



SAFETY DIRECTIVE

Title: **ADOSH Inspections**
Issuing Department: Town Manager's Safety Office
Effective Date: September 01, 2014
Approved: Gilbert Davidson, Town Manager
Type of Action: New

1.0 PURPOSE

This directive will give information and guidance to departments and divisions for providing a coordinated and professional response to Arizona Department of Occupational Safety and Health (ADOSH) Inspections. ADOSH enforces the standards and regulations set forth by the Occupational Safety and Health Administration (OSHA) at the State level.

2.0 DEPARTMENTS AFFECTED

This directive applies to all departments and employees of the Town of Marana. This Directive will establish a communication hierarchy and command chain for response to ADOSH inspections regarding Imminent Danger, Catastrophic and Fatal Accidents, Employee Complaints, Programmed High Hazard, and Follow-up Inspections.

3.0 REFERENCES

3.1 Arizona Revised Statutes (A.R.S.) §23-401 *et seq*

4.0 DEFINITIONS

- 4.1 ADOSH Compliance Officer: A credentialed inspector employed by the State of Arizona, authorized to inspect the workplace and issue Notices of Violation.
- 4.2 ADOSH Consulting Officer: A credentialed officer employed by the State of Arizona, authorized to conduct training and consult with employers regarding ADOSH (OSHA) compliance questions and work practices. A Consulting Officer shall not report potential violations observed during a consulting visit to a Compliance Officer.
- 4.3 Catastrophic or Fatal Accidents: An accident that causes a fatality or an incident that results in the hospitalization of two or more employees.
- 4.4 Citations and Penalties: ADOSH citations range between non-serious, no penalty up to \$70,000 for willful or repeated violations. Failure to abate a violation within a specified

time period may bring additional penalties of \$7,000 per day for up to 30 days. There are additional penalties assigned for civil and criminal infractions that are discovered during any ADOSH inspection.

- 4.5 Closing Conference: A meeting convened at the end of the inspection to summarize and informally discuss the results of the inspection. Potential citations may/may not be revealed, but a general sense of the inspection and further direction that may be taken by ADOSH is normally conveyed.
- 4.6 Credentials: Official identification carried by ADOSH Officers.
- 4.7 Imminent Danger: Any conditions where there is a 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.
- 4.8 Opening Conference: A meeting convened prior to the initiation of any inspection where the ADOSH Officer will present his/her credentials, distribute required preliminary materials and identify the purpose of the inspection.

5.0 POLICIES AND PROCEDURES

- 5.1 Education and Training. Town Manager's Safety Office shall provide awareness training for all Safety Representatives and affected employees in how the Town of Marana Departments and/or Divisions shall professionally respond to ADOSH Inspections.
- 5.2 Initiation of Inspection
 - 5.2.1 In the event of ADOSH Inspection, Compliance Officers are authorized under the OSH Act to enter without delay and at reasonable times, any Town facility.
 - 5.2.2 When presented with a Request for Inspection by an ADOSH Compliance Officer, the Department shall:
 - 5.2.2.1 Request identification and obtain the name of the ADOSH Compliance Officer.
 - 5.2.2.2 Comfortably isolate the Officer in an office or conference room. ADOSH will wait a reasonable amount of time, normally defined as up to one (1) hour.
 - 5.2.2.3 Immediately Contact Town Manager's Safety Office and the Safety Committee Member for your department. Town Manager's Safety Office will provide an estimated arrival time for staff to arrive at the site of the inspection.
 - 5.2.2.4 Immediately contact the Department Head.
 - 5.2.2.5 Inform the ADOSH Officer regarding the estimated time of arrival for Department representation and Town Manager's Safety Office.
 - 5.2.3 The Opening Conference should not be initiated without the presence of Town Manager's Safety Office, unless the ADOSH Officer directly requests to do so. While the ADOSH Compliance Officer is isolated, employees shall not initiate or direct any changes to the workplace, as this may prompt the immediate start of the ADOSH inspection process.

