



*“Managing Safety and
Health Programs
That Are Second to None”*

—Human Resources

Executive's and Manager's Safety Compliance Guide

Handbook EL-802

February 1999

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1 Introduction

This handbook has been prepared by Human Resources at Headquarters for postal executives and managers responsible for postal employee safety and health. It includes statements from the postmaster general and chief operating officer on management's commitment to, involvement in, and accountability for safety and health performance. Also included is information on management responsibilities under the Occupational Safety and Health Act (OSHA), conducting safety and health program evaluations, and interim guidance on dealing with OSHA.

A Message From The Postmaster General

I want every postal employee to understand the importance of safety in our postal facilities and elsewhere on the job. None of us wants to experience the pain, suffering, and hardship caused by an accident. The best way to prevent accidents and the losses that accompany them is for all of us to support and enhance our safety and health program.

Therefore you have my promise and commitment — and I will charge every level of management to make a similar commitment — to provide a safe and healthful work environment for our employees and customers. We must each insist on a safety and health program that is second to none.

Safety is also good business. Remember commitment, involvement, and accountability. Those three themes are the basis of this compliance guide, which has been prepared to assist you in achieving a safety and health program that is second to none.

A handwritten signature in black ink, reading "William J. Henderson". The signature is written in a cursive style with a large, prominent "W" and "H".

William J. Henderson

A Message From the Chief Operating Officer

The Postal Service has been challenged by the Congress to assume a leadership role in protecting employees' safety and health. The Postal Service is now an employer governed by the regulations of the Occupational Safety and Health Act, like any other employer in the United States. We are, therefore, subject to citations and monetary penalties. It is important that we demonstrate to Congress, our customers, and our employees that we can succeed in conducting our business in a safe and healthful work environment.

Low accident and injury statistics have always been in line with our corporate goals to reinforce employee commitment, customer satisfaction and revenue generation. The safety and health management principles that have served us well in the past are still applicable in this new environment. But as managers we must improve our commitment to and involvement in the safety and health program. This means working to reduce accidents, injuries, and illness on the job and complying with OSHA regulations that require training, written programs, and accurate records. We will also be held accountable for safety performance.

This compliance guide has been prepared to help management make a commitment to safety as part of good business practices, get involved in promoting safety programs, recognizing and correcting unsafe working conditions and practices, and conducting program evaluations that ensure accountability for effective programs in districts, plants, and all of our facilities. Comprehensive safety and health evaluations are part of the process management cycle and are critical in setting goals and correcting deficiencies. Each area vice president of Operations must ensure that every major office, plant, and BMC is evaluated by June 1, using the "Safety and Health Program Evaluation Guide" contained in this handbook. The following contents summary guides you to the information that you need to ensure that we are in compliance with OSHA safety and health regulations.

Every executive, manager, supervisor, and employee must comply with safety and health regulations. Indeed, we must go beyond regulatory compliance when it benefits our employees, customers, and business. Managers must actively get involved in safety programs. They must place particular emphasis on identifying and correcting unsafe working conditions and practices, preventing accidents involving our employees and customers, and eliminating citations that can lead to penalties. Together, we can achieve a safety and health program that is second to none.

A handwritten signature in black ink, appearing to read "Clarence E. Lewis, Jr.", with a large, sweeping flourish extending from the end of the signature.

Clarence E. Lewis, Jr.

Content Summary

Tab 2 of this handbook provides you with an overview of the USPS position under the Occupational Safety and Health (OSH) Act and postal safety policies and procedures so that you understand your legal and postal-assigned responsibilities as a manager.

Tab 3 provides you with tools and information you will use in becoming involved in safety as good business. It includes an executive planner and a guide to executive and manager observations, as well as information on the Safety Specialists Toolkit currently being tested.

Tab 4 contains a Postal Service focused version of the Occupational Safety and Health Administration's Performance Evaluation Profile (PEP), titled "United States Postal Service Safety and Health Program Evaluation Guide."

Comprehensive safety evaluations are part of the process management cycle and are critical in setting goals and correcting deficiencies. *Employee and Labor Relations Manual* (ELM) 824 requires annual safety and health program evaluations, and the guide will be used for such evaluations. OSHA has used the PEP to assess employer safety and health programs in general industry workplaces, and it is the basis for their proposed safety and health program standard. The Program Evaluation Guide is also contained in the Safety Specialist's Toolkit.

Each safety and health evaluation, with accompanying plans for improvement of deficient elements, will be forwarded to the area vice presidents of Operations, for review and concurrence. The area VPs will then forward the evaluations to the chief operating officer, who will be responsible for monitoring progress. The COO's office also will want to know what the areas, districts, plants and BMCs need in terms of resources to ensure effective safety performance and compliance with laws and regulations. In addition to area-level evaluations, Safety and Risk Management, Human Resources, will be sponsoring program evaluations in districts and plants with less than successful safety performance or excessive OSHA compliance activity.

Managers must ensure that evaluations are undertaken conscientiously, that programmatic deficiencies are addressed, and that follow-up is ongoing. ELM 819, Performance and Evaluations, states that safety performance must be considered in all performance evaluations of managers, supervisors, and employees. Results of program evaluations, performance against national or local safety targets, and OSHA compliance activity must be taken into consideration within existing personnel policies.

Tab 5 provides you with information on working with OSHA. It contains a guide to dealing with compliance activity, including developing abatement schedules; preparing for OSHA inspections; responding to employee complaints, citations, penalties, and reports of discrimination under the OSH Act; contesting OSHA citations; and making appeals.

Tab 6 is the appendix. It contains a driver observation form, OSHA citation forms, Vice President Maguire's interim guidance on PESEA, and an overview of OSHA Voluntary Protection Programs (VPP). At this time, Headquarters and OSHA officials are discussing transition issues. Guidance on participating in VPP

programs or other partnership efforts will be forthcoming. Please do not initiate any VPP without consulting with Safety and Risk Management, Human Resources, Headquarters.

Questions or comments regarding this guide should be addressed to Safety and Risk Management, Human Resources, Headquarters.

2 Management Responsibilities Under the OSH Act

This section provides an overview of the Postal Service's new status as an employer subject to the OSH ACT and includes excerpts from the ELM emphasizing management responsibilities for safety and health programs.

USPS Status As an Employer Under the OSH Act

The Postal Employees' Safety Enhancement Act (PESEA) changes the status of the Postal Service as an employer under the Occupational Safety and Health Act of 1970. Previously, the Postal Service, as a federal agency, was exempt from the private-sector provisions of the OSH Act. Federal agencies are covered under Section 19 of the Act and Executive Order 12196. Although the Postal Service implemented a comprehensive safety and health program under those provisions and complied with OSHA regulations (found at 29 CFR 1960), it was previously not considered an "employer" under the Act that was subject to citations, fines, and penalties under the Act.

When PESEA became effective, the Postal Service, like any other nonfederal or nonstate government employer in the United States, became fully subject to the OSH Act. This means that OSHA has jurisdiction over the Postal Service in matters relating to employee safety and health. The Postal Service may be cited, fined, and referred for criminal prosecution by OSHA.

As an employer under the OSH Act, the Postal Service, through its managers and supervisors, must ensure compliance with all provisions of the Act. Ensuring compliance with existing postal policies on safety and health will, in large measure, also ensure compliance with federal safety and health regulations. Nevertheless, managers and support staff need to become conversant with OSHA regulations and procedures for compliance, including dealing with investigations, inspections, and resultant citations and penalties.

PESEA Summary

The Postal Employees' Safety Enhancement Act (PESEA) amends the Occupational Safety and Health Act of 1970 (OSHA) to apply it to the United States Postal Service (USPS) as an employer.

It also amends federal law to prohibit USPS from: (1) considering compliance with OSHA in determining whether to close or consolidate a post office; or (2) restricting, eliminating, or adversely affecting any service it provides as a result of paying a penalty imposed under OSHA.

It prohibits the Postal Rate Commission from considering compliance with OSHA in determining whether to increase rates, and provides that OSHA compliance shall not otherwise affect the service of the USPS.

Following is the actual language of the Postal Employees' Safety Enhancement Act as passed by the House on September 14, 1998, and signed by the President on September 28, 1998.

From the Postal Employees' Safety Enhancement Act

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Postal Employees' Safety Enhancement Act'.

SEC. 2. APPLICATION OF ACT.

- (a) **Definition:** Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after 'the United States' the following: '(not including the United States Postal Service)'.
- (b) **Federal Programs:**
 - (1) **Occupational safety and health:** Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after 'each Federal Agency' the following: '(not including the United States Postal Service)'.
 - (2) **Other safety programs:** Section 7902(a)(2) of title 5, United States Code, is amended by inserting after 'Government of the United States' the following: '(not including the United States Postal Service)'.

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

- (2) The Postal Service, in making a determination whether or not to close or consolidate a post office--
 - (A) shall consider--
 - (i) the effect of such closing or consolidation on the community served by such post office;
 - (ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;
 - (iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;
 - (iv) the economic savings to the Postal Service resulting from such closing or consolidation; and
 - (v) such other factors as the Postal Service determines are necessary; and
 - (B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

- (a) **In General:** Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

415. Prohibition on restriction or elimination of services

The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)

(b) Technical and Conforming Amendment: The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

415. Prohibition on restriction or elimination of services.

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.

Safety Philosophy From the Employee and Labor Relations Manual

811.3 **Safety Philosophy**

It is the position of the Postal Service that:

- a. Any injury can be prevented. This goal is realistic, not just theoretical. Supervisors or managers having primary responsibility for the well-being of employees must fully accept this principle.
- b. Management, which includes all levels through the initial-level supervisor, is responsible and accountable for the prevention of accidents and control of resultant losses. Just as the line organization is responsible for attaining production levels, ensuring quality of performance, maintaining good employee relations, and operating within cost and budget guidelines, supervisors and managers must likewise accept their share of responsibility for the safety and health of employees.
- c. It is possible to safeguard against all operating exposures which can result in accidents and injuries. It is preferable to eliminate the sources of danger. However, where this is not practical, management must use protective measures such as machine guards, safety devices, personal protective equipment, and administrative actions.
- d. All employees must be trained in proper work procedures and must be educated to work safely and to understand that they are responsible for doing so. Management is responsible for the adequate safety training and education of employees. However, all employees must be convinced that they are responsible for working safely, and that in doing so, they benefit not only their organization but themselves in a very real way.
- e. It is good business from the standpoint of both efficiency and economy to prevent personal injuries on and off the job. In addition to humanitarian considerations, injuries cost money and reduce efficiency.

811.4 **Safety Policy**

It is the responsibility of management to provide safe and healthful working conditions in all postal-owned and postal-leased installations, educate all employees in safe work practices, and ensure that all employees work safely. Safety is an integral part of all managers' responsibilities.

