

820 Reports and Investigations, Program Evaluations, and Inspections

821 Actions in the Event of Accident, Injury, or Illness

821.1 Injury, Illness, and Accident Reporting

821.11 Overview of Overlapping Postal and OSHA Reporting and Logging Requirements

The Postal Service is required by OSHA regulations to record occupational injuries and illnesses in a log and summary format and maintain a supplementary record of occupational injuries and illnesses. In addition, the Postal Service maintains the Human Resources Information System (HRIS) Safety and Health Subsystem, to meet safety and health program and business needs. To avoid duplication, PS Form 1769, *Accident Report*, is used both for inputting accidents into the Safety and Health Subsystem, and conducting subsequent analyses and for fulfilling OSHA requirements for a supplementary record of occupational injuries and illnesses (in lieu of the OSHA form). This extended use of the PS Form 1769 is accomplished by using the “Narrative” block to record the additional information required by OSHA. See 822 for additional OSHA and postal serious accident and fatality reporting.

821.12 Reporting Requirements

821.121 General Requirements for Using Form 1769, Accident Report

The manager or supervisor of the employee or operation involved must:

- a. Report all accidents and occupational injuries and illnesses on PS Form 1769, *Accident Report*, within 24 hours of the date of the accident, the diagnosis of injury or illness, or the notification of the manager or of the situation.
- b. Provide a copy of PS Form 1769 to the employee involved upon written request.

Completion of the form is required by postal policy if an accident occurs and by the OSH Act if an occupational injury or illness that is recordable by the OSHA definition occurs, regardless of tort claim action or the requirements of the Federal Employees' Compensation Act.

Note: Form 1769 definitions are not the same as that of OSHA's private sector recording requirements. Part 1904.12 [c] contains OSHA's definitions of injuries and illnesses.

Information submitted to the Office of Workers' Compensation Programs (OWCP) on Forms CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, and CA-2, *Notice of Occupational Disease and Claim for Compensation*, must be identical with that on PS Form 1769.

821.122 OSHA Requirements

Requirements for recording OSHA recordable injuries and illnesses and maintaining a supplementary record (using PS Form 1769 in lieu of the OSHA form, see 821.131) are published in OSHA Publication OMB 1218 0176, *Recordkeeping Guidelines for Occupational Injuries and Illnesses*. This publication is available through field safety professionals, and is also available on the OSHA Website at <http://www.osha.gov>. See 821.142 and consult with safety professionals regarding maintenance of the OSHA log and summary.

821.123 HRIS Requirements

PS Form 1769 must be recorded in the Safety and Health Subsystem by the servicing safety office when any one of the following situations occurs:

- a. An employee injury or illness is reported. The appropriate OSHA recordable indicator and postal reportable status are identified in the Safety and Health Subsystem by a safety professional using OSHA recordkeeping guidelines for determining OSHA recordables, and PS Form 1769 instructions for postal reportability.
- b. A CA-5 or a CA-6, *US Dept of Labor Official Superior's Report of Employee's Death*, is submitted to the OWCP.
- c. An injury or fatality to a nonpostal person on postal premises occurs. Note that this is not an OSHA recordable event unless a contractor is involved (see OSHA Publication OMB 1218 0176).
- d. A motor vehicle accident occurs that results in death, injury, or property damage, regardless of costs or who was injured (if anyone) or what property was damaged.
- e. Damage of \$500 or more to postal property or to property of customers or the general public occurs, regardless of whether an injury was involved.
- f. Fire damage of \$100 or more to postal property occurs.

821.13 Reporting Using Form 1769**821.131 Completing Form 1769**

The manager or supervisor of the employee or operation reports all accidents and occupational injuries and illnesses on PS Form 1769 within 24 hours, using the "Narrative" block to record the employee's home address and the full circumstances of the accident — the who, what, when, where, why, and how of the injury or cause of illness.

821.132 Reviewing Form 1769

Review is conducted as follows:

- a. The *supervisor's immediate manager* reviews each PS Form 1769 as to its accuracy and application (including OSHA recording status), conducts a follow-up to ensure that positive action has been taken to prevent similar occurrences, and endorses the report in Item 57.
- b. The *installation head* or designee must review the report to see if positive action has been taken or is planned.