- 5.3 Documentation. Town Manager's Safety Office will assist Departments in producing any training reports, injury/illness logs or other data requested by the ADOSH Officer in the requested time frame.
- 5.4 Designated Representative. Town Manager's Safety Office representative(s) will accompany the ADOSH Officer on the inspection, as the designated representative of the Town (employer). Additional Department representation may be permitted. The ADOSH Compliance Officer retains the final authority regarding employer/employee representation during the inspection process.
- 5.5 Interviews. ADOSH retains the right to interview employees and management regarding conditions in the workplace, safety training and any injury/illness event. Employee interviews shall be conducted by the ADOSH Officer and shall be held in private from the employer representatives. Employees and management employees (lead and above) are entitled to legal representation during the interview process.
- 5.6 Photographs. Town Manager's Safety Office will duplicate photographs obtained by the ADOSH Officer for the inspection record.
- 5.7 Closing Conference. At the Closing Conference, Town Manager's Safety Office will represent the department and request a summary of the inspection. Departments shall understand that ADOSH is not compelled to release final decisions on the inspection or specific recommendations for citation and penalty until the report is finalized, but will point out areas of concern, potential for citations and the classification as to serious or non-serious violations.
- 5.7.1 Town Manager's Safety Office will request that the final ADOSH report is addressed and filed with Town Manager's Safety Office. Town Manager's Safety Office shall share results of the inspection with the Department.
- 5.8 Posting Requirements. Departments are required by ADOSH to comply with any posting requirements regarding citation and penalties, in the location (area) of the citation. Posting of a Notice of Violation in the workplace as the result of an ADOSH Inspection is required for a minimum of three days.
- 5.9 Contest or Appeal of Citation. Town Manager's Safety Office will interact with the Department on contesting citations, appeals or legal representation with intent to challenge an ADOSH Citation.
- 5.10 Penalties. Payment of penalties is normally the responsibility of the Department responsible for the violation.
- 5.11 Re-inspection. When cited for alleged serious violations, the Town of Marana may be re-inspected to determine whether the hazards have been abated.

6.0 RESPONSIBILITIES

- 6.1 The Safety Coordinator has overall responsibility for the Town's safety programs. The Safety Coordinator shall consult with the Town Manager regarding appropriate changes and amendments to this administrative directive.
- 6.2 Town Manager's Safety Office shall coordinate response to any request from ADOSH for inspection, records, employee interviews or other information in conjunction and with

direct consultation of the Department or Division in attempt to define the scope of any ADOSH inspection and limit potential citations to the Department.

6.3 Department Heads, managers and supervisors are responsible for ensuring that the requirements of this directive are fully implemented in their work areas.

6.3.1 In the event a complaint is delivered by Phone/Fax, the Department/Division shall immediately forward the complaint to Town Manager's Safety Office. Town Manager's Safety Office shall take responsibility for complaint response, with assistance from the Department/Division.

6.3.2 Supervision shall immediately comply with the request of an ADOSH Officer when directed to stop work and/or remove an employee from an Imminent Danger situation.

6.3.3 Supervision shall immediately report any notification of Imminent Danger inspection conveyed by an ADOSH Compliance Officer to Town Manager's Safety Office. Town Manager's Safety Office shall respond to the site and in conjunction with the Department/Division, coordinate the appropriate response to the inspection.

6.4 Employees are responsible for attending all mandatory training classes, and understanding the policies and procedures outlined in this directive, as well as all Town health and safety procedures.

6.4.1 Employees shall immediately comply with the request of an ADOSH Officer when directed to stop work and/or remove a fellow employee from an Imminent Danger situation.

6.4.2 Employees are strongly encouraged to report hazards to their chain of command and may utilize the Employees Report of Hazard or Unsafe Condition (Attachment A) to document the report either anonymously or by name to the Department and Town Manager's Safety Office. If after reporting the hazard, and if the hazard is not addressed by the employer, the employee has the right to contact ADOSH with a complaint.

6.5 The Safety Coordinator and the Safety Committee are authorized to halt any operation of the Town where there is danger of serious personal injury.

7.0 ATTACHMENTS

7.1 Appendix A – Employee's Report Of Hazard, Unsafe Condition, Near Miss, Concern Or Suggestion

Appendix A Town of Marana

EMPLOYEE'S REPORT OF HAZARD, UNSAFE CONDITION, NEAR MISS, CONCERN OR SUGGESTION

| | INFORMATION | CONDITION | |
|--------------------|-------------|------------------|--|
| Department: | | Hazard | |
| Division: | | Unsafe Condition | |
| Location: | | Near Miss | |
| Date: | | Concern | |
| | | Suggestion | |

| *EMPLOYEE NAME | ID # | DEPARTMENT | DIVISION |
|----------------|------|------------|----------|
| | | | |

*Employees who submit a Report of Hazard, Unsafe Condition, Near Miss, Concern or Suggestion are not required to provide their name or ID number unless they wish to be notified of action taken by the Department to correct or address the report.

| HAZARD/CONDITION DESCRIPTION | | |
|---|--|--------------|
| Note: Hazards/Conditions that are <i>imminently dangerous to life and health</i> should be reported immediately to Supervision and to Town Manager's Safety Office (520) 382-1972 W or (520) 360-8795 C. | | |
| Description: Town Manager's Safety Office | | |
| Supervisor Review of Hazard: | | Date: |
| Safety Officer Review of Hazard: | | Date: |
| DEPARTMENT RESPONSE | | |
| Corrective Action: | | Date: |
| Administrator: | | Date: |
| Safety Officer Concurrence: | | Date: |

DISTRIBUTION: Employee, Supervisor, Department and Safety Office

DIRECTION: Employee: Forward to Supervisor
 Department: Forward to Safety Office after corrective action is completed

REVISION HISTORY

| <i>REV</i> | <i>DESCRIPTION OF CHANGE</i> | <i>DATE</i> |
|------------|------------------------------|-------------|
| OR | Original Release | 09/01/2014 |

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