



UNIVERSITY OF TEXAS  ARLINGTON

What to do when OSHA Calls!

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KNOCK, KNOCK: IT'S OSHA!

Goals

- What to Have in Place Before an Inspection
- Steps for Handling an Inspection
- Post-Citation Considerations
- Keys to Compliance



What Can I Do To Prepare For The Knock?

- Develop procedures – and your company philosophy – for when OSHA comes knocking and train your employees in those procedures
 - What type of access will be granted
 - Will a warrant be requested
 - Who will interface with OSHA
 - Who will be informed in the company
- Have records (300 Logs, training records, etc.) readily available and in good order
- Training



The Elements of an OSHA Inspection

- The Knock
- The Opening Conference
- The Walkaround
- The Closing Conference



The Knock

- No advance knowledge – usually!
- Credentials
- Tip: Ask inspector to explain the purpose of the inspection
 - “Programmed” inspection
 - Response to fatality or catastrophic event
 - Response to employee complaint
- Have designated area to conduct opening conference and interviews
- Designate certain individuals to interface with OSHA – integrate into your inspection protocol



Question 1

- A compliance officer initiates an unannounced inspection of your site. For a number of reasons, there are no company representatives available to meet with the compliance officer, can you request that the compliance officer return at a later time?



Opening Conference

- The CSHO will first conduct an opening conference. During the opening conference, the CSHO will:
 - Describe the purpose of the inspection
 - Outline in general terms the scope of the inspection, including the need for private employee interviews, physical inspection of the workplace and records, etc.
 - Review OSHA 300 Logs and 300A summary forms
- Must know and be able to readily provide for the compliance officer copies of OSHA 300 Logs and 300A summary forms
- May request additional records – consider having CSHO make the request in writing to ensure accurate response



The Walkaround

- The scope will depend upon the nature and purpose of the inspection.
- Management should accompany the compliance officer during the inspection. The compliance officer is permitted to take photographs and may take video. Any photographs or videotapes taken by the compliance officer should be replicated by the company.
- During the walkaround, the compliance officer may recommend that certain alleged hazards be corrected and suggest possible means of correction. It is OK to correct alleged hazards identified.



Question 2

- The compliance officer informs you at the opening conference that he/she is investigating an employee complaint regarding noise exposure in Area A of your site. The compliance officer then requests to view the worksite in Area B of the site, which is adjacent to Area A. Is this allowable?



Question 3

- A compliance officer informs you that he/she is only at the location to visit Area A of the site. While walking to Area A, the compliance officer notices a tool without a guard on it, in Area C. Can the compliance officer head towards Area C to investigate?



Manager and Employee Interviews

- In the course of the inspection, the compliance officer may wish to interview management representatives and other employees. Determine your approach to this.
- Management should arrange for the interviews to take place in a pre-arranged location.
 - Prepare managers before interviews
- Management should sit in on all interviews of management personnel and take notes of the interviews. The CSHO has the right to interview non-management employees in private.



Question 4

- A compliance officer asks to interview Employee A. Employee A comes to his/her supervisor and says that he/she does not feel comfortable speaking to OSHA and does not want to speak with the compliance officer. How should this be handled?



Closing Conference

- Upon completion of the inspection, the CSHO will conduct a closing conference. Typically, the compliance officer will not indicate how the proposed violations will be characterized (serious, other than serious, etc.) or the proposed penalty amounts.
- At the closing conference, management should :
 - Bring to the CSHO's attention any information regarding conditions that will present the company in a favorable light.
 - Take detailed notes.
 - Ask the CSHO what the characterization of the citations will be and the proposed penalty amounts.
 - Discuss with the CSHO how much time the company will need to make any necessary corrections or repairs of violations that the inspection turned up.



Key Considerations Post Citation

- Do you believe the citations are warranted?
- How high are the penalties?
- Is the required abatement clear?
- How extensive would abatement be?
- How would this impact other worksites?
- Could there be a “repeat” in the future?



Thank You!

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