

CHAPTER 2

INSPECTIONS, ABATEMENT OF HAZARDS, ACCIDENT REPORTING AND INVESTIGATION, AND EMPLOYEE REPORTS OF UNSAFE AND/OR UNHEALTHFUL WORKING CONDITIONS

2.1 PURPOSE

This Chapter establishes inspection policy and procedures as part of the AMS Safety and Health Program. It also establishes policy and procedures for investigation and reporting of accidents that may result in employee injuries and illnesses or property losses, abatement of hazards, and employee reports of unsafe and/or unhealthful working conditions.

2.2 POLICY

It is AMS policy to maintain an effective safety and health program through regular inspections of workplaces and equipment, reporting and correction of unsafe or unhealthful conditions, and thorough reporting and investigating of any accidents. An AMS workplace is defined as a physical location where the agency's work or operations are performed.

2.3 INSPECTIONS

A. Each AMS program is responsible for safety and health inspections in their workplaces. In low hazard workplaces, inspections shall be conducted at least annually. More frequent inspections shall be conducted in high hazard workplaces. These workplaces are those in which there is an increased risk of accident, injury, or illness due to the nature of the work performed. Examples of high hazard areas are laboratories, warehouses, and terminals. The AMS Safety and Occupational Health Manager will assist programs in determining high hazard areas.

B. Program safety coordinators shall conduct self-evaluations/reviews of their respective workplaces at least every 3 years. Periodically, the AMS Safety and Occupational Health Manager will conduct evaluations/reviews of selected locations.

C. Safety and health inspectors should discuss with employees matters affecting their safety and health, and offer them the opportunity to identify unsafe or unhealthful working

conditions while remaining anonymous, if they so desire.

2.4 RECORD OF INSPECTIONS AND REVIEWS

A. All safety and health inspections/reviews shall be documented. Documentation must be retained for at least 5 years following the end of the fiscal year to which they relate. At the conclusion of an inspection/review, the highest ranking AMS official at the workplace shall be advised of any unsafe or unhealthful conditions identified.

B. Written reports of workplace inspections shall be provided to the management official in charge of the workplace inspected within a reasonable time, but not later than 15 working days after the inspection.

C. Copies of written reports shall be forwarded to the AMS Safety and Occupational Health Manager.

2.5 INSPECTORS

Inspections shall be performed by competent personnel who have been adequately trained to recognize hazards. Low hazard workplaces shall be inspected by persons knowledgeable about the work activity. High hazard workplaces shall be inspected by individuals qualified by experience or training that meets the requirements contained in 29 CFR Part 1960.2. The individual(s) must be approved by the Deputy Administrator, Associate Deputy Administrator, Branch Chief, or Regional Director of the respective AMS program.

2.6 HAZARD ABATEMENT

All hazards are to be abated promptly. Whenever a hazard cannot be abated promptly, the inspector and workplace supervisor shall develop an abatement plan which includes a timetable for hazard abatement and a summary of interim steps to protect employees. Employees shall be advised of the plan. When a hazard cannot be abated, the workplace supervisor shall request assistance from appropriate higher authority.

2.7 ACCIDENT REPORTING AND INVESTIGATION

Work-related accidents and injuries are to be investigated and/or documented by the appropriate supervisor or management official and reviewed by the program safety coordinator and AMS Safety and Occupational Health Manager. Documentation of property damage accidents shall be retained 5 years.

2.8 REPORTS OF UNSAFE OR UNHEALTHFUL CONDITIONS

A. Employees shall not be subjected to restraint, interference, coercion, discrimination or reprisal for the reporting of an unsafe or unhealthful working condition.

B. Any employee or employee representative who believes that an unsafe or unhealthful working condition exists in the workplace shall have the right to make a report of the unsafe or unhealthful working condition to the appropriate program safety coordinator or supervisory official. The report may be written or oral, and the employee or employee representative may, upon request, remain anonymous.

C. Investigations shall be conducted within 24 hours if an employee or employee representative reports an imminent danger which has potential to cause death or immediate serious physical harm. However, the employee or employee representative may report (verbally or written) the alleged condition to the next higher organizational level when he/she feels that the condition has not been completely addressed, or is dissatisfied with the response to the safety and health risk conditions.

D. Upon receipt of an occupational safety and health (OSH) hazard report, the program safety coordinator or supervisory official shall contact the originator by telephone to acknowledge receipt and discuss the seriousness of the reported OSH hazard. If the report is received by someone other than the immediate supervisor, that person shall advise the immediate supervisor that an OSH hazard has been reported.

E. Each report of an existing or potentially unsafe or unhealthy working condition shall be recorded on a log maintained at the reporting office of the organizational level in which the condition exists. The log should contain the following information: date, time, reference/file number, location of condition, brief description of the condition, classification (imminent danger, serious or other), and date and nature of action taken. Imminent danger means any conditions or practices in the workplace that could cause death or serious physical harm immediately or before the danger can be eliminated through normal procedures.

F. In imminently dangerous situations, employees shall make reports by the most expeditious means available. Inspections shall be conducted within 24 hours for employee reports of imminently dangerous conditions; within 3 working

days for potentially serious situations; and within 15 working days for all other safety and health conditions.

G. Any employee submitting a report of an existing or potentially unsafe or unhealthy working condition shall be notified in writing within 15 days if the receiving official determines:

1. There are insufficient grounds to confirm that a hazard exists.
2. There are no plans to schedule an investigation based upon the employee's report.

2.9 APPEALS

A. If the originator of an OSH report is dissatisfied with the assessment of the alleged hazard or the action(s) taken to abate a confirmed hazard, he/she may confer with the investigating official to discuss the matter further. If the originator remains dissatisfied after such discussion, he/she may appeal in writing to the senior management official. Copies of the appeal should also be sent to the AMS Designated Agency Safety and Health Official (DASHO) and AMS Safety and Occupational Health Manager. The appeal shall contain, as a minimum, the following information:

1. A description of the alleged hazard, including its location and the standards violated (if known).
2. How, when, and to whom the original report of the alleged hazard was submitted.
3. What actions (if known) were taken as a result of the original report.

B. The following appeal sequence shall be used by AMS programs as a minimum when detailing their procedures for reporting unsafe or unhealthy conditions:

1. Immediate supervisor: Should be the first link in the reporting system. Employee should notify supervisor without delay. Supervisor investigates and takes appropriate action. Notifies employee of outcome of investigation within 15 days of receipt.
2. Supervisor at next level: Reviews supervisor's action and takes additional action if necessary. Notifies employee or employee representative of outcome within 15 working days of

receipt.

3. Regional Director or equivalent: Reviews all previous actions and sends copy of report to program safety coordinator. Ensures additional action is taken if warranted. Notifies employee or employee representative of outcome of investigation within 15 working days of receipt.

4. Associate Administrator: Reviews all previous actions. Ensures additional action is taken if warranted, and sends copy to the DASHO. Notifies employee or employee representative of outcome of investigation within 15 days of receipt.

5. Administrator: Reviews all previous actions. Ensures additional action is taken if warranted, and sends copy to the DASHO. Notifies employee or employee representative of final disposition within 15 days of receipt.

2.10 REPORTS TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Procedures outlined in this Chapter provide a mechanism for all AMS employees to point out unsafe and unhealthful working conditions and/or practices to the appropriate authority for in-house resolution. An employee who is dissatisfied with the Agency's response may make a final appeal to the Secretary of Labor, U.S. Department of Labor, Occupational Safety and Health Administration, through the local Occupational Safety and Health Administration office.