- c. *Servicing safety personnel* must ensure that accident causes are identified, that the action taken is appropriate, and endorse the report in Item 59.

821.133 **Notifying the Safety Office of Controverted Claims**

If a traumatic injury or CA-2 is controverted and the OWCP sustains the controversion, notify the servicing safety office to amend the HRIS records.

Note: There is no relationship between OSHA records and the decision of the OWCP.

821.134 **Notifying the Safety Office of Corrections**

Correct erroneously recorded data by submitting a copy of the PS Form 1769, annotated "Amended," through the servicing safety office to the HRIS. Circle the items that need to be corrected and enter the correct data. Make corrections to the OSHA log and summary if necessary, in accordance with OSHA Publication OMB 1218 0176.

821.14 **Maintaining Logs and Summaries**

821.141 **Postal Accident Log**

Each facility, i.e., plant, associate office, station, branch, etc., must maintain an accident log, by fiscal year, of all accidents recorded in the Safety and Health Subsystem, using PS Form 1772, *Accident Log*, or electronic equivalent (see 821.34). Enter accident information within 5 working days after receiving PS Forms 1769. Make entries in sequential order and number as necessary.

Exception: Maintenance of station and branch accident logs at the appropriate plant or associate office level is permitted if provisions are made for at least semiannual feedback of data to each station or branch for local management, employee representatives, and employee access. (An OSHA log and summary must be maintained for every facility, however.)

Note: This form is *not* the OSHA log and summary, but a separate log of *all* accidents recorded in the Safety and Health Subsystem.

821.142 **OSHA Annual Summary of Injuries and Illnesses**

Each facility must maintain a log and summary, by calendar year, of OSHA recordable occupational injuries and illnesses from Forms 1769. All such injuries and illnesses must be recorded on the log within 6 days of receipt of the information. A copy of the log, updated within 45 calendar days, must be present at all times in the facility. Post copies of the summary for a minimum of 30 consecutive days (NLT February 1 to March 1) in a conspicuous place(s) at every facility. Maintain and retain the OSHA log and summary for 5 years following the end of the calendar year.

821.2 Accident Investigation**821.21 Responsibility**

Managers and supervisors are responsible for investigating all accidents promptly, determining their cause(s), and reporting them accurately in accordance with OSHA and postal regulations. Management should consult with safety personnel when accident causes cannot be readily determined.

821.22 Method

In order to have first-hand knowledge of every accident occurring in their operation, supervisors must make thorough investigations that include at least the following:

- a. Interview employee(s) to determine what caused the accident, why it happened, and what the employee(s) and supervisor feel could have been done to prevent it.
- b. Promptly inspect the accident site to determine what conditions (equipment, work practice, etc.) contributed to the accident.
- c. Interview witnesses and fellow workers.
- d. Examine the most recent PS Form 1783 for the task involved to determine if changes are required, update as needed, and review with all affected employees. If no PS Form 1783 is on file, determine if one is necessary and if so prepare it.

821.3 Accident Analysis**821.31 Purpose**

Accident analysis is vital in accident prevention programs. Reports and statistical analyses are used to identify principal cause factors of accidents and hazardous conditions and serve to prompt management action to reduce or eliminate the factors and conditions.

821.32 Responsibility

All installations must develop methods to identify accident prevention program needs.

821.33 Elements

The elements of statistical analysis should include, but are not limited to:

- a. Specific tasks being performed at the time of an accident or injury.
- b. Operation, equipment, tools, and machinery involved.
- c. Specific event that resulted in an accident or injury.
- d. Nature and severity of injury.
- e. Part of body involved.
- f. Incidence and nature of the following:
 - (1) Faulty equipment or design.
 - (2) Unsafe condition.

- (3) Unsafe acts or practices.
- (4) Violation of rules, procedures, or instructions.
- (5) Inadequate training or lack of safety rules or procedures.

821.34 **Report 10, Safety and Health Subsystem, Accident Analysis Summary**

Report 10, or equivalent, is used to analyze accidents and to determine local program needs.

821.4 **Privacy Act Considerations**

Accident records, including the left side of the OSHA log and summary, contain information about individuals. As such, they may be handled and disclosed only in accordance with the Privacy Act and implementing instructions.