* * *

812 **Responsibilities**

812.1 **Headquarters**

- 812.11 The Postmaster General is responsible for the establishment and maintenance of an effective, comprehensive occupational safety and health program that provides employment and a place of employment free from recognized hazards that are likely to cause death or serious physical harm.

Executive's and Manager's Safety Compliance Guide

812.12 Officers of the Postal Service are delegated the authority and responsibility to ensure safe and healthful working conditions and practices within their functional areas.

812.13 The vice president of Human Resources is the "Designated USPS Safety and Health Official" and is delegated the authority and responsibility to administer and evaluate the safety and health program.

812.2 **Area Offices**

812.21 Area vice presidents are responsible for reviewing division objectives, goals, plans, and safety performance within their areas of responsibility.

812.22 Area Human Resources managers are responsible for monitoring the field divisions' safety and health performance in conformance with national policy and direction.

812.3 **Installation Heads**

Area managers, postmasters, plant managers, postmasters, and installation heads are responsible for the operational safety and for the safety performance of employees within their areas of responsibility. This includes the development of accident reduction goals and objectives. They must budget, plan, organize, and control operations to eliminate and prevent operational safety errors and employee performance errors.

812.4 **Middle Level Managers**

Middle level managers are responsible for the safety and health program planning for their operations. This includes planning accident prevention activities; reviewing accident, injury, and hazard reports; monitoring operational on-the-job safety training; and evaluating supervisory safety performance. Middle level managers coordinate activities, including the followup correction of identified safety deficiencies, with other operational managers to assist in solving safety and health problems.

812.5 **Supervisors**

First line supervisors are responsible for implementing action plans, monitoring employees' safety performance, and preventing operational safety errors. Specific responsibilities are listed in the Handbook EL-801, *Supervisor's Safety Handbook*.

812.6 **Objectives/Action Plans**

All managers with specific responsibility for the safety and health of subordinates will have specific fiscal year safety and health objectives, with accompanying action plans for their accomplishment. Action plans must list specific activities which will be taken to reduce accidents and injuries and improve safety awareness.

* * *

818 **Safety and Health Program Budgeting**

All organizational levels must provide funding to maintain an effective and comprehensive safety and health program. Such budgeted items must include, but are not limited to:

- a. Sufficient personnel to properly implement and administer the program at all levels, including necessary administrative costs such as training, travel, and personal protective equipment.
- b. Abatement of unsafe or unhealthful working conditions related to equipment, operations, facilities, or vehicles.
- c. Safety and health sampling, testing, and diagnostic and analytical tools and equipment, including laboratory analyses, as deemed appropriate.
- d. Any necessary contracts to identify, analyze, or evaluate unsafe or unhealthful working conditions and operations, as deemed appropriate.
- e. Safety awareness and promotional programs.
- f. Technical information documents, books, standards, codes, periodicals, and publications.
- g. Medical supplies and services.

819 **Performance and Evaluations**

In any evaluation of performance or potential, provisions must be made to include the achievement or failure of managers, supervisors, and/or employees in the performance of their safety and health responsibilities. Evaluations must not be based solely on the number and seriousness of accidents and injuries experienced, but also on how effectively the opportunity for accidents to occur was reduced.

3 Commitment, Involvement, and Accountability

This section provides guidelines on commitment, involvement, and accountability. It includes:

- Demonstrating commitment to safety efforts through formal statements and performance reviews.
- Getting involved through field visits and observations.
- A safety planner.
- Information on the forthcoming Safety Specialists Toolkit.

Demonstrating Personal Commitment

Policy Statement

Executives and managers at the area, district, and plant levels should ensure that a current safety policy is in effect. This policy should stress that safety is a line management responsibility **supported** by safety and health professionals and senior management officials.

Periodic Personal Communications

Periodic memorandums, articles, etc. from executives and managers should be transmitted to targeted audiences highlighting major safety initiatives, success stories, exceptional safety performance, and other safety-related activities. Communications should stress commitment, involvement, and accountability to managers and supervisors. Also publicize information on OSHA compliance activities and safety and health program evaluations.

Budget Reviews

During annual budget reviews, consideration must be given to adequate local funding for the safety and health program, as noted in Section 818 of the ELM.

Personal Reviews of Safety Performance

Review safety performance against mutually agreed targets and national EVA goals. Review any OSHA compliance activity and subsequent responses. Additionally, an informal accident analysis and periodic close review of Safety and Health Action Plans can identify weak areas.

Accident data can be accessed in the HRIS safety subsystem. Look for the following headings:

- Injury type.
- Unsafe conditions and practices.
- By craft.
- Operations.
- Accident repeaters.
- Task design.
- Causes.
- Hazardous situations.

When reviewing Safety and Health Action Plans:

- Check accident analysis processes.
- Review whether activities identified correlate with accident and injury trends.
- Identify functional responsibility and accountability.
- Note establishment of target and completion dates.

Attend Joint Labor Management Safety and Health Committee Meetings

- Discuss the Safety and Health program and your personal commitment.
- Discuss the committee's function and responsibility and your expectations and support.
- Review local initiatives.
- Review the successes and failures.
- Ask about:
 - Agenda and minutes.
 - Recurring items.
 - Review of *Reports of Hazard, Unsafe Condition or Practice* (PS Form 1767) and complaints.
 - Review of accident data.
 - Training for committee members.

Executive and Management Involvement in Safety

Field Visits

Field visits present excellent opportunities for executives and managers to demonstrate their commitment and direct support for doing business safely. **Try to make visits solely for the purpose of demonstrating commitment and involvement in the safety process.** Suggested activities for these visits include:

- **Talk with Employees and Supervisors.** Discuss local accident experience and employee concerns over safety hazards. Review procedures for reporting hazards and defective equipment. Talk with Joint Labor Management Safety and Health Committee members. Ask for success stories to share with others.
- **Meet with Safety, Injury Compensation, Medical, and Employee Intervention Workplace Analysts (EIWA's).** Discuss your support for the safety function and solicit comments on the effectiveness of the local program. Review interaction between safety and injury compensation functions.
- **Attend Safety and Health Awards Ceremonies.** Opportunities include the National Safety Council's Safe Driver Million Mile Awards, and Golden Belt Awards, and local acknowledgment of safety performance ceremonies.
- **Visit Employee Orientation, Craft Safety Training, Initial Level Supervisor, Associate, or Supervisor Refresher Training.** This is an excellent opportunity to discuss safety as good business, the safety and health process, line management responsibility *and* accountability, and employee rights and responsibilities.

Inspect and Observe

Management at all levels must periodically spot check and observe for unsafe conditions and work practices. Use the driver form included in the reference section where appropriate or duplicate and carry into the field the checklist following this page.

Executive's and Manager's Safety Observation Checklist

When in a facility check for:

- Housekeeping.
- Blocked or unmarked exits.*
- Suspect electrical or wiring conditions.*
- Guarding and condition of mechanization.*
- Condition of mail transportation equipment.
- Condition of lobbies and customer service areas.

Check vehicles for:

- Notice 76.
- Accident reporting kits.
- Unrepaired and/or unreported damage.
- Parking procedures.

Observe work practices in facilities and on the street for:

- Handling and lifting.
- Pushing and pulling.
- Footwear.
- Lockout/tagout procedures.*
- Driving.
- Contractor safety performance.*
- Employee postures/hand mechanics.

Check paperwork and records for:

- Required training is delivered and documented.*
- PS Form 1767s handled promptly.*
- Accident log maintenance, posting of annual summaries and retention for 5 years.*
- Written OSHA programs such as lockout/tagout, hazcomm, asbestos O&M are current.*
- OSHA Poster 2203 posted.*

*Indicates an OSHA-critical item.

Safety Specialist's Toolkit Information

The following page has been excerpted from the Users Manual for the Beta (Field) Test of the Safety Specialists Toolkit. The excerpt will give you an overview of the computer application which will be used by safety specialists and others to more easily conduct inspections, record deficiencies, and track abatement. Additionally, the Toolkit provides a wealth of references in one location, contains information on written program reviews, and also contains the postalized version of OSHA's Program Evaluation Profile (PEP) for use in evaluating District and Plant safety programs. A printout of the *Postal Safety and Health Evaluation Guide* is located in Tab 5 of this guide. More information on the Toolkit can be obtained from Safety and Risk Management at Headquarters.

When issued, please ensure that all safety professionals receiving training and resources necessary to effectively utilize the Safety Specialists Toolkit.

From the Users Manual for the Test Version of the Safety Specialist's Toolkit: Introduction

Overview

The Safety Specialist's Toolkit is an easy to use computer application that will make the 1784 safety and health inspection and reporting process easier, faster, and more effective.

The heart of the Toolkit is (1) the revised 1784-A and 1784-B Safety and Health Checklists; (2) a 1784-C data collection and reporting tool; and (3) electronic access to the full text of Postal Service policy and guidance documents, OSHA standards, and summaries of consensus standards (developed by the American National Standards Institute [ANSI], the National Fire Protection Association [NFPA], the National Electric Codes [NEC], and other selected standards developed by consensus organizations).

Some modules of the Toolkit compliment and enhance the checklists, reporting tool, and references. Other modules provide a connection to the Safety and Health home page: a searchable database of Postal Service safety and health personnel; access to safety and health program guides; access to the *Postal Service Area Analyst's (Safety and Health) Program Evaluation Guide*; access to a Frequently Asked Questions (FAQ) module, which is part of the user help system that supports fielding of the Toolkit; access to the Submit Questions module, which makes it easy for Toolkit users to submit questions and get answers from the central help facility; access to the Submit Suggestions module, which also makes it easy for users to submit suggestions for improving the Toolkit application; and a Toolkit Utilities module, which stores the various computer tools needed to keep the Toolkit application running smoothly.

This User's Manual explains how to use all of the capabilities of the Safety Specialist's Toolkit.

4 Safety and Health Program Evaluation Guide

This section contains the Postal Service-specific OSHA Program Evaluation Profile (PEP), known in the Safety Toolkit as the Safety and Health Program Evaluation Guide. It has been annotated with references from the current ELM. It is to be used to perform evaluations of district and plant safety and health programs in accordance with Section 824 of the ELM.

United States Postal Service

Safety and Health Program Evaluation Guide

Introduction

Purpose

This guide provides new procedures for evaluating Postal Service safety and health programs. The requirements for performing safety and health program evaluations are listed in the Employee Labor Relations Manual, June 1998, Chapter 8, Safety and Health, paragraphs 812 and 824. Paragraph 824 requires program evaluations to be conducted annually by districts and plants at all facilities with 50 or more workyears of employment. Facilities with less than 50 workyears of employment may also be evaluated.

