbox"/>	

* Mail reservations to: ACT, 465 W. St. Mary's Rd. # 100, Tucson, AZ 85701 or

Call (520) 624-3002 or Fax Form to: (520) 624-3049

Minimum enrollment required—Class subject to 24 - hour cancellation

You will be charged for No Show Reservations unless you have Cancelled within 48 hours prior to Seminar schedule!



SAFETY TRAINING FORKLIFT REFRESHER COURSE ON OSHA STANDARDS JANUARY 27 & APRIL 5, 2011 – 3:00 – 5:00 PM



PURPOSE: OSHA * The new forklift standard and training rules are now in effect. Forklift operators frequently under estimate the damage that can be caused by careless operation of their units. Death, serious injury, damage to building, damage to stock and forklift damage have all been documented on a regular basis over the years. Since operating a forklift can be hazardous, *OSHA requires that employers re-evaluate their forklift operators every 3 years. If the operator has had an accident or mishap, he must be retrained on what he did wrong. This needs to be documented. The training card must be updated at that time.

If you have completed this course and are reaching your 3 year expiration date, this is the class for you.

You must have documentation that you have completed the full training course prior to attending this refresher course.

Topics to be included but not limited to:

- Pre-Operational Inspection
- Safety & OSHA Rules
OSHA Standards 1926.602 & 1910.178
- Written Test
- Proper Operation
- Site Specific/Equipment Specific Training
- Traveling In Various Conditions

Instructor: Powers Safety Services, LLC - Sharon Powers RSP - OSHA Authorized Outreach Instructor

LOCATION: ACT Office - 465 W St. Mary's Rd – Tucson Chamber Building

Cost: ACT Members: \$50.00 Non Members: \$ 75.00

(Includes Refreshments & Classroom materials)

In order to comply with the above mentioned standards there will be a written test only.

*I cannot stress enough you **must** have a previous certification card or you will NOT be permitted into this class so bring the proof with you for verification.*

"New Certificate of Completion & card will be sent out timely with expiration dates at the completion of this course."

Seating guaranteed upon receipt of registration and on a first come first serve basis.

No Show reservations will be billed unless you have cancelled within 48 hours prior to seminar.

Minimum enrollment required.- Class subject to 24-hour cancellation.

Please call ACT: (520) 624-3002 to answer any questions or fax to (520) 624-3049



Fall Protection, Ladder & Aerial Lift Use Training Class Tuesday, April 26, 2011

OSHA Fall Protection Standards 1926-500

This class will introduce employees to the OSHA Fall Protection Standards. This standard requires contractors to re-evaluate and update their written, site specific Fall Protection Training Programs. This standard requires employers to provide fall protection for all their employees who are exposed to a fall to a lower level of 6 feet or more.



Space is limited, *so sign up early*
Price includes food, beverage
& seminar materials.

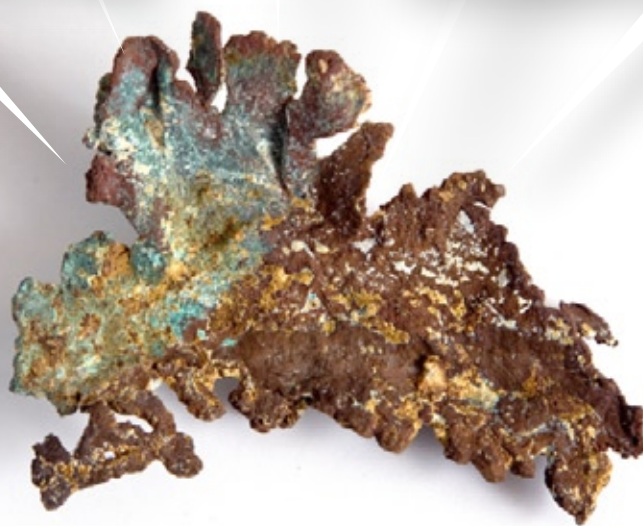
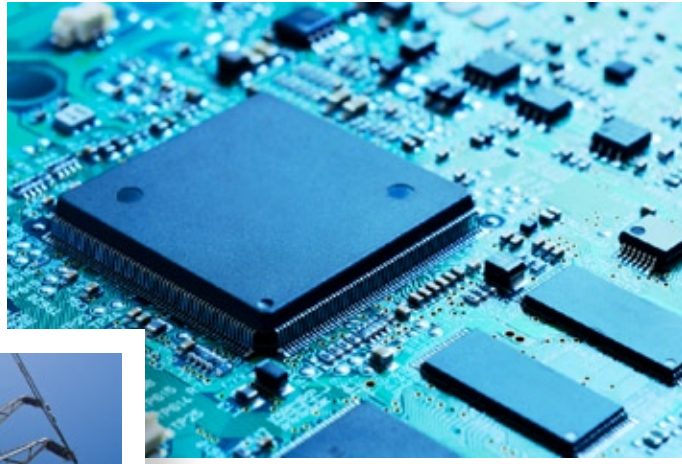
The Fall Protection Seminar Covers:

1. OSHA Fall Protection Standards -
When there is a duty to have Fall Protection
Fall Protection systems
Optional Fall Protection written safe work practice programs
Training cards & certificates.
2. Aerial Lift Use -
Covers snorkel lifts & scissor lifts
Covers safe work practices & manufacturers' recommendations
3. Ladder Use -
OSHA Standard requires that all employees be trained on ladders
All types of ladders will be covered

Instructor : Powers Safety Services LLC-Sharon Powers- RSP - OSHA Authorized Outreach Instructor

DATE:	Tuesday, April 26, 2011	TIME:	Seminar: 3:30 p.m. - 7:30 p.m.
LOCATION:	Tucson Chamber of Commerce 465 W St. Mary's Rd (Corner of Granada & St. Mary's)	FEE:	\$50.00 ACT Members \$75.00 Non Members

You will be charged for No Show Reservations unless you have cancelled within 48 hours prior to Seminar schedule!



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