An individual's accident records and related correspondence are maintained within the Postal Service as the privacy system entitled Postal Service 120.035, Personnel Records — Employee Accident Records.

822 **Supplementary Actions in the Event of Serious Accidents, Including Fatalities**

822.1 **Reporting Serious Accidents**

822.11 **Installation Head Preliminary Serious Accident Report**

The installation head must report serious accidents as follows:

- a. To the performance cluster manager, any serious accident. The term *serious accident* includes:
 - (1) Any occupational accident that is fatal to one or more employees.
 - (2) Any occupational accident that results in the in-patient* hospitalization of one or more employees.
 - (3) Any occupational illness or disease that results in the death of an employee.
 - (4) Any postal-related accident involving nonpostal persons that results in a fatality or the in-patient* hospitalization of one or more persons.
 - (5) Any occupational accident that is not immediately reportable but that results in the death of an employee or nonpostal person within 6 months of the date of the accident.
 - (6) Any occupational injury to an employee or nonpostal person that involves mutilation, amputation (including major cartilaginous body parts such as ears, nose, etc.), or loss of vision in one or both eyes.
 - (7) Any occupational accident that involves property damage (combined postal and nonpostal) estimated to exceed \$100,000.

- (8) Any occupational accident that results in in-patient* hospitalization due to chemical exposure.

*Inpatient hospitalization does not include observation, emergency room, and all other forms of out-patient care.

- b. *After consultation with the servicing safety office, to the nearest OSHA area office, within 8 hours, by phone, letter, or fax, the following:*

- (1) Any accident that is fatal to one or more employees.
- (2) Any accident that results in in-patient hospitalization of three or more employees.

The requirement for reporting also applies to each fatality or hospitalization of three or more employees that occurs within 30 days of an accident.

The report to OSHA should relate the circumstances of the accident, the number of fatalities, and the extent of the injuries.

- c. To the appropriate union promptly:
 - (1) Any employee fatality.
 - (2) Any serious industrial, noncriminal accident or injury.

822.12 **Performance Cluster Manager Report to Area and Headquarters**

In the event of a fatality, amputation, mutilation, or OSHA reportable accident (see 822.11b) performance cluster manager must, within 8 hours, report the accident by telecommunications (FAX/email) to the area Human Resources manager and Headquarters Safety Performance Management. The report must use the following format:

- a. Post office or facility — city, state and ZIP Code.
- b. Name, title, and phone number of installation head. State whether this official is personally acquainted with the situation.
- c. Brief description of accident including:
 - (1) Date and time of accident and/or death. Make a supplementary report if a death occurs after the initial report.
 - (2) Accident location.
 - (3) Name, Social Security number, home address, title, age, sex, years of service, and extent of injuries to postal employee(s).
 - (4) Name, age, sex, address, and extent of injuries to nonpostal persons involved.
 - (5) Type of work employee was performing when the accident occurred.
 - (6) Vehicle, equipment, or property damaged (postal or nonpostal). If vehicle, state the make, model, and type. State whether seat belt was used.
 - (7) Probable cause(s) of accident.
 - (8) Police charges, if any and if known.
 - (9) Name, title, and level of supervisor on duty.

822.2 Investigating Serious Accidents

822.21 OSHA Investigations

OSHA may elect to investigate occupational fatalities or serious accidents. If notified by OSHA that they intend to investigate such an accident, management must contact the Headquarters General Counsel and Safety Performance Management regarding proceeding with the internal investigation and cooperating with OSHA.

822.22 Postal Serious Accident Investigation Board

822.221 Mandatory Composition

A management board appointed by the performance cluster manager must investigate job-related fatalities and other serious accidents. (**Exception:** Some serious accidents involving customers or postal employees may not warrant a full investigation by a board. The vice president of Area Operations may waive a serious accident investigation if he/she determines that the purpose of such an investigation (see 822.223) is unlikely to be realized because of the circumstances of the accident. If the performance cluster manager believes a waiver is justified, he/she should request a waiver from the vice president of Area Operations. If a waiver is granted, it should be documented and the file treated in accordance with appropriate requirements of 822.225.) The board must be appointed within 24 hours of the accident and must include:

- a. One manager who has no functional relationship to the activity(ies) involved in the accident; this person will serve as chairperson.
- b. One manager from the office who has a functional relationship to the activity(ies) involved in the accident.
- c. The manager of Safety and Health, or designated safety specialist, as appropriate.
- d. One postal medical advisor appointed in consultation with the area medical director.