OSHA has always viewed program evaluation as a critical element of comprehensive safety and health programs and includes the assessment of programmatic elements in their inspection process. With the passage of the Postal Employees' Safety and Health Act in September 1998, OSHA can fine Postal Service facilities for violations of OSHA standards. Postal Service compliance with OSHA standards and employee safety and health will be enhanced by focusing internal program evaluations on the program elements that OSHA believes are essential to the operation of good safety and health programs. Those essential program elements are described in OSHA's Program Evaluation Profile, the draft Proposed Safety and Health Program Rule, and OSHA's Safety and Health Program Management Guidelines (1989).

This guide is modeled after OSHA's recently published Program Evaluation Profile (PEP). The PEP is the most comprehensive of the program management documents published to date. The six major program elements considered in the PEP are listed below.

- I. Management Leadership and Employee Participation
- II. Workplace Analysis
- III. Accident and Record Analysis
- IV. Hazard Prevention and Control
- V. Emergency Response
- VI. Safety and Health Training

Each of the program elements is evaluated and scored using selected criteria and a total score for the "program evaluation" is determined. This guide uses a scoring system of one through five, with "five" being the best score. When assigning the scores select the brief descriptor that "best fits" the situation under evaluation. **The descriptors will not necessarily match the organization exactly or in literal detail so assigning the score requires some professional interpretation.** It is also important to understand that a descriptor contains all positive factors (achievements) included in the level below it. That is, a level "3" program should have all positive factors of levels "3," "2," and "1."

A thorough evaluation of the safety and health program at any site will require a through site visit which should include worksite assessments, reviews of program

documentation, recordkeeping and reporting procedures, employee workpractices, workforce safety and health training, and attitudes regarding safety.

The evaluation guide is most useful when it is used to track program scores over time to check for the effectiveness of program improvement efforts. Certainly, programs and program elements with the lower scores should be targeted for improvement.

Facility managers may also find this evaluation guide useful for their personal assessment of facility programs. The criteria are not of sufficient technical depth to preclude an experienced manager from using it assess the facility safety and health program.

Postal Service Policy

The applicable policy documents that support each of the criteria within the six major program elements of this evaluation guide are cited within or at the end of each of the criteria statements. Nothing in this guide should be construed to modify or supersede existing policies or labor/management agreements.

I. Management Leadership and Employee Participation

Management Leadership

Visible management leadership provides the motivating force for an effective safety and health program.

Score the management leadership program subelement using the following guide:

1 = Management demonstrates no policy, goals, objectives, or interest in safety and health issues at this worksite.

2 = Executive safety and health committees meet quarterly, set and communicate safety and health policy and goals but remains detached from all other safety and health efforts (ELM 812.6, 815.13).

3 = Executive safety and health committees develop and implement action plans and assign responsibilities. Management follows all safety and health rules and gives visible support to the safety and health efforts of others (ELM 815.14).

4 = Management participates in significant aspects of the site's safety and health program, such as site inspections, incident reviews, and program reviews. Executive safety and health committees monitor quantity and frequency of safety inspections and abatement activities (ELM 815.13), and measure effectiveness of action plans (815.14). Incentive programs that discourage reporting of accidents, symptoms, injuries, or hazards are absent. Safety awards or other incentive programs may be present (ELM 840).

5 = Site safety and health issues are regularly included on agendas of regular staff meetings (ELM 815.15). Management clearly demonstrates--by involvement, support, and example-- the primary importance of safety and health for everyone on the worksite. Performance is consistent and sustained or has improved over time.

Employee Participation

Employee participation provides the means through which workers identify hazards, recommend and monitor abatement, and otherwise participate in their own protection.

Score the employee participation subelement using the following guide:

1 = Worker participation in workplace safety and health concerns is not encouraged. Incentive programs are present which have the effect of discouraging reporting of incidents, injuries, potential hazards or symptoms. Employees and union representatives are not involved in the safety and health program.

2 = Workers and their representatives can participate freely in safety and health activities at the worksite without fear of reprisal (ELM 814.1). Procedures are in place for communication between management and workers on safety and health matters (ELM 816). Workers understand, and management honors, the workers' rights under the Occupational Safety and Health Act to refuse or stop work that they reasonably believe involves imminent danger (ELM 814.1). Workers are paid while performing safety activities.

3 = Workers and union representatives are involved in the safety and health program (ELM 817), involved in inspection of work area (825.23), and are permitted to observe monitoring and receive results (ELM 825.44). Joint labor-management safety and health committees are functioning in accordance with collective-bargaining agreements (ELM 816). Workers' and union representatives' right of access to information is understood by workers and recognized by management. Workers are familiar with using, and have ready access to, Form 1767, Report of Hazard, Unsafe Condition or Practice (ELM 825.7)

4 = Workers and union representatives participate in job safety analyses (JSAs) (ELM 801.330), inspections and investigations (ELM 825), and development of control strategies throughout facility (ELM 816), and have necessary training and education to participate in such activities (ELM 817.4). Workers and union representatives have access to all pertinent health and safety information, including safety reports and audits (ELM 825.62).

5 = Workers and union representatives participate fully in development of the safety and health program and conduct of training and education (ELM 816 and 817). Workers participate in audits, program reviews conducted by management or third parties, and collection of samples for monitoring purposes, and have necessary training and education to participate in such activities (ELM 816, 825). Management encourages workers to stop activities that present potentially serious safety and health hazards (ELM 814.2).

Implementation

Implementation means tools, provided by management, that include:

- Budget.
- Information.
- Personnel.
- Assigned responsibility.
- Adequate expertise and authority.
- Means to hold responsible persons accountable (line accountability).
- Program review procedures.

Score the implementation subelement using the following guide:

1 = Tools to implement a safety and health program are inadequate or missing.

2 = Some tools to implement a safety and health program are adequate and effectively used; others are ineffective or inadequate. Management assigns responsibility for implementing a site safety and health program to identified person(s) (ELM 813). Management's designated representative has authority to direct abatement of hazards that can be corrected without major capital expenditure (ELM 825.63).

3 = Tools to implement a safety and health program are adequate, but are not all effectively used. Safety and health representative has some expertise in hazard recognition and applicable OSHA requirements (ELM 817). Management keeps or has access to applicable OSHA standards at the facility, and seeks appropriate guidance information for interpretation of OSHA standards. Management representative has authority to order/purchase safety and health equipment.

4 = All tools to implement a safety and health program are more than adequate and effectively used. Written safety procedures, policies, and interpretations are updated based on reviews of the safety and health program (ELM 813.4). Safety and health expenditures, including training costs and personnel, are identified in the facility budget (ELM 818). Hazard abatement is an element in management performance evaluation (ELM 819).

5 = All tools necessary to implement a good safety and health program are more than adequate and effectively used. Management safety and health representatives have expertise appropriate to facility size and process, and has access to professional advice when needed [ELM 817.2]. Safety and health budgets and funding procedures are reviewed periodically for adequacy (ELM 818).

Contractor Safety

An effective safety and health program protects all personnel on the worksite, including the employees of contractors and subcontractors. It is the responsibility of management to address contractor safety.

Score the contractor safety subelement using the following guide:

1 = Management makes no provision to include contractors within the scope of the worksite's safety and health program.

2 = Management policy requires contractor to conform to OSHA regulations and other legal requirements.

3 = Management designates a representative to monitor contractor safety and health practices, and that individual has authority to stop contractor practices that expose USPS or contractor employees to hazards. Management informs contractor and employees of hazards present at the facility.

4 = Management investigates a contractor's safety and health record as one of the bidding criteria.

5 = The site's safety and health program ensures protection of everyone employed at the worksite, i.e., regular full-time employees, contractors, temporary and part-time employees.

II. Workplace Analysis

Survey and Hazard Analysis

An effective safety and health program will seek to identify and analyze all hazards in order to prevent injury and illness. In large or complex workplaces, components of such analysis are the comprehensive survey and analyses of job hazards and changes in conditions.

Score the survey and hazard analysis subelement using the following guide:

1 = No system or requirement exists for hazard review of planned/changed/new operations. There is no evidence of a comprehensive survey for safety or health hazards or for routine job hazard analysis.

2 = Safety staff conduct job safety analyses (JSAs), but only in response to accidents or complaints. Management has identified principal OSHA standards which apply to the work site.

3 = Safety and health staff has conducted process, task, and environmental inspections and updated as needed (ELM 825). Supervisors have completed JSAs for all high-hazard jobs and processes where injury or illnesses have been recorded. JSAs are communicated to and understood by affected employees (EL 801)

4 = Current JSAs are documented for all work areas and are communicated and available to all the workers (EL 801). Safety personnel review all planned/changed/new facilities, processes, materials, or equipment (ELM 833).

5 = Regular surveys, including documented comprehensive workplace hazard evaluations, are conducted by appropriately certified safety and health professionals. Corrective action is documented and hazard inventories are updated (ELM 825). Hazard analysis is integrated into the design, development, implementation, and changing of all processes and work practices (ELM 833).

Inspection

Inspection: To identify new or previously missed hazards and failures in hazard controls, an effective safety and health program will include regular site inspections.

Score the inspection subelement using the following guide:

1 = No routine physical inspection of the workplace and equipment is conducted.

2 = Supervisors dedicate time to observing work practices and other safety and health conditions in work areas where they have responsibility (ELM 801, ELM 812).

3 = Safety personnel conduct semi-annual inspections for installations with 100 or more workyears of employment (ELM 825) and conduct annual inspections for installations with 50 or more workyears (ELM 825). Abatement actions are tracked on the Form 1784C. Employees are involved in the inspection process (ELM 825).

4 = Safety personnel perform follow-up inspections to document that abatement actions are completed (ELM 825). Form 1784C are posted for review by workers.

5 = Inspections are planned and overseen by certified safety or health professionals. Statistically valid random audits of compliance with all elements of

the safety and health program are conducted. Observations are analyzed to evaluate performance and accomplishments.

Hazard Reporting

A reliable hazard reporting system enables employees, without fear of reprisal, to notify management of conditions that appear hazardous and to receive timely and appropriate responses.

Score the hazard reporting subelement using the following guide:

1 = Employees are unfamiliar with or reluctant to use hazard reporting procedures.

2 = Employees are instructed to report hazards to management using Form 1767, Report of Hazard, Unsafe Condition or Practice (ELM 825). Supervisors are instructed and are aware of a procedure for evaluating hazards and responding to such reports (ELM 825). Employees use the system with no risk of reprisals (ELM 814.).

3 = Supervisors investigate hazard reports within the tour of duty, and provide a signed copy of their investigation to the employee and Safety Office. Corrective action is scheduled, and records maintained using Form 1784C, Safety Deficiency Report; Management Action Plan (ELM 825).

4 = Management conducts surveys of employee observations of hazards to ensure that the hazard reporting system is working (ELM 825).

