



By
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Even though we are enjoying beautiful spring days, inland areas are already starting to heat up. In just a few weeks, some areas will begin the summer scorch. Cal-OSHA has renewed enforcement of heat illness regulations and employers should take a hard look at their policies to avoid getting hit with a citation. Last summer we received reports that employers were receiving \$6,500 citations for failure to comply with California's heat illness prevention requirements.

In particular, employers should make sure their policies on water, shade, rest breaks and acclimatization to working in the heat are consistent with the regulations.


The new mantra for employees who work in the heat, as mandated by the regulations, is "one quart of water per employee per hour per shift." If employees have the ability to replenish their drinking water during the shift, you may equip them with a smaller water container, but most construction crews and other off-site workers will need the employer to provide enough water to cover the one-quart-per-employee-per-hour-per-shift rule. On your way to work tomorrow, check out the pickup trucks on the freeway. You'll notice that most work trucks have giant yellow water coolers strapped to the side. It's not as cool as a new set of rims, but it will keep your employees cooler and it complies with the heat illness regulations.

Employers must also provide shade for employees. By the legal definition, shade is NOT "a car without air conditioning." In addition to yellow water coolers, you will likely notice an increase in outside work crews sitting in low-slung beach chairs with umbrellas sticking out of the back. My personal favorite was a particularly burly construction worker in a chair with a pink ruffled umbrella on the back of it.

Also keep in mind that employers must accommodate additional breaks to prevent heat illness. These additional breaks are to be no less than five minutes.

Finally, employers must help employees acclimate to working in the heat. If you bring on a new hire in July, do not assume that employee can be scheduled for an eight-hour shift the next day if he or she is not accustomed to working in the heat. The heat illness regulations require that you ramp up employees' heat exposure if they are not accustomed to it.

And do not assume these heat illness issues are limited to the dog days of summer. A client recently called during a 75-degree day. One of her engineers spent the morning at a construction site instead of his normal desk routine. After three or four hours of being in the sun, drinking coffee instead of water, and not taking a rest break, she had a "man down." After some IV fluids and a quick trip to the

ER, her employee was up and running; but the time spent dealing with Cal-OSHA, the heat illness citation and the resulting fallout was a nasty reminder that heat illness can crop up on even a mild day. Until next time, stay cool. 

Meghan B. Clark is a partner in the Employment Law Group of Nordman Cormany Hair & Compton LLP, Ventura County's largest law firm. She handles employment litigation and day-to-day counseling for employers. Meghan's practice also includes a significant amount of appellate work, including recent published decisions in the cases Totten v. Board of Supervisors (2006) 139 Cal.App.4th 826, Wood v. Santa Monica Escrow (2007) 151 Cal.App.4th 1186 and Community Development Commission v. County of Ventura (2007) 152 Cal. App.4th 1470.

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