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## OSHA and the Federal Motor Carrier Safety Administration sign Memorandum of Understanding regarding complaints of retaliation

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Recently, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) signed a memorandum of understanding enabling the agencies to coordinate claims under the anti-retaliation provision of the Surface Transportation Assistance Act (STAA).

The memorandum discusses and permits the exchange of safety, coercion, and retaliation allegations made by workers even when received by one agency that falls under the authority of the other.

According to OSHA's press release, the STAA provides protection for "drivers and other individuals working for commercial motor carriers from retaliation for reporting or engaging in activities related to certain commercial motor vehicle safety, health or security conditions."

Both OSHA and FMCSA play a role in protecting the safety of commercial drivers and of the motoring public.

For its part, OSHA investigates employee complaints of retaliation. FMCSA is responsible for the regulation of commercial truck and bus companies "and — along with its state law enforcement partners — ensuring company and driver compliance with federal safety regulations, including driver on-duty and driving time limits to prevent fatigue, commercial driver's licenses rules, medical qualifications, drug and alcohol testing, hazardous materials safety standards and others," according to OSHA's press release.

According to OSHA, in the last nine years, it has processed more than 2,800 cases under STAA.

### Kentucky firm wins national grand safety award — 'Best of the Best' in construction industry

Earlier this year, Gray Construction won the 2014 Construction Safety Excellence Award (CSEA), the highest safety award given by the Associated General Contractors of America. Gray won the grand 'Best of the Best' award in competitive with 25 first-place winners in all categories, after winning the "500,000+ construction management hours worked" division.

Gray is a design-build contractor founded in 1960 in Glasgow, Ky., by the family of Lexington Mayor Jim Gray, who is not involved in its operations during his tenure as mayor.

The company, headquartered in Lexington, has more than 500 employees, with regional offices across the country and in Japan. Its core markets include manufacturing, automotive, distribution, retail, hospitality, and food and beverage plant construction.

Gray's award is featured in the July/August edition of *Contractor* magazine, a publication of AGC of America. The award was presented March 5, 2014 at the organization's 95th Annual Convention in Las Vegas. The award, also called the Willis CSEA Award, is given jointly by AGC of America and Willis, the largest construction insurance broker in the world.

Safety and the cost of insurance are intertwined; safety reduces insurance cost, which, on average is 2 percent of the cost of construction. As the author of the story on Gray's award in *Contractor*, Jamie Ives, pointed out, the cost to build is directly related to loss history. Companies with a good safety record pay less for insurance and therefore gain a competitive advantage.

**The Surface  
Transportation  
Assistance Act  
(STAA) protects  
drivers from  
retaliation for  
reporting unsafe  
vehicle conditions.**