5 = Workers readily identify and self-correct hazards; they are supported by management when they do so.

III. Accident and Record Analysis

Accident Investigation

Accident investigation: An effective program will provide for investigation of accidents and "near miss" incidents, so that their causes, and the means for their prevention, are identified.

Score the accident investigation subelement using the following guide:

1 = No investigation of accidents, injuries, near misses, or other incidents is conducted.

2 = Some investigation of incidents takes place, but root cause may not be identified, and correction may be inconsistent. Supervisors prepare injury reports for lost time cases.

3 = Form 1769 is completed for all recordable incidents (ELM 821). Reports are generally prepared with cause identification and corrective measures prescribed.

4 = OSHA-recordable incidents are always investigated, and effective prevention is implemented (ELM 821). Reports and recommendations are available to employees. Quality and completeness of investigations are systematically reviewed by trained safety and or human resources personnel (ELM 821).

5 = All loss-producing accidents and "near-misses" are investigated for root causes by teams or individuals that include trained safety personnel and employees (EL-801-331.3, ELM 821.21).

Data Analysis

An effective program will analyze injury and illness records for indications of sources and locations of hazards, and jobs that experience higher numbers of injuries. By analyzing injury and illness trends over time, patterns with common causes can be identified and prevented.

Score the data analysis subelement using the following guide:

1 = Little or no analysis of injury/illness records are kept or conducted.(Form 1769, Accident Report; CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation; CA-2 Notice of Occupational Disease and Claims for Compensation, or OSHA 200 Log).

2 = Data is collected and analyzed, but not widely used for prevention (ELM 821). Form 1769, Accident Report; OSHA Form 200, and an annual summary of postal injuries and illnesses is completed for all recordable cases (ELM 821). Exposure records and analyses are organized and are available to safety personnel (ELM 821).

3 = Injury/illness logs and exposure records are kept correctly, are audited by facility personnel, and are essentially accurate and complete (ELM 821). Form 1764, Accident Analysis Summary, is analyzed to identify high risk areas and jobs (ELM 821). Workers compensation claim records are analyzed and the results used in the program. Significant analytical findings are used for prevention.

4 = Management can identify the frequent and most severe problem areas, the high risk areas and job classifications, and any conditions, actions or exposures responsible for OSHA recordable cases. Data are fully analyzed and effectively communicated to employees. Illness/injury data are audited and certified by a responsible person.

5 = All levels of management and the workforce are aware of results of data analyses and resulting preventive activity. External audits of accuracy of injury and illness data, including review of all available data sources are conducted. Scientific analysis of health information, including non-occupational data bases is included where appropriate in the program.

IV. Hazard Prevention and Control

Hazard Control

Workforce exposure to all current and potential hazards should be prevented or controlled by using engineering controls wherever feasible and appropriate, work practices and administrative controls, and personal protective equipment.

Score the hazard control subelement using the following guide:

1 = Hazard control is seriously lacking or absent from the facility.

2 = Hazard controls are generally in place, but effectiveness and completeness vary. Serious hazards may still exist. Management has achieved general compliance with applicable OSHA standards regarding hazards with a significant probability of causing serious physical harm. Hazards that have caused past injuries in the facility have been corrected.

3 = Appropriate controls (engineering, work practice, and administrative controls, and personal protective equipment) are in place for all significant hazards (EL 801) Some serious hazards may exist. Management is generally in compliance with OSHA standards, consensus standards, industry practices, and suppliers' safety recommendations. Abatement committees monitor and achieve rapid abatement

of hazards (ELM 825). Form 1784C is posted in the workplace for unabated hazards (ELM 825). The overall program tolerates occasional deviations.

4 = Hazard controls are fully in place, and are known and supported by the workforce and management. Few serious hazards exist. Management requires strict and complete compliance with all organizational, OSHA, consensus, and industry standards and recommendations. All deviations are identified, causes determined, and hazards identified are controlled quickly.

5 = Hazard controls are fully in place and continually improved upon based on workplace experience and general knowledge. Documented reviews of needs are conducted by certified health and safety professionals or professional engineers, etc.

Maintenance

An effective safety and health program will provide for facility and equipment maintenance, so that hazardous breakdowns are prevented.

Score the maintenance subelement using the following guide:

1 = No preventive maintenance program is in place; break-down maintenance is the rule.

2 = There is a preventive maintenance schedule, but it does not cover everything and may be allowed to slide or performance is not documented (MMOs and MWOs). Safety devices on machinery and equipment are generally checked before each production shift (EL 814).

3 = A preventive maintenance schedule is implemented for areas where it is most needed; it is followed under normal circumstances. Manufacturers' and industry recommendations and consensus standards for maintenance frequency are used to maintain the equipment (MWOs). Breakdown repairs for safety related items are expedited. Safety device checks are verified and documented.

4 = Management has effectively implemented a preventive maintenance schedule that applies to all equipment. Facility experience is used to improve safety-related preventative maintenance scheduling. Records of preventive maintenance inspections are maintained.

5 = There is a comprehensive safety and preventive maintenance program that maximizes equipment reliability.

Medical Program

An effective safety and health program will include a suitable medical program where it is appropriate for the size and nature of the workplace and its hazards.

Score the medical program subelement using the following guide:

1 = Management is unaware of, or unresponsive to medical needs for workplace exposures. Required medical surveillance, monitoring, and reporting are absent or inadequate.

2 = Required medical surveillance, monitoring, removal, and reporting responsibilities for applicable standards are assigned and carried out, but results may be incomplete or inadequate.

3 = Medical surveillance, removal, workplace exposure monitoring, and reporting comply with applicable standards (ELM 862). The medical surveillance provided is based upon qualitative workplace exposure estimates. Employees report early signs/symptoms of job-related injury or illness and receive appropriate treatment.

4 = Health care providers provide follow-up on employee treatment protocols and are involved in hazard identification and control in the workplace (ELM 863). Medical surveillance addresses conditions not covered by specific standards (ELM 862). The medical surveillance provided is based upon quantitative workplace exposure assessments.

5 = Health care providers are on-site for all production shifts and are involved in hazard identification and training (ELM 862). Health care providers periodically observe the work areas and activities and are fully involved in hazard identification and training (ELM 863). Employee concerns about medical treatment are documented and responded to appropriately. The medical surveillance provided is based upon robust workplace exposure assessments.

V. Emergency Response

Emergency Preparedness

Emergency preparedness: There should be appropriate planning, training/drills, and equipment for response to emergencies. Note: In some facilities the management plan is to evacuate and call the fire department. In such cases, only applicable items listed below should be considered.

Score the emergency preparedness subelement using the following guide:

1 = There is little or no effective effort to prepare for emergencies.

2 = Emergency preparedness plans exist but are not comprehensive and do not meet Postal Service or OSHA requirements (ELM 850, 29 CFR 1910.38, 1910.120, 1926.35 or MI EL-810-96-1). Training is not conducted as required by the applicable standard. Alarm systems are present and functional.

3 = Emergency preparedness plans have been prepared and are tested annually. Personnel are trained in their role in the event of emergency.

4 = Comprehensive emergency preparedness plans have been prepared. The plan has been reviewed by a qualified safety and health professional in conjunction with local emergency preparedness officials (fire department). Emergency evacuation teams with adequate training are on site where required.

5 = All potential emergencies have been identified and drills are conducted annually for all potential emergencies. The results of the drills are carefully evaluated and changes made to the plan based on lessons learned. Local emergency preparedness officials and personnel participate in the drills and upgrading of the emergency preparedness plan.

First Aid

First aid/emergency care should be readily available to minimize harm if an injury or illness occurs.

Score the first aid subelement using the following guide:

1 = Neither on-site nor nearby community aid (e.g., emergency room) can be ensured.

2 = Either on-site or nearby community aid is available on every shift.

3 = Personnel with appropriate first aid skills commensurate with likely hazards in the workplace and as required by OSHA standards (e.g., 1910.151, 1926.23) are available (ELM 865). Management documents and evaluates response time on a continuing basis.

4 = Personnel with certified first aid skills are always available on-site; their level of training is appropriate to the hazards of the work being done (EL 865). Adequacy of first aid is formally reviewed after significant incidents.

5 = Personnel trained in advanced first aid and/or emergency medical care are always available on-site. In larger facilities a health care provider is on-site for each production shift.

VI. Safety and Health Training

Safety and health training should cover the safety and health responsibilities of all personnel who work at the site or affect its operations. It is most effective when incorporated into other training about performance requirements and job practices. It should include all subjects and areas necessary to address the hazards at the site.

Score the safety and health training program element using the following guide:

1 = Facility depends on experience and peer training to meet needs. Managers/supervisors demonstrate little or no involvement in safety and health training.

2 = Some orientation training is given to new hires. Some safety training materials (e.g., pamphlets, posters, videotapes) are available or are used periodically at safety meetings, but there is little or no documentation of training or assessment of worker knowledge in this area. Managers generally demonstrate awareness of safety and health responsibilities, but have limited training themselves or involvement in the site's training program.

3 = All workers have been trained in the hazards of their job using the results of the Job Safety Analysis (EL-801-331.3). Motor vehicle drivers and industrial powered equipment operators are trained (ELM 831). Supervisors and managers attend training in all subjects provided to employees under their direction. Training includes OSHA rights and access to information. Employees can generally demonstrate the skills/knowledge necessary to perform their jobs safely. Records of training are kept and training is evaluated to ensure that it is effective.

4 = Knowledgeable persons conduct safety and health training that is scheduled, assessed, and documented, and addresses all necessary technical topics. Workers are trained to recognize hazards and violations of safe operating procedures, and to report violations to management. All site employees--including supervisors and managers--can generally demonstrate preparedness for participation in the overall safety and health program. There are easily retrievable scheduling and record keeping systems.

5 = Knowledgeable persons conduct safety and health training that is scheduled, assessed, and documented. Training covers all necessary topics and situations, and includes all persons working at the site (hourly employees, supervisors, managers, contractors, part-time and temporary employees). Employees participate in creating site-specific training methods and materials. Employees are trained to recognize inadequate responses to reported program violations. Retrievable recordkeeping system provides for appropriate retraining, makeup training, and modifications to training as the result of evaluations.

Calculating the Total Program Score

Program Element Scoring

Determine a score for all program sub-elements. Then calculate a score for each program element using the following procedures.

Management Leadership and Employee Participation

Assign the score for management leadership and employee participation as the lowest of the following:

- The score for the "Management Leadership" factor, or
- The score for the "Employee Participation" factor, or
- The average score for all four factors.

Note: The management leadership and employee participation subelements are believed to be very critical to the success of the safety and health program. Therefore, the program element score cannot exceed the minimum score for either the Management Leadership or Employee Participation sub-elements.

