

RURAL ELECTRIC COOPERATIVE, INC.
PENNSYLVANIA

PROCEDURE BULLETIN NO.

SUBJECT: OSHA Inspections

PROCEDURE: It is the procedure of _____ Electric Cooperative to permit inspections by representatives of the Occupational Safety and Health Agency (OSHA). Such inspections shall be accomplished in accordance with the following.

RESPONSIBILITY: President & CEO or Designate

PROCEDURE:

The purpose of this procedure is to create steps to follow should _____ have an OSHA inspection.

1. OFFICE VISIT – MANAGEMENT TEAM

- A. If an OSHA inspector arrives at the _____ office, the front office employee shall first request to see the inspector's identification. This is expected. The employee shall then contact the Director of Operations; the first contact "key" person at the Cooperative. The Director of Operations shall notify the CEO and the Director of Safety & Compliance. In addition, all management staff should be informed of the presence of the OSHA inspector.
- B. The inspector is to wait in the lobby for the cooperative key person.
- C. If the key person (or the CEO/Director of Safety & Compliance who are designated back-up key personnel) will not be available within a reasonable period (30 to 60 minutes) the inspector is to be informed of that fact. The inspector should be told the cooperative does not require an inspection warrant, but does require the presence of the key person, the CEO, or the Director of Safety & Compliance during the inspection and that the inspection may not proceed without one of these individuals. If none of them is readily available it should be politely requested that the inspection take place on another day. The cooperative should remember however that OSHA's inspection rights are:
 1. The authority to inspect.
 2. The right to enter without delay.
 3. The right to inspect and investigate.
- D. If the key person is available, it is likely the inspector will request an opening conference. If necessary the back-up key person would assume responsibility for the inspection.
- E. The key person should accompany the inspector to the boardroom for the opening conference. DO NOT allow the inspector access to any other part of the building.

- F. During the opening conference, the key person should ask the reason for the inspection. If the key person does learn the basis for the inspection, he or she should try to limit the scope of the inspection to the documentation which is the basis for the inspection. That means bring the requested information to the inspector, do not allow him or her anywhere outside the boardroom unless it is necessary. Remember an OSHA inspector does have the right to conduct an inspection of the entire company workplace, but it should not be volunteered.
- G. Upon completion of the opening conference, the inspector should seek consent to begin any investigation. Company policy says consent to conduct the inspection will be granted without a warrant.
- H. The key person should accompany the inspector throughout the inspection. The only exception to this is when/if the inspector wants to talk to company employees in private. Employees are entitled to privacy when being questioned by the inspector for the protection of employees. If the employees have no objection to the presence of the key person during an interview, they are waiving their right to confidentiality and the key person has the right to be present. If, however the OSHA inspector objects to the presence of the key person at any employee's interview even though acceptable to the employee(s), the key employee should allow the interview to proceed in private.
- I. Throughout the inspection, the key person and all employees should be courteous to the inspector and respond to questions IF authorized by the cooperative to do so. The key person is authorized to "speak for management" unless the CEO says otherwise. If so authorized, his or her statements are considered "authorized admissions" by _____ and admissible as evidence in a later judicial proceeding.
- J. Under no circumstances should the key person or any other employee of the cooperative guess or speculate when responding to questions by an inspector. If an answer is to be given, the key person or any employee should answer only what he/she knows to be facts. If the key person or employee has no knowledge regarding the question, that should be the response.
- K. Detailed explanations are not encouraged as they may tend to prolong the investigation. Answer the question and only the question, and then only with known facts. NEVER volunteer information.
- L. Never admit a violation.
- M. If the cooperative has conducted its own investigation of an accident/incident but has not completed it at the time of the OSHA inspection, answers to any questions regarding the accident/incident should be deferred pending the completion of the company investigation.
- N. An investigator is allowed to take samples and photos during the inspection. If the inspector does perform one of these actions, the cooperative should do the same.

