

## **New Rule on Employer-Paid Personal Protective Equipment**

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) recently announced a final rule on employer-paid personal protective equipment (PPE). Under the rule, all PPE, with a few exceptions, is to be provided at no cost to the employee. The rule clarified who is responsible for paying for PPE, which OSHA anticipates will lead to greater compliance and potential avoidance of workplace injuries. The rulemaking does not change existing OSHA requirements as to the types of PPE that must be provided. Instead, the PPE payment rule merely stipulates that employers must pay for PPE that is required by OSHA standards. Temporary and short term employees are included in the requirements. There are exceptions to the rule. The PPE rule excepts ordinary safety-toed footwear, ordinary prescription safety eyewear, logging boots, and ordinary clothing and weather-related gear. It also clarifies OSHA's requirements regarding payment for employee-owned PPE and replacement PPE. In circumstances in which an employee has lost or intentionally damaged the PPE issued to him or her, an employer is not required to pay for its replacement, and may require the employee to pay for such replacement. In regards to items worn by employees for product or consumer safety, or patient safety and health, if such items are worn solely to protect the health of the patient or a food product from contamination, the PPE payment standards do not require employer payment. For example, surgical masks worn by healthcare personnel solely to prevent transmitting organisms to patients are not covered by the standard.

The enforcement of the rule begins May 15, 2008, which is six months from the date of publication. This allows employers time to change their existing PPE payment policies to accommodate the final rule. Further information is available at [www.osha.gov](http://www.osha.gov), or 570-826-6538

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit [www.osha.gov](http://www.osha.gov).

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