All Other Elements

Calculate the average of the scores for all the sub-elements.

Overall Program Score

Calculate an overall score for the safety and health program based on the average score for the six program elements. Enter the average scores in Table 1-1.

	Score
I. Management Leadership and Employee Participation	
II. Workplace Analysis	
III. Accident and Record Analysis	
IV. Hazard Prevention and Control	
V. Emergency Response	
VI. Safety and Health Training	
Total Score	
Average Score	

Interpretation of the Overall Score

The overall score indicates the subjective status of the safety and health program.

- 5 = Outstanding program
- 4 = Superior program
- 3 = Basic program
- 2 = Developmental program
- 1 = Ineffective program or no program

5 Dealing With OSHA: Complaints, Inspections, and Resolution

This section contains information on working with OSHA. Part one details how to deal with employee complaints or reports of hazard. Part two deals with OSHA inspections, citations, and penalties, modifying abatement dates or contesting citations, and discrimination investigations. Section 826 of the ELM is included.

Investigating Employee Safety and Health Complaints

Many investigations and inspections are the result of employee complaints. The most effective method to reduce valid employee complaints to OSHA is to ensure that reports of hazard (PS Form 1767) are handled expeditiously and any hazards abated in accordance with existing postal policy published in the ELM. If, for whatever reason, an employee or employee representative still complains to OSHA, there may still be an opportunity to avoid an inspection by OSHA. OSHA procedures allow for contacting the employer to advise them of the complaint and requesting an investigation and correction of hazards by the employer. By responding in five working days, managers may avoid an inspection by correcting any hazards, posting the information and notifying employees. Managers may also request additional time and dispute complaints with detailed evidence of the conditions. Any facts obtained from management are shared with the complainants, but OSHA has wide latitude to not conduct an inspection if they do not believe a hazard exists, or has been abated.

Steps to Take

- Ensure that PS Forms 1767 are properly tracked, responded to, and recorded on PS Form 1773 in accordance with Section 825.7 of the ELM
- Hold supervisors responsible for timely response to PS Forms 1767.
- Place highest priority on responding to requests by OSHA for investigation of employee complaints and respond within 5 working days. Upon receipt of such a request the Installation Head will be notified and ensure the response to OSHA, signed by him/her, is transmitted on time.

OSHA Inspections: Actions to Take

Section 826 of the ELM, although in need of revision, still provides valuable information on dealing with inspections, including:

- Providing access to compliance officers.
- The Opening Conference.
- Employee and management participation.
- The Walkaround Inspection and Records Review.
- The closing conference.

Until the ELM is revised, supplement that information with the following guidelines when a Compliance Safety and Health Officer (CSHO) visits the facility to conduct an inspection:

- Access should be provided to the CSHO upon verification of credentials. However, inform the CSHO that the Postal Service wishes to have a safety professional accompany the inspection to ensure expedited completion and that questions can be answered.
- Always request an opening conference attended by a safety professional.
- Ensure that a senior postal official is notified and attends the opening conference.
- A representative from operations, in-plant support and maintenance should attend the opening conference.
- All requests for documents must be in writing and responded to as quickly as reasonably possible.
- Management representatives must not sign any statements, affidavits or notes.
- Employees may be interviewed by CSHOs. However, any discussion should be limited to a few minutes. If further interviewing is necessary, schedule such interviews so as not to interfere with production in a timely manner.
- Management may also be interviewed in like fashion. However, a USPS representative, e.g. safety professional, counsel, or other designated official should participate.
- The CSHO will normally limit complaint inspections to the items listed, but they may also visit other parts of the facility. Attempt to take the CSHO directly to the location in question if possible.
- The CSHO may take videos or photographs of postal facilities and equipment. Attempt to duplicate the photos or tapes as closely as possible, or reach a written agreement with the CSHO to provide copies as soon as possible as a last resort. It may be appropriate to record conditions even if the CSHO does not. Managers are *not* required to allow their interviews to be recorded by audio or video.
- Duplicate measurements (light, distances, etc.) with postal equipment.
- If the CSHO desires to conduct health monitoring (noise, air samples, etc.) request that monitoring not begin until a USPS industrial hygienist or other qualified safety professional can perform parallel monitoring. Take duplicate samples and observe chain-of custody procedures.

Executive's and Manager's Safety Compliance Guide

- Immediately correct hazards or conditions pointed out by the CSHO during the walkaround if feasible.
- Take detailed notes regarding the opening conference, inspection, and closing conference, including proposed citations and penalties.
- Always request a closing conference, with the same attendees at the opening conference at a minimum.
- During the closing conference get as much detail as possible regarding possible citations, etc. from the CSHO.
- Prepare a written report summarizing the inspection and conference. The original is to be sent to the Law Department within 48 hours. A copy is kept locally in the case file and one sent to Safety and Risk Management, Human Resources, headquarters and one to the area HR analyst, safety and health.

OSHA Inspections and Follow-Up — Additional and Detailed Information

The following information is excerpted from ***OSHA Publication 2098, OSHA Inspections***. Additionally, a copy of the Citation and Notification of Penalty form (OSHA-2) is enclosed for information in the reference section. USPS policies and procedures on inspections and responding to citations will be published in the revised ELM as soon as possible. In the interim, use guidelines presented in this section, and the October 5, 1998 memorandum from Yvonne D. Maguire, VP, Human Resources also included in the appendix to this publication.

The following excerpts will assist you in understanding OSHA's policies and procedures regarding inspections and subsequent actions.

From OSHA Publication 2098, OSHA Inspections

Material in brackets is amplifying or Postal Service-specific information not contained in the original.

[Background]

Under the Occupational Safety and Health Act of 1970 (the Act), the Occupational Safety and Health Administration (OSHA) is authorized to conduct workplace inspections to determine whether employers are complying with standards issued by the agency for safe and healthful workplaces. OSHA also enforces Section 5(a)(1) of the Act, known as the "General Duty Clause," which requires that every working man and woman must be provided with a safe and healthful workplace.

Workplace inspections are performed by OSHA compliance safety and health officers who are knowledgeable and experienced in the occupational safety and health field and who are trained in OSHA standards and in the recognition of safety and health hazards. Similarly, states with their own occupational safety and health programs conduct inspection using qualified state compliance safety and health officers.

States administering their own occupational safety and health program through plans approved under section 18(b) of the Act must adopt standards and enforce requirements which are at least as effective as federal requirements. There are currently 25 state plan states: 23 covering private and public (state and local government) sectors and 2 covering the public sector only. Plan states must adopt standards comparable to the federal within 6 months of a federal standard's promulgation. Although most states adopt standards identical to the federal and have similar inspection procedures— including citations and penalties, employer and employee rights and responsibilities—the state plan agency should be contacted directly to determine if there are any different or additional state occupational safety and health requirements.

[Comment: The U.S. Department of Labor, Occupational Safety and Health Administration, is coordinating with state agencies to determine which, if any, will elect to include the Postal Service in their respective state plans. Check with Safety and Risk Management to determine state authority.]

Inspections are usually conducted without advance notice. In fact, alerting an employer without proper authorization in advance of an OSHA inspection can bring a fine of up to \$1,000 and/or a 6-month jail term. This is true for federal OSHA compliance officers as well as state inspectors. There are, however, special circumstances under which OSHA may give notice to the employer, but such a notice will normally be less than 24 hours. These circumstances include the following:

- Imminent danger situations that require correction as soon as possible;
- Inspections that must take place after regular business hours or that require special preparation;
- Cases where notice is required to ensure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than 5 working days when there is good cause;
- Situations in which the OSHA area director determines that advance notice would produce a more thorough or effective inspection.

Employers who receive advance notice of an inspection must inform their employees' representative or arrange for OSHA to do so.

If an employer refuses to admit an OSHA compliance officer or if an employer attempts to interfere with the inspection, the Act permits appropriate legal action, such as obtaining a warrant to inspect.

Based on a 1978 Supreme Court ruling, *Marshall v. Barlow's Inc.*, OSHA usually may not conduct warrantless inspections without valid consent. The agency, however, may inspect after acquiring a judicially authorized search warrant based on administrative probable cause or upon evidence of a violation.

* * *

[Inspection Priorities]

Not all 6.2 million workplaces covered by the Act can be inspected immediately. The worst situations need attention first. OSHA, therefore, has established a system of inspection priorities.

Imminent Danger

Imminent danger situations are given top priority. An imminent danger is any condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures. If an imminent danger situation is found, the compliance officer will ask the employer to voluntarily abate the hazard and to remove endangered employees from exposure.

Should the employer fail to do this, OSHA, through the regional solicitor, may apply to the Federal District Court for an injunction prohibiting further work as long as unsafe conditions exist.

Catastrophes and Fatal Accidents

Second priority is given to investigation of fatalities and accidents resulting in hospitalization of three or more employees. Such catastrophes must be reported to OSHA by the employer within 8 hours. OSHA investigates to determine the cause of such accidents and whether existing OSHA standards were violated.

Complaints and Referrals

Third priority is given to formal employee complaints of alleged violations or standards or of unsafe or unhealthful working conditions and to referrals from other government authorities about specific workplace hazards.

The Act gives each employee the right to request an OSHA inspection when the employee believes he or she is in imminent danger from a hazard or when he or she thinks that there is a violation of an OSHA standard that threatens physical harm. OSHA will maintain confidentiality if requested, will inform the employee of any action it takes regarding complaints, and, if requested, will hold an informal review of any decision not to inspect.

Programmed Inspections

Next in priority are programmed inspections aimed at specific high-hazard industries, workplaces, occupations, or health substances, or other industries identified in OSHA's current inspection procedures. Industries are selected for inspection on the basis of factors such as the injury incidence rates, previous citation history, employee exposure to toxic substances, or random selection. Special emphasis programs also may be developed and may be regional or

national in scope, depending on the distribution of the workplaces involved. Comprehensive safety inspections in manufacturing will be conducted normally in those establishments with lost-workday injury rates at or above the Bureau of Labor Statistics' (BLS) national rate for manufacturing currently in use by OSHA. States with their own occupational safety and health programs may use some-what different systems to identify industries for inspection.

Followup Inspections

A followup inspection determines if previously cited violations have been corrected. If an employer has failed to abate a violation, the compliance officer informs the employer that he or she is subject to "Failure to Abate" alleged violations and proposed additional daily penalties while such failure to abate or violation continues.

* * *

[Preparing for the Inspection]

A compliance officer represents the agency and is expected to demonstrate his or her knowledge and expertise in the safety and health field in a courteous and professional manner. Prior to the inspection, the compliance officer will become familiar with as many relevant facts as possible about the workplace, such as the inspection history of the establishment, the nature of the business, and the particular standards that might apply. This preparation provides the compliance officer with a knowledge of the potential hazards and industrial processes that may be encountered and aids in selecting appropriate personal protective equipment for use against these hazards during the inspection.

