



Field Notes

The Newsletter of the Council of Professional Surveyors

September 2002

OSHA ISSUES FINAL RULE FOR SIGNS, SIGNALS, AND BARRICADES

WASHINGTON - A new construction standard for traffic control signs, signals, and barricades is expected to reduce fatalities and injuries at roadway worksites, the Occupational Safety and Health Administration announced today. The final rule becomes effective December 11, 2002.

"Every year more than 100 workers are killed and 20,000 more are injured at roadway construction sites," said OSHA Administrator John Henshaw. "These workers deserve the benefits of this new rule; improved traffic controls, more effective protective clothing, and the necessary information and guidance that will provide better protection from safety hazards on the job."

OSHA initially proposed to amend the standard through a direct final rule. The agency withdrew the direct final rule because two of the eight comments received, both seeking a one-year delay in the August 13, 2002, effective date, were treated as significant adverse comments.

Among the specific changes, the revised standard requires retro-reflective and illuminated devices at intermediate and long-term stationary temporary traffic control zones; warning devices for mobile operations at speeds above 20 mph; advance warning signs for certain closed paved shoulders; a transition area containing a merging taper when one lane is closed on a multi-lane road; temporary traffic control devices with traffic barriers that are immediately adjacent to an open lane; and temporary traffic barriers separating opposing traffic on a two-way roadway.

The revised signs, signals, and barricades standard is in the September 12, 2002 *Federal Register*.

Can I really ask that question?

Here some questions you need to consider before you go into your next personnel interview.

Family Status

Permissible:

- Do you have any responsibilities that conflict with the job attendance or travel requirements? (Must be asked of all applicants).

Impermissible:

- Are you married? What is your spouse's name? What is your maiden name?
- Do you have any children? Are you pregnant? What are your child care arrangements? How old are your children, if any? Where does your spouse work?

Age

Permissible:

- If hired, can you offer proof that you are at least 18 years of age?

Impermissible:

- How old are you?
- What is your birth date?

Arrests or Convictions of a Crime

Permissible:

- Have you ever been convicted of any crime? If so, please specify when, where, and disposition of offense. You must state that a conviction will be considered only as it relates to fitness to perform the job being sought.

Impermissible:

- Have you ever been arrested?

Citizenship or Nationality

Permissible:

- Can you show proof of your eligibility to work in the U.S.?
- Are you fluent in any languages other than English? You may ask the second question only as it relates to the job being sought.
- Can you produce evidence that you are either a U.S. citizen or a non-citizen entitled to work in the U.S. (Do not ask which one.)

Impermissible:

- Are you a U.S. citizen?
- Where were you born?
- Do you intend to apply for citizenship?

Education

Permissible:

- The interviewer may ask questions about the academic vocational, or professional education of the applicant.
- The interviewer may ask about the public and private schools the applicant has attended.

Experience

Permissible:

- The interviewer may inquire about the applicant's work experience.

Military Experience

Permissible:

- The interviewer may ask questions such as have you ever been a member of the U.S. armed services or a state militia?
- If so, did your military experience have any relationship to the position for which you have applied?

Impermissible:

- The interviewer may not inquire into an applicant's type or condition of discharge, or inquire into the applicant's military service of another country.

Disability

Permissible:

- Are you able to perform the essential functions of this job with or without reasonable accommodation?

Impermissible:

- Are you disabled?
- What is the nature or severity of your disability?
- Have you ever been treated for any diseases?