822.222 Optional Composition

One employee representative from the local safety and health committee, when requested by the appropriate union, will be permitted to accompany the board in its investigation of industrial, noncriminal accidents.

Safety Performance Management, Headquarters, may provide investigative assistance when such assistance is determined to be appropriate by the area Human Resources manager.

The vice president of Area Operations may designate, as deemed necessary, an area level representative to serve on or to provide consultation to the Board.

822.223 Board Responsibilities

Board responsibilities are to:

- a. Discover the causes of the accident.
- b. Make sound recommendations to prevent accident recurrence.

- c. Review the quality of action taken by supervisors where the accident occurred.

Note: Board responsibilities and actions do not relieve those immediately involved of their responsibility for accident investigation and prevention.

822.224 **Board Investigation Report**

The board uses the following report format for the board's findings and recommendations:

- a. Detailed description of accident.
 - (1) Employee's relationship (location) to physical surroundings.
 - (2) What the employee was doing when the accident occurred and how it was being done.
- b. Statements.
 - (1) Statement of employee.
 - (2) Statement of witness(es).
 - (3) Statement(s) of other person(s) interviewed.
- c. Pertinent findings.
 - (1) Whether the employee did, or failed to do, something that contributed to the accident. Include unsafe acts, violation of safety rules (such as not wearing a seat belt, see section 840, lack of knowledge, or lack of training).
 - (2) What others involved did, or failed to do, that contributed to the accident.
 - (3) The main reason behind what was done or failed to be done that contributed to the accident.
 - (4) Deficiencies and unsafe or adverse conditions in the work environment that contributed to the accident.
 - (5) If applicable, reason for the existence of the deficiencies in the work environment.
- d. Quality and type of action taken by management after the accident occurred.
 - (1) Immediate supervisor's investigation (see 821.2 for responsibilities).
 - (2) Upper level managers' actions (responsibilities include ensuring that all other employees involved in similar work are instructed, revising work procedures or practices when required, and ensuring that the board's recommendations are implemented when appropriate).
- e. Actions recommended by the board to prevent future occurrences of similar accidents.

822.225 **Investigation Reporting and Response Requirements**

Investigation reporting and response requirements are as follows:

- a. *Board.* Within 15 working days of appointment, the board must submit a report of its findings and recommendations to the district manager, with copies to the area vice president and the installation head.
- b. *Installation Head.* Within 10 working days after receiving the board's report, the installation head must provide a report to the district manager, with a copy to the area vice president, describing the corrective actions taken.
- c. *District.* The original copy of the investigation board report is retained at district Safety.

For fatal and catastrophic (e.g., OSHA reportable) incidents only, an executive summary must be forwarded to the area Human Resources manager. The summary should include at a minimum, the date and time of the incident, the name and location of the installation, personnel information, a brief description of the incident, causal factors, recommendations, and proposed corrective actions.

When the investigation board report of findings and recommendations indicates national impact items, a complete copy of the board report must be forwarded to the area Human Resources manager for review and consultation with any affected Headquarters departments.

- d. *Headquarters.* Upon written request of any member of the National Joint Labor-Management Safety and Health Committee, the vice president of Employee Resource Management must arrange for the release of a copy of the report to that member. However, those portions of the report prohibited from disclosure by law or regulation must not be released.

823 **Program Evaluations**

823.1 **Purpose**

The purpose of routine safety and health program evaluations is to measure the effectiveness of the Postal Service Safety and Health Program at each organizational level, ensure OSHA compliance, and promote an overall model for an effective safety and health program. A program evaluation must include compliance with and implementation of program elements included in this chapter, and other postal policy and procedural documents, including handbooks, manuals, and management instructions.

823.2 **Responsibilities**

823.21 **Headquarters**

Headquarters conducts safety and health program evaluations at various organizational levels when deemed appropriate.