Inspector's Credentials

When the OSHA compliance officer arrives at the establishment, he or she displays official credentials and asks to meet an appropriate employer representative. Employers should always ask to see the compliance officer's credentials.

OSHA federal or state compliance officer credentials can be verified by calling the nearest federal or state OSHA office. Compliance officers may not collect a penalty at the time of inspection or promote the sale of a product or service at any time; anyone who attempts to do so is impersonating a government inspector and the FBI or local law enforcement officials should be contacted *immediately*.

Opening Conference

In the opening conference, the compliance officer explains how the establishment was selected and what the likely scope of the inspection will be. The compliance officer also will ascertain whether an OSHA-funded consultation visit is in progress or whether the facility is pursuing or has received an inspection exemption through the consultation program; if so, the inspection may be terminated.

The compliance officer explains the purpose of the visit, the scope of the inspection, and the standards that apply. The employer will be given information on how to obtain a copy of applicable safety and health standards as well as a copy of any employee complaint that may be involved (with the employee's name deleted, if the employee has requested anonymity).

The employer is asked to select an employer representative to accompany the compliance officer during the inspection. An authorized employee representative also is given the opportunity to attend the opening conference and to accompany

the compliance officer during the inspection. If the employees are represented by a recognized bargaining agent, the agent ordinarily will designate the employee representative to accompany the compliance officer. Similarly, if there is a plant safety committee, the employee members of that committee will designate the employee representative (in the absence of a recognized bargaining agent). Where neither employee group exists, the employee representative may be selected by the employees themselves, or the compliance officer may determine if any employee suitably represents the interest of other employees. Under no circumstances may the employer select the employee representative for the walkaround.

The Act does not require that there be an employee representative for each inspection. Where there is no authorized employee representative, however, the compliance officer must consult with a reasonable number of employees concerning safety and health matters in the workplace.

* * *

[The Inspection Process]

After the opening conference, the compliance officer and accompanying representatives proceed through the establishment to inspect work areas for safety and health hazards.

The compliance officer determines the route and duration of the inspection. While talking with employees, the compliance officer makes every effort to minimize any work interruptions. The compliance officer observes safety and health conditions and practices; consults with employees privately, if necessary; takes photos and instrument readings; examines records, collects air samples, measures noise levels, and surveys existing engineering controls; and monitors employee exposure to toxic fumes, gases, and dusts. An inspection tour may cover part or all of an establishment, even if the inspection resulted from a specific complaint, fatality, or catastrophe.

Trade secrets observed by the compliance officer will be kept confidential. An inspector who releases confidential information without authorization is subject to a \$1,000 fine and/or 1 year in jail. The employer may require that the employee representative have confidential clearance for any area in question. Employees are consulted during the inspection tour. The compliance officer may stop and question workers, in private, about safety and health conditions and practices in their workplaces. Each employee is protected under the Act from discrimination by the employer for exercising his or her safety and health rights. OSHA places special importance on posting and recordkeeping requirements. The compliance officer will inspect records of deaths, injuries, and illnesses that the employer is required to keep. He or she will check to see that a copy of the totals from the last page of OSHA Form No. 200 have been posted and that the OSHA work-place poster (OSHA 2203), which explains employees' safety and health rights, is prominently displayed. Where records of employee exposure to toxic substances and harmful physical agents have been required, they also are examined for compliance with the recordkeeping requirements.

The compliance officer also explains the requirements of the Hazard Communication Standard. Under that rule, employers must establish a written, comprehensive communication program that includes provisions for container labeling, material safety data sheets, and an employee training program. The program must contain a list of the hazardous chemicals in each work area and the means the employer will use to inform employees of the hazards of non-routine tasks.

During the course of the inspection, the compliance officer will point out to the employer any unsafe or unhealthful working conditions observed. At the same time, the compliance officer will discuss possible corrective action if the employer so desires. Some apparent violations detected by the compliance officer can be corrected immediately. When they are corrected on the spot, the compliance officer records such corrections to help in judging the employer's good faith in compliance. Although corrected, the apparent violations may still serve as the basis for a citation and, if appropriate, a notice of proposed penalty. The penalties for some types of violations may be reduced if they are corrected immediately.

* * *

[Closing Conference]

At the conclusion of the inspection, the compliance officer conducts a closing conference with the employer and the employee representative. It is a time for free discussion of problems and needs; a time for frank questions and answers. The compliance officer also will give the employer a copy of *Employer Rights and Responsibilities Following an OSHA Inspection* (OSHA 3000) and will discuss briefly the information in the booklet and answer any questions.

The compliance officer discusses with the employer all unsafe or unhealthful conditions observed during the inspection and indicates all apparent violations for which a citation and a proposed penalty may be issued or recommended. The compliance officer will not indicate any specific proposed penalties; however, the employer is informed of appeal rights.

During the closing conference, the employer may wish to produce records to show compliance efforts and to provide information that can help OSHA determine how much time may be needed to abate an alleged violation.

When appropriate, more than one closing conference may be held. This is usually necessary when health hazards are being evaluated or when laboratory reports are required. The compliance officer explains that OSHA area offices are full service resource centers that inform the public of OSHA activities and programs, such as new or revised standards, including the status of proposed standards, comment periods, or public hearings; provide technical experts and materials, including courses offered at the OSHA training institute; refer callers to other agencies and professional organizations as appropriate; and promote effective safety and health programs through voluntary protection programs and expanded employer abatement assistance efforts.

If an employee representative does not participate in either the opening or the closing conference held with the employer, a separate discussion is held with the employee representative, if requested, to discuss matters of direct interest to employees.

* * *

[Inspection Results]

After the compliance officer reports findings, the area director determines whether citations will be issued and whether penalties will be proposed.

Citations

Citations inform the employer and employees of the regulations and standards alleged to have been violated and of the proposed length of time set for their abatement. The employer will receive citations and notices of proposed penalties by certified mail. The employer must post a copy of each citation at or near the

place a violation occurred, for 3 days or until the violation is abated, whichever is longer.

Penalties

These are the types of violations that may be cited and the penalties that may be proposed:¹

- **Other-Than-Serious Violation**—A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A penalty from \$0 to \$7,000 for each violation may be assessed. A penalty for an other-than-serious violation may be adjusted downward by as much as 95 percent, depending on the employer's good faith (demonstrated efforts to comply with the Act), history of previous violations, and size of business.²
- **Serious Violation**—A violation where there is a substantial probability that death or serious physical harm could result. The penalty for a serious violation is assessed from \$1,500 to a maximum of \$7,000 depending on the gravity of the violation. A penalty for a serious violation may be adjusted downward based on the employer's good faith, history of previous violations, and size of business.
- **Willful Violation**—A violation that the employer intentionally and knowingly commits. The employer is aware that a hazardous condition exists, knows that the condition violates a standard or other obligation of the Act, and makes no reasonable effort to eliminate it. Penalties of up to \$70,000 may be proposed for each willful violation. The minimum willful penalty is \$5,000. An employer who is convicted in a criminal proceeding of a willful violation of a standard that has resulted in the death of an employee may be fined up to \$250,000 (or \$500,000 if the employer is a corporation) or imprisoned up to 6 months, or both. A second conviction doubles the possible term of imprisonment.³
- **Repeated Violation**—A violation of any standard, regulation, rule, or order where, upon reinspection, a substantially similar violation is found and the original citation has become a final order. Violations can bring a fine or up to \$70,000 for each such violation. To calculate repeated violations, the initial penalty is adjusted for the size and then multiplied by a factor of 2, 5, or 10 depending on the size of the employer.
- **Failure-to-Abate**—Failure to correct a prior violation may bring a civil penalty of up to \$7,000 for each day that the violation continues beyond the prescribed abatement date.

Additional violations for which citations and proposed penalties may be issued are as follows:

- Falsifying records, reports, or applications can, upon conviction, bring a criminal fine of \$10,000 or up to 6 months in jail, or both.
- Violations of posting requirements bring a civil penalty of \$7,000.
- Assaulting a compliance officer, or otherwise resisting, opposing, intimidating, or interfering with a compliance officer in the performance of his or her duties is a criminal offense and is subject to a fine of not more than \$5,000 and imprisonment for not more than 3 years. Citations and penalty procedures may differ somewhat in states with their own occupational safety and health programs.

¹ For more detailed information, see U.S. Department of Labor *Program Highlights* Fact Sheet No. OSHA 91-36, "New OSHA Civil Penalties Policy," which is available

from the Department of Labor's Office of Information, 200 Constitution Avenue, N.W., Washington, DC 20210, (202) 219-8151.

² For a more detailed description of adjustment factors, see U.S. Department of Labor *Program Highlights*, Fact Sheet No. OSHA 91-36 and OSHA's voluntary "Safety and Health Program Management Guidelines." (*Federal Register*, Vol. 54, No. 16, January 26, 1989, Pp. 3904-3916.)

³ For more information, see *United States Code Annotated, Title 18, Crimes and Criminal Procedures 3331 to 4120*, West Publishing Company, St. Paul, MN, 1991, Pp.53-54.

* * *

[Appeals Process]

Appeals by Employees

If an employee complaint initiates an inspection, the employee or authorized employee representative may request an informal review of any decision not to issue a citation.

Employees may not contest citations, amendments to citations, proposed penalties, or lack of penalties. They may, however, contest the time allowed for abatement of a hazardous condition. They also may contest an employer's "Petition for Modification of Abatement," which requests an extension of the proposed abatement period. Employees must contest the petition within 10 working days of its posting or within 10 working days after an authorized employee representative has received a copy.

Employees may request an informal conference with OSHA to discuss any issues raised by an inspection, citation, notice of proposed penalty, or employer's notice of intention to contest.

Appeals by Employers

Within 15 working days of the employer's receipt of a citation, the employer who wishes to contest must submit a written objection to OSHA. The OSHA area director forwards the objection to the Occupational Safety and Health Review Commission (OSHRC), which operates independently of OSHA.

When issued a citation and notice of proposed penalty, an employer may request an informal meeting with OSHA's area director to discuss the case. OSHA encourages employers to have such informal conferences with the area director if the employer has issues arising from the inspection that he or she wishes to discuss or provide additional information. The area director is authorized to enter into settlement agreements that revise citations and penalties to avoid prolonged legal disputes and that result in speedier hazard abatement (alleged violations contested before OSHRC do not need to be corrected until the contest is ruled upon by OSHRC).

Petition for Modification of Abatement

Upon receiving a citation, the employer must correct the cited hazard by the abatement date unless he or she contests the citation or abatement date. Factors beyond the employer's control, however, may prevent the completion of corrections by that date. In such a situation, the employer who has made a good faith effort to comply may file a petition to modify the abatement date.

