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ISSUE HIGHLIGHTS:

Subletting Repairs

Repair shops often get business by their reputations, but a shop may have to sublet some specialized repairs. By subletting, you are relying on the expertise of another shop. If you've done your homework, you use a quality shop, and there is no problem. However, sometimes that other shop can let you down. Of course, the shop you sublet to does not have to talk to the angry customer.

Personal Protective Equipment (PPE)

Hazards exist in every workplace in many different forms: sharp edges, falling objects, flying sparks, chemicals, noise and a myriad of other potentially dangerous situations.

(Please see article on page 2)

When Subletting Repairs, Who Is Responsible?

Consider this scenario. A customer has his or her vehicle towed to your shop. It was involved in a moderate to heavy front-end accident. You write up an estimate and provide it to the customer and the customer's insurance company. You can do most of the repairs, but the windshield was cracked in the accident and you don't install glass at your shop. The airbag was also deployed, and your shop is not equipped to diagnose and replace the air bag system. So, you sublet the windshield repair to a glass shop and the air bag repair to an air bag specialist.

The Automotive Repair Act of 1971, which was developed jointly by the auto repair industry and consumer groups, states in Business and Professions Code Sections 9884.7(a)(9) and 9884.9(b) that you may sublet repair work to another shop. If you are planning to have the work done by someone other than you or your employees, you *must* include a written statement of that fact with the written estimate and obtain your customer's authorization.

After getting the customer's consent, you start making repairs. The additional repairs are done at the glass shop and with the air bag specialist. When the repairs are finished, the customer picks up the car. A few days later, after the customer drives through a local car wash, he returns to your shop with a complaint of water leaking from the windshield. The air bag specialist did a reputable job, but the glass replacement was not as successful. The customer wants satisfaction.

The question you ask is: "Am I responsible for the repairs to the windshield even though neither I nor my employees made those repairs?"

According to Business and Professions Code Section 9884.9(b), you *are* responsible. This provision clearly states that you are responsible for the work, just as you would be if you or your employees performed the work. You must treat the job the same way you would treat a rework for repairs performed by your shop. In other words, correct the situation for the consumer who paid you by having the repairs done right.

Be sure to write up another estimate for the inspection and repair of the water leak, even if there is no charge to the consumer. Include a statement that you will sublet the repairs to the glass shop. Always get the customer's authorization to repair his or her vehicle. And remember, you are still responsible for any work that is sublet out.

After the repairs are made, the customer picks up the vehicle and drives away satisfied. You knew what your responsibilities were and you took care of them. Your reputation is intact. Maybe it is even enhanced by the quickness with which you took responsibility for the problem.

This information was obtained from the CA Bureau of Automotive Repair web site

For more information please click on the link below:

http://www.bar.ca.gov/70_SiteWideInfo/Library/09_IndustryResources.html



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Hazard Assessment

Hazard assessment is a walk-through survey of the facility to identify conditions and work practices that can cause injuries. To assist you with this process, we've included a link to access forms in both English and Spanish at the end of this article. These will assist you in organizing and analyzing the data so that it may be efficiently used in determining the proper types of PPE required. Documentation of the Hazard Assessment is required through a written certification that includes:

- Identification of the workplace evaluated
- Name of the person conducting the assessment
- Date of the assessment
- Identification of the document certifying completion of the hazard assessment

Periodically reassess the workplace for changes in conditions, equipment or operating procedures. Also include a review of injury and illness records to spot trends or areas of concern and take appropriate corrective action.

Training

Employers are required to train each employee who must use Personal Protective Equipment (PPE). Employees must be trained to know at least the following:

- When PPE is necessary
- What PPE is necessary
- How to properly put on, take off, adjust and wear the PPE
- The limitations of the PPE
- Proper care, maintenance, useful life and disposal of PPE

Document the training of each employee by preparing a certification containing the name of the employee trained, the date of the training and a clear identification of the subject matter.

http://www.mysafetypoint.com/documents/msp/MSP_Upload_PPE511382_1111.pdf

Employer Responsibilities:

- Perform a "hazard assessment" of the workplace
- Identify and provide appropriate Personal Protective Equipment (PPE) for employees or ensure that employees provide appropriate PPE for themselves
- Train employees in the use and care of the PPE
- Maintain PPE, including replacing worn or damaged PPE and ensure that the employees replace any worn or damaged PPE they own
- Periodically review, update and evaluate the effectiveness of the PPE program

Employee Responsibilities:

- Properly wear PPE
- Attend training sessions on PPE
- Care for, clean and maintain PPE
- Inform management of need to repair or replace PPE Hazard Assessment

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