823.22 Areas

Areas conduct safety and health program evaluations at various organizational levels when deemed appropriate or in response to OSHA compliance activity. Vice presidents of Area Operations review performance cluster safety and health program evaluations and monitor performance. In accordance with 810, these evaluations are to be considered in evaluating individual performance of managers in the area.

823.23 Performance Clusters

Performance clusters must conduct annual safety and health program evaluations in each plant. This evaluation may be in conjunction with the inspection conducted by the district or plant safety and health staff. They must use the most recent Program Evaluation Guide contained in the Safety Toolkit. If a Headquarters- or area-sponsored program evaluation is conducted during the funding year, it fulfills the annual requirement. In addition, a performance cluster level program evaluation is to be conducted annually to review cluster commitment to effective program management as follows:

- a. In all installations with 100 or more workyears of employment in the regular workforce, safety and health program evaluations must be conducted by district and plant safety and health staff.
- b. In all installations with more than 50 and less than 100 workyears of employment in the regular workforce, safety and health program evaluations appropriate to size and complexity of the office will be conducted by collateral duty FSCs, with assistance as necessary from the servicing safety office.

823.3 Program Evaluation Report**823.31 Installations Greater Than 100 Workyears of Employment**

A safety and health program evaluation report must be sent within 15 working days of the evaluation's completion to the installation head of the organization being evaluated. Within 30 days after receipt of the evaluation report, the installation head must address serious deficiencies in a response to the evaluators. Area vice presidents and PC managers will review these program evaluations, as appropriate, to ensure management commitment, involvement, and accountability in accordance with applicable ELM requirements.

823.32 Installations Greater Than 50 and Less Than 100 Workyears of Employment

The servicing safety office will review program evaluation reports, as appropriate, and help management implement an effective safety and health program.

824 **Safety and Health Inspections**

824.1 **Purpose**

The purposes of a safety and health inspection are to target specific operational, facility, or program deficiencies that may cause accidents, injuries, and illnesses, and to foster compliance with OSHA regulations and standards.

824.2 **Methods**

Safety personnel conducting inspections must be technically competent to recognize and evaluate hazards of the work environment and to suggest specific abatement procedures. They must use inspection checklists contained in the most current Safety Toolkit that reference current OSHA and other applicable regulations and standards and postal policies.

824.3 **Types of Inspections**

824.31 **Area Oversight and Targeted Inspections**

824.311 **Oversight**

The area Human Resources manager must ensure that safety and health inspections are conducted as required by this section.

824.312 **Area Inspections**

The area Human Resources function must conduct area inspections of plants or other installations as necessary to ensure effective safety and health programs. Inspection teams should consist of area and local safety and health personnel, maintenance, and line management.

The union representatives from the local safety and health committee may participate in inspections conducted by area safety and health personnel provided that the union represents employees at the facility being inspected. The number of union representatives will be determined by appropriate collective-bargaining agreements.

824.32 **PC Installations With One Hundred Workyears or More**

824.321 **Requirement**

District and plant safety personnel must conduct a semiannual inspection of all installations with 100 or more workyears of employment in the regular workforce. If Headquarters or the area conducts an inspection, it serves as one semiannual inspection.

824.322 **Teams**

Inspection teams consist of personnel from Safety, Maintenance, In-Plant Support, and line management.

The union representatives from the local safety and health committee may participate in inspections referred to in this section, provided that the union represents employees at the installation and provided that the union representative is domiciled at the installation to be inspected. If that union representative is not domiciled at the installation to be inspected, and if that

union represents employees at the installation, (a) at the union's option, representatives from the committee may participate in the inspection at no additional cost to the employer; or (b) the union may designate a representative domiciled at the installation to be inspected to participate in the inspection. The number of union representatives is determined by appropriate collective bargaining agreements.

824.33 **PC Installations With Less Than One Hundred Workyears**

824.331 **Requirement**

Collateral duty FSCs must conduct an annual inspection of each installation with less than 100 workyears of employment in the regular workforce. The FSC will conduct the inspection using instructions and an approved inspection checklist. District safety personnel provide technical assistance and support as necessary. In addition, district safety personnel must visit facilities as necessary to verify results of inspections by the FSC and provide assistance.