The written petition must specify the steps taken to achieve compliance, the additional time needed to comply, the reasons additional time is needed, and interim steps being taken to safeguard employees against the cited hazard during

the intervening period. The employer must certify that a copy of the petition was posted in a conspicuous place at or near each place where a violation occurred and that the employee representative received a copy of the petition.

Notice of Contest

If the employer decides to contest either the citation, the abatement period, or the proposed penalty, he or she has 15 working days from the time the citation and proposed penalty are received to notify the OSHA area director in writing. Failure to do so will result in the citation and proposed penalty becoming a final order of the OSHRC without further appeal. An orally expressed disagreement will not suffice. This written notification is called a "Notice of Contest."

Although there is no specific format for the "Notice of Contest," it must clearly identify the employer's basis for filing—the citation, notice of proposed penalty, abatement period, or notification of failure to correct violations.

A copy of the "Notice of Contest" must be given to the employees' authorized representative. If any affected employees are not represented by a recognized bargaining agent, a copy of the notice must be posted in a prominent location in the workplace or given personally to each unrepresented employee.

Review Procedure

If the written "Notice of Contest" has been filed within the required 15 working days, the OSHA area director forwards the case to OSHRC. The commission is an independent agency not associated with OSHA or the Department of Labor. The commission assigns the case to an administrative law judge. A hearing may be scheduled for a public place near the employer's workplace. The employer and the employee have the right to participate in the hearing; the OSHRC does not require that they be represented by attorneys.

Once the administrative law judge has ruled, any party to the case may request a further review by OSHRC. Any of the three OSHRC commissioners also may, at his or her own motion, bring a case before the commission for review. Commission rulings may be appealed to the appropriate U.S. Court of Appeals.

Appeals in State Plan States

States with their own occupational safety and health programs have a state system for review and appeal of citations, penalties, and abatement periods. The procedures are generally similar to Federal OSHA's, but cases are heard by a state review board or equivalent authority.

From the Employee and Labor Relations Manual

826 **Announced or Unannounced Inspection of Postal Facilities by OSHA Personnel**

826.1 **Purpose**

To provide guidance when compliance/safety and health officers (CSHOs) or compliance safety and health officers industrial hygienists (CSHO-IHs) from the Occupational Safety and Health Administration (OSHA) conduct announced or unannounced inspections or investigations of postal facilities. All such inspectors will be referred to as CSHOs in this part (826).

826.2 **Scope**

These procedures apply to all facilities in which postal employees work. In postal-owned or -leased facilities, it is the responsibility of the Postal Service to assure compliance with OSHA requirements. In leased facilities this responsibility continues to exist regardless of lease arrangements.

826.3 **Authority**

It is postal policy to maintain safe and healthful working conditions and to cooperate fully with OSHA inspectors. Therefore, upon presenting appropriate credentials, CSHOs will be permitted to enter without delay any postal facility for inspection or investigation purposes.

826.4 **Cooperation**

Postal officials are to cooperate fully with OSHA CSHOs. If, during an inspection, the postal official determines that the CSHO may believe that a violation exists because the CSHO does not have complete information about a particular condition, the postal official should attempt to make the CSHO aware of all relevant additional information.

826.5 **Verification of Credentials**

The senior postal official, or designee, is to review all CSHOs' credentials and may request verification from the OSHA area office. If the CSHOs' credentials are in order, entry need not be delayed pending verification.

826.6 **Procedures**

826.61 **Opening Conference**

826.611 OSHA may conduct its inspections without prior notice. CSHOs generally conduct inspections during normal working hours. On arrival at a postal facility, the CSHO should ask to meet with the ranking postal official. The senior postal official must meet promptly with the CSHO.

826.612 The CSHO will hold an opening conference to inform the Postal Service of the purpose, scope, and conduct of the inspection. The senior postal official will attend the opening conference and may invite other postal officials from the facility, as appropriate. If the installation has a full-time safety professional on staff, that person should attend the opening conference. Employee

representatives also should attend the opening conference; union representatives from the local safety and health committee should participate in accordance with 825.34 and 825.44.

- 826.613 The CSHO may provide copies of laws, standards, regulations, and promotional materials. The CSHO is required to furnish to the installation head any copy of an employee's report(s) of unsafe or unhealthful conditions which generated the inspection. If a complainant has asked to remain anonymous, OSHA is bound by regulations to respect that request. In such instances, the CSHO must still provide a list of the unsafe conditions alleged.
- 826.614 The CSHO can be expected to outline the general scope of the inspection, including employee interviews, physical inspection of the workplace, records review, and the taking of photographs or samples. If the CSHO requests the minutes of safety and health committee meetings, they should be made available.
- 826.615 The CSHO should be questioned during the opening conference so that the walkaround inspection can be planned as to route sequence, notifications to production supervisors, technical support, etc. Planning of a route sequence should be considered a guideline only, as the CSHO may investigate any other apparent hazards observed en route to a particular area.
- 826.616 After the opening conference, the senior postal official is to immediately notify, via telephone or in person, the district manager and area Human Resources manager of OSHA's presence and the scope of the inspection.

826.62 **Records Review**

- 826.621 The CSHO is authorized to review all records that are required to be maintained under the OSH Act. Examples of the types of records that can be reviewed include: Form 1772, Accident Log, and Form 1769, Accident Report.
- 826.622 In certain instances, the CSHO may ask to review the medical records of some employees in order to verify compliance with the medical surveillance record-keeping requirement of an OSH standard. If the CSHO wishes to record or copy any medical records, a written access order must be presented.
- 826.623 Access to medical records must be coordinated through the designated medical officer for the facility being inspected.
- a. If the facility has no medical officer, access to the records should be coordinated through the health unit nurse.
 - b. If there is no health unit, coordinate requests for records through the field division medical officer.
 - c. When there is no divisional medical officer, coordinate requests with the Human Resources Service Center medical director.

826.63 **Participation**

826.631 **Management Participation During Inspections**

The senior postal official, or designee, must accompany the CSHO during the walkaround portion of the inspection. If there is a full-time safety professional at the installation, that person also must accompany the CSHO during the walkaround portion of the inspection. Locations that do not have a full-time

safety professional should have a safety professional from the management sectional center or division participate in the inspection, if practicable. Collateral-duty safety personnel should also participate in the inspection. At least two management personnel are to be with the CSHO, whenever possible. Management representatives must not sign any statements or affidavits.

826.632 Employee Participation During Inspections

- a. Union representatives from the local safety and health committee must be given the opportunity, in accordance with 825.34 and 825.44, to accompany CSHOs during inspections. The CSHO also may consult with other employees who are not part of the inspection team and may request to interview them in private or with their union representatives during the walkaround.
- b. Employee representatives will be on the clock whenever the inspection is conducted during the employee's regular work schedule. Employees will not be compensated for time spent accompanying CSHOs outside of their work schedule.

826.64 Methods

826.641 Walkaround Inspection

- a. Normally, the CSHO will limit the inspection to the items listed in the employee's report of unsafe or unhealthful conditions. The scope of the inspection may, however, extend to other areas of the postal installation. During the walkaround inspection, the CSHO will examine each item mentioned in the employee's report of unsafe or unhealthful conditions. The senior postal official, or designee, must take extensive, detailed notes during the walkaround. At this time, the CSHO may take photographs of any apparent violations observed. If a camera is available at the postal installation, the postal official should attempt to duplicate as closely as possible each photograph taken by the CSHO and should specify in the detailed notes what each photograph shows. The CSHO also may use measuring devices or instruments to determine compliance with the OSH Act. The postal official must record the type of instrument used and the readings obtained.
- b. The CSHO can dismiss from the inspection team, at any time, anyone interfering with the orderly conduct of the inspection. If a management representative is dismissed, the occurrence must be thoroughly documented. Another management representative must be immediately named to complete the inspection.

826.642 Health Sampling

In order to determine whether a violation of health standards exists, the CSHO may need to obtain samples, including full-shift (8-hour tour) sampling. Such sampling may require the wearing of sampling devices by employees. Postal officials are to cooperate with the CSHO and are to encourage cooperation by employees. The senior postal official must immediately notify the district manager (if appropriate), the area vice president, and the area Human Resources manager, via telephone or in person, whenever sampling or any other type of industrial hygiene test is conducted or planned.

Dealing With OSHA Complaints, Inspection, and Resolution

826.643 **Immediate Correction of Hazards**

During an inspection, a CSHO may point out conditions which may be considered to be violations of the OSH Act. Reasonable efforts should be made to correct the condition immediately if possible.

826.65 **Closing Conference**

826.651 After completing the review of records, employee interviews (if necessary), and the walkaround inspection, the CSHO will conduct an exit interview with the senior postal official. If the postal installation has a full-time safety professional, that person must also attend this closing conference. If any safety professionals have been called in from a plant or district, they must also attend the closing conference along with any collateral duty safety personnel. Employee representatives from the walkaround inspection must also attend. The senior postal official, or designee, must take detailed notes on all alleged deficiencies, and may offer clarifying comments or explain extenuating circumstances, as appropriate.

826.652 During this interview, all conditions or practices which the CSHO believes may constitute a safety or health violation(s) will be reviewed. The senior postal official is to inform the CSHO that any report of unsafe or unhealthful working conditions should be sent to the area vice president. If the facility being inspected is an independent installation not reporting to a district, the CSHO should be requested to send the report to that installation head. Following the closing conference, the senior postal official must immediately notify, through channels, the area vice president, that the inspection has been completed and should summarize OSHA's findings. A written report summarizing OSHA's findings must be transmitted, through channels, to the area vice president, within 48 hours of the closing conference.

826.7 **Violations**

826.71 **Report of Unsafe or Unhealthful Working Conditions**

826.711 Following an inspection, if violations have been observed, OSHA will issue a Report of Unsafe or Unhealthful Working Conditions. This report will give OSHA's assessment of the severity of the violations, reference the section of the OSHA standard in violation, and specify a date by which each violation must be corrected. Upon receipt of such a report, a copy is to be immediately forwarded, through channels, to the area vice president and the appropriate Human Resources Service Center Safety and Workplace Assistance Section.

826.712 In instances concerning violations that have national implications, the area vice president is to forward the report immediately to the Headquarters Director, Office of Safety and Workplace Assistance. In such cases, the Director, OSH, will coordinate the response back to OSHA.

826.72 **Posting Reports of Unsafe or Unhealthful Working Conditions**

See 825.64 for posting instructions. A copy of the report should also be given to the employee representatives who participated in the inspection.