- O. The key person should keep a record of the scope of the inspection including the identities of employees the inspector spoke to, items the inspector appeared interested in, comments made by the inspector, and individual observations of the key person.
- P. If at any time during the inspection it is decided by the key person or other designated company representative the inspection should be terminated, inform the inspector, and the inspector should immediately stop the inspection and depart the scene. Do remember an OSHA inspection that is consensual may be terminated should the employer revoke the consent; HOWEVER OSHA may seek an inspection warrant to complete the inspection at a later time and day. The cooperative should only revoke the consent in an extreme case where to continue would be more harmful than stopping.
- Q. Upon completion of the inspection, the key person should request the inspector hold a closing conference. It is advisable that more than one cooperative representative attend the closing conference to ensure the cooperative understands the statements of the inspector.
- R. During the closing conference, the inspector should be asked if any citations are to be issued as a result of the inspection. If citations are to be issued, the inspector should let cooperative management know what was violated. The closing conference is not the time or place to argue with the inspector. Do not make concessions or admissions during the closing conference.
- S. Upon completion of the inspection and closing conference, the key person should prepare a report of the inspection including any records, notes, samples, photos, etc., made or taken during the inspection. This report should be forwarded to cooperative counsel if necessary and is NOT to be circulated.

2. CREW INSPECTION

- A. Employees shall immediately stop work when an OSHA inspector stops at a job site. This is for the protection of both the employees and the inspector as cooperative employees are required to hold a job briefing for any new person entering a work area. The crew chief or highest ranking employee should ask to see the inspector's credentials BEFORE allowing the inspector to gain entrance to the jobsite. No one should be allowed to enter a jobsite without proper credentials such as an identification badge.
- B. Employees shall notify the Director of Operations (or CEO/Director of Safety & Compliance). The key management person should ask the inspector to refrain from beginning the inspection until the cooperative management key person arrives. If no one arrives within a reasonable amount of time, or if the inspector refuses the request, the crew chief or highest ranking employee shall assume the role of key person and accompany the inspector throughout the inspection.
- C. The key management person should meet with the inspector before the inspection takes place to determine the reason for the inspection. The key person should ask whether the inspection is random, the result of a complaint, or imminent hazard. The key person should try to ensure the inspector limits the inspection to the purpose he/she states is the purpose of the inspection.

- D. The key person should ask if the inspector has a warrant. If there is a warrant the key employee shall inspect the warrant to determine whether the inspection is limited to a particular area of the jobsite.
1. If the inspector does not have a warrant cooperative procedure does not require one, however the key person should request the inspection be limited to the particular area of the jobsite if applicable.
 2. If the inspector has a warrant, the key person shall direct the inspector to the areas listed in the warrant, but not refuse his request to inspect other areas. OSHA inspectors should be permitted to inspect all aspects of the jobsite regardless of the areas listed on the warrant, however the key person shall tell the inspector the area he is inspecting is not listed on the warrant and the search may not be permissible. The key person has to determine if more damage will be done by letting the inspector see areas not on the warrant, or by denying the inspector access to those areas.
- E. The key employee shall accompany the inspector at all times during the inspection.
- F. The key employee shall allow the inspector to interview other workers. All workers have the right to be accompanied by an attorney and a company representative should be present at all interviews. Employees shall take notes of all conversations the inspector has with the representative and other workers.
- G. The key employee shall keep a detailed record of all documents turned over to the inspector. The inspector should not have free access to document storage, instead, he/she should be provided with copies of each document requested.
- H. All employees should be courteous and cooperate with the inspector. Everyone should remain calm and polite. Be courteous and answer questions truthfully, but do not offer information the inspector has not asked for or make guesses when responding to questions. Avoid making any statements that could be construed as an admission of violating any laws or regulations, and do not speculate as to how any accident occurred.
- I. If possible immediately correct any hazards that are found during the inspection before the inspection ends.
- J. The key person and affected management personnel shall meet with the inspector for a closing conference. Take notes of any alleged violations and requirements for corrective action. Ask whether there will be a follow-up inspection and if so, when such an inspection is expected to take place.

Adopted: _____