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- ◆ All professions need a Code of Conduct; conduct yourself accordingly.
- ◆ All conflicts can be resolved, always search for the common ground
- ◆ Listen first, your view of the issue will be more clear.

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OSHA Increases Focus on Safety for Temporary Employees



In a recent memorandum from the national office to its Regional Administrators, OSHA set forth new issues that Compliance Officers should examine when they inspect worksites where temporary employees are working. The information to be documented includes determining whether the employees are exposed to conditions in violation of OSHA rules or other safety and health hazards and whether the employees received safety and health training “in a language and vocabulary they understand” as well as the supervising structure

under which the temporary employees are reporting (i.e. who is supervising the temporary employees at the worksites).

The Reason Behind the Memorandum

According to OSHA, in recent months there have been a series of reports of temporary employees suffering serious injuries. In some cases, the host employer failed to provide safety training or, if some instruction was given, it inadequately addressed the hazard believing that the temporary employee agency was providing the appropriate safety and health training.

Because of the number of temporary employees being utilized in worksites throughout the country, and the recent increase in the number of severe incidents, OSHA stated they wanted to “... increase the unified effort using enforcement, outreach and training to assure that temporary workers are protected from workplace hazards.” For more detail surrounding this issue, please visit https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=23994

Supreme Court held that a putative FLSA collective action became moot.

On April 16, 2013, in *Genesis Healthcare Corp. v. Symczyk*, the Supreme Court held that a putative FLSA collective action became moot when the lone plaintiff received a complete offer of judgment before other potential plaintiffs joined the action. (No. 11-1059, slip op.)

Laura Symczyk sued on behalf of herself and other employees alleging that her employer violated the FLSA

by deducting 30 minutes of paid time for meal breaks even if the employees actually worked during those breaks. Before any other employees joined, the employer served a Rule 68 offer of judgment for the full amount of plaintiff's allegedly unpaid wages, plus "reasonable attorneys' fees, costs, and expenses." Though the plaintiff did not accept the offer of judgment, the district court

granted a motion to dismiss for lack of subject matter jurisdiction because the employer's offer fully satisfied plaintiff's individual claim and thereby mooted the lawsuit. For more detail surrounding this issue, please visit <http://www.scotusblog.com/case-files/cases/genesis-healthcare-corp-v-symczyk/>