826.73 **Abatement**

826.731 **Correction of Alleged Violations**

- a. A *Report of Unsafe or Unhealthful Working Conditions* will include a specific date by which each finding of violation must be corrected. The length of the period allowed will vary based on the type of hazard involved, the severity of risk to employees, and OSHA's assessment of the difficulty of correcting the hazard. OSHA may require the Postal Service to confirm that abatement steps have been taken, especially in regard to health hazards. When an extended period of time is needed to correct a hazard, interim protection must be provided for employees, and an abatement plan must be submitted to OSHA by the date shown on the notice for that hazard. The plan should explain how and by what date the hazard will be corrected and what interim protection is being provided. Before being submitted to OSHA, the plan must be coordinated through the area Human Resources manager. The unions must be notified if the proposed abatement plan requires both interim and long-term solutions.
- b. All correction of hazards must be done at the earliest practical date. When the violations have been corrected, the senior postal official of the installation must prepare a letter to the area director of the OSHA office issuing the report, describing in detail the actions taken to correct each violation. This letter with a copy of the *Report of Unsafe or Unhealthful Working Conditions* must be submitted, through channels, to the area vice president, with copies to the area Human Resources manager, and sent to OSHA within 14 calendar days of the established abatement date.

826.732 **Extension of Abatement Date**

Whenever a finding of violation cannot be corrected within the assigned abatement period, an extension of the abatement period must be requested by the installation head. This will require sending OSHA a letter requesting a modification of abatement date; the letter must include an abatement plan. The letter and plan should include the following information:

- a. The specific additional correction time necessary and the reason(s) additional time is needed.
- b. Steps taken to safeguard employees during the abatement period extension.
- c. Actions taken, with dates, showing efforts made to achieve correction.
- d. Certification that the plan was posted and copies provided to the affected employee representatives, including an indication of the date upon which such posting and notification were made. Requests for extensions should be directed to the area director of the OSHA office issuing the report.

826.733 **Informal Conference**

If Postal Service officials disagree with any alleged violations in the *Report of Unsafe or Unhealthful Working Conditions* or with the abatement dates, they may request an informal conference with OSHA's area director. The district manager may request such an informal conference only after the dissenting

position(s) has been thoroughly evaluated. The district Human Resources manager must be notified immediately of any informal conferences. Provisions must be made for appropriate safety representatives to attend. OSHA's area director has the authority to withdraw violations, change the severity ratings of violations, or modify abatement dates if Postal Service officials can present valid reasons for the area director to do so. OSHA may elect to invite the employee representatives to the informal conference.

826.8 **Reinspection**

In order to assure that deficiencies have been corrected, OSHA may conduct a reinspection. This is usually done when violations were found which OSHA classifies as serious or when OSHA has not received a letter, within 14 days following the abatement date, detailing how each violation was corrected. Reinspections are to be handled in the same manner as initial inspections.

826.9 **District File of OSHA Inspections**

The district Human Resources manager or designee, is to maintain a file on each OSHA inspection. The file is to include the following:

- a. A copy of any employee complaint letter or list of complaint items if the complainant wished to remain anonymous.
- b. Any *Report of Unsafe or Unhealthful Working Conditions*.
- c. The names of all CSHOs, management officials and employees' representatives participating in the inspection.
- d. Notes and other documentation, such as photographs, made by local management.
- e. All correspondence relative to correction of hazards, abatement plans, and procedures.

Appendix

Reference Materials

This section includes various references and forms that support the material found throughout Publication 802. You are encouraged to also include additional safety information here that supports local safety programs and initiatives.

Included here are:

- Form 4584, *Observation of Driving Practices*
F3Fill
- OSHA-2 (Rev. 6/93), *Citation and Notification of Penalty and Invoice/Debt Collection Notice*
Copy Provided by OSHA
- 10/5/1998 Memorandum of Policy from Yvonne D. Maguire, Vice President, Human Resources: *Interim Guidance on Compliance with the Postal Employees' Safety Enhancement Act* (with attachments)
blue.usps.gov, Corporate Information, Policies and Procedures
- OSHA Publication, *Voluntary Protection Program (VPP) — So You Want to Apply to VPP? Here's How to Do It!*
www.osha.gov, Newsroom, Publications
- OSHA Publication, *What to Expect During OSHA's Visit*
www.osha.gov, Newsroom, Publications



Observation of Driving Practices

Instructions

This form, when used correctly, can aid in the elimination of driving practices which cause accidents. All driving practices needing improvement and noted below should be discussed with the driver as soon as possible after the observation. Because the primary purpose of conducting observations is to improve driving practices before they result in accidents, discussions with drivers must be positive in nature and include the benefits to be gained from improving driving practices. If a driving observation is deter-

mined to require official action, such action will be in accordance with the terms of the National Agreements. To enforce a high standard of professional driving performance, all drivers must be observed at least twice a year, and at other times when appropriate. For probationary drivers this form must be completed at 30-, 60-, and 80-day intervals (or at other appropriate intervals if the driver's probationary period is not 90 days), and a copy attached to Form 1750, Employee Probationary Period Evaluation Report.

Name of Driver and Employee ID Number	Time of Observation From _____ To _____		Date of Observation
Location of Observation	Vehicle Type	Vehicle No.	Sta/Br/Ofc

A. Professional Driving Practices Demonstrated

- During this observation, the driver exhibited safe and professional driving practices, and is to be commended.

B. Driving Practices to Be Improved

STARTING

- Fasten seat belt and/or close door
- Give proper signal when leaving curb
- Look back to check traffic
- Wait for suitable gap in traffic

STEERING AND LANE USAGE

- Keep both hands on wheel
- Keep vehicle in center of lane
- Stay to right of center line
- Stay in one lane as much as possible

LANE CHANGING

- Check for vehicles approaching in intended lane
- Signal lane change
- Change lane so as not to be in another driver's blind spot

SPEED AND FOLLOWING DISTANCE

- Maintain speed of traffic flow not to exceed posted speed
- Adhere to posted speeds in curves
- Maintain 2-second following distance
- Slow down or change lanes when tailgated

RESPONSIVENESS TO WEATHER

- Increase following distance to 3 seconds
- Reduce speed well in advance of intersections
- Reduce speed overall during adverse weather conditions

HIGHWAY/FREEWAY

- Enter at speed of traffic flow
- Signal prior to merging
- Select entry gap which minimizes interference with others
- Periodically observe vehicles in adjacent lanes
- Frequently check rear/side mirrors
- Signal exit intentions well in advance
- Exit at posted speed

PASSING

- Allow sufficient space in which to pass
- Signal to pull out or back in
- Pass where legal (not on hills, curves, intersections, no passing zones)
- Provide 2 seconds following distance to vehicle being passed before pulling back in

STOPPING AND INTERSECTIONS

- Reduce speed at uncontrolled or vision-obstructed intersections
- Observe traffic controls
- Decelerate gradually when stopping
- Check mirror for following traffic
- Tap brake or give hand signal if being followed too closely
- Stop before crosswalk or line
- Look left, right, and left
- Yield to cross traffic

TURNING

- Approach in proper lane
- Signal at least 100 feet in advance
- Turn into proper lane

PARKING

- Signal intentions
- Curb wheels
- Set parkgear and handbrake
- Turn off ignition
- Lock vehicle

BACKING

- Avoid backing whenever possible
- Look behind vehicle
- Physically turn around while backing
- Back slowly

ATTENTION TO PEDESTRIANS

- Yield right-of-way at all times
- Reduce speed when pedestrian approaches roadway
- Tap horn to alert bicyclist, occupant in parked vehicle, or pedestrian near roadway
- Reduce speed when children observed near schools, parks, or residential areas

Comments

Title of Observer	Signature
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C. To Be Completed By Driver's Immediate Supervisor

Action Taken	Original 1 — PEDC Manager 2 — To Driver 3 — To Driver's Immediate Supervisor 4 — To Local Safety Manager (If a probationary driver, attach to Form 1750 and forward to the designated postal official instead of the safety manager.)
Signature	
Date	

U.S. Department of Labor
Occupational Safety and Health Administration
300 West Pratt Street - Room 280



Baltimore, MD 21201
Phone: (410)962-2840 FAX: (410)962-7892

Citation and Notification of Penalty

To:

Inspection Number:

Inspection Date(s):

Issuance Date:

Inspection Site:

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - Prior to the "Date By Which Violation Must Be Abated" (but no later than 10 calendar days after the abatement date), you are required to certify that abatement (corrective action) has been accomplished and, under certain circumstances, may be required to submit documented proof of abatement of cited violations. It is not required where the compliance officer, during the onsite portion of the inspection, observes that a violation has been abated within 24 hours of its identification and it is noted in the citation.

The Accompanying citation states where corrective action has been taken during the inspection, and what citation items require either Abatement Certification or Abatement Documentation.

Abatement certification - a signed statement to OSHA that describes the date, and method of abatement and that employees and their representatives have been informed of the abatement.

Abatement documentation - abatement certification and evidence (documents) demonstrating that abatement is complete. The evidence may be photographic or video pictures of the abatement, receipts or completed work orders or other "paper" evidence of abatement actions taken, or other written records.

Employers are required to include the following information in all abatement materials submitted to OSHA: The employer's name and address; the inspection number; the citation number and citation item number(s); a statement to the effect that the information provided by the employer is accurate; and the employer's signature or that of his/her authorized representative.

If correction of any violation cannot be achieved within the time period, you must provide an abatement plan which includes:

- (1) a timetable of the steps to be taken to achieve compliance during the prescribed abatement period
- (2) the specific additional abatement time estimated to achieve compliance
- (3) the reasons such additional time is necessary, including the availability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date
- (4) interim steps being taken to safeguard employees against the cited hazard during the abatement period
- (5) and, notification of your abatement plan has been given to affected employees and any authorized employee representative

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on

The conference will be held at the OSHA office located at

on _____ at _____. Employees and/or

representatives of employees have a right to attend an informal conference.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number:
Inspection Dates:
Issuance Date:



Citation and Notification of Penalty

Company Name:
Inspection Site:

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 1a Type of Violation: Serious

29 CFR 19

a)

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty: \$

Citation 1 Item 1b Type of Violation: Serious

29 CFR 19

a)

Date By Which Violation Must be Abated: Corrected During Inspection

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number:
Inspection Dates:
Issuance Date:



Citation and Notification of Penalty

Company Name:
Inspection Site:

Citation 1 Item 1c Type of Violation: **Serious**

29 CFR 19

a)

Date By Which Violation Must be Abated: **Corrected During Inspection**

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 19

a)

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$**

Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
300 West Pratt Street - Room 280



Baltimore, MD 21201
Phone: (410)962-2840 FAX: (410)962-7892

INVOICE/ DEBT COLLECTION NOTICE

Company Name:
Inspection Site:
Issuance Date:

Summary of Penalties for Inspection Number

Citation 1, Serious = \$
TOTAL PROPOSED PENALTIES = \$

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order. the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Area Director

Date