824.332 **Teams**

Inspection teams consist of the collateral duty FSC and supervisors if available.

One union representative from the local safety and health committee, selected on a rotational basis by the unions, may participate in the annual inspection of each installation with less than 100 workyears of employment in the regular workforce where the committee exists in the installation being inspected. In those installations that do not have a safety and health committee, the inspectors afford the opportunity for a bargaining unit employee (from each union that represents employees in that installation) to accompany them during these inspections. If requested, these bargaining unit employees should be selected on a rotational basis by the various exclusive bargaining representatives in that installation. The number of union representatives is determined by appropriate collective bargaining agreements.

824.4 **Conduct of the Inspections**

824.41 **Authority**

Postal Service safety personnel are authorized:

- a. To conduct inspections without delay.
- b. To have access to all available information relevant to the occupational safety and health of the workplace to be inspected, including PS Form 1767, *Report of Hazard, Unsafe Condition, or Practice*; PS Form 1769; PS Form 1772 OSHA Log; OSHA citations or other correspondence; training records; and all checklist and deficiency reports.
- c. To interview employees privately, if necessary.
- d. To consult with a reasonable number of employees during the inspection if there are no authorized representatives of employees.
- e. To deny the right of accompaniment to any person whose participation interferes with a fair and orderly inspection.

824.42 **Inspection Procedures**

824.421 **Opening Conference**

Members of the inspection team must conduct an opening conference with the installation head and the union representatives who are to participate in the inspection. The purpose of this conference is to explain the purpose and scope of the inspection and to inform the installation head that the inspection team will, in the course of inspection, consult with employees and managers as the need occurs.

824.422 **Inspection Rules**

Safety inspections must be conducted according to the following rules:

- a. The responsible manager must ensure that the team, led by the senior safety professional (or collateral duty FSC) assigned, has adequate participation and resources to accomplish a meaningful inspection.
- b. Members of inspection teams must comply with all safety and health rules at each installation including the use of protective clothing and equipment. The conduct of inspections must not result in unreasonable disruption of operations.
- c. Representatives of Maintenance, In-Plant Support, Operations, and others designated by management as appropriate, must participate.
- d. During the course of an inspection, any employee must be afforded an opportunity to bring to the attention of the inspection team any unsafe or unhealthful working condition that the employee believes exists in the workplace. In order to speak with the head of the inspection team, employees must first request permission from their immediate supervisor. Such requests must not be unreasonably denied.
- e. Safety personnel must arrange for or conduct industrial hygiene evaluations and sampling and take photographs where necessary.

824.423 **Imminent Hazard Abatement**

If an imminent danger is identified, the inspector must immediately inform the official in charge of the workplace. The official in charge of the workplace must undertake immediate abatement of the dangerous condition and the withdrawal of employees who are not necessary for the abatement. If the official in charge needs assistance to undertake full abatement, he or she must immediately notify, through channels, the district manager, who provides assistance for the abatement effort. The area Human Resources manager is also to be notified.

Safety and health committees and union representatives of the employees affected must be informed of all relevant actions.

824.424 **Closing Conference**

At the conclusion of a scheduled inspection, safety personnel must confer with the installation head and the union representative(s) who accompanied the inspection team and advise them of deficiencies disclosed by the inspection. Anyone at the conference may bring to the inspector's attention any pertinent information regarding conditions in the workplace.

824.425 Documentation and Reporting

The team leader utilizes inspection checklists and reports to record results and track abatement actions and sends the report to the installation head of the facility inspected no later than 10 working days after the completion of the closing conference. In addition, the team leader sends copies of the report to the employee representative(s) who participated in the closing conference and/or the local safety and health committee.

824.426 Notification

Immediately upon receipt of the deficiency report the installation head must post, in a prominent place where it will be readily observed by employees, a notice that the inspection has been received and is available for viewing in a convenient location, e.g., the safety office. (If feasible the entire deficiency report should be posted.) The notice must indicate, as applicable, that deficiencies were found, any special procedures that are in place, and that abatement dates have been established. The notice shall remain in place for 3 working days or until all items have been abated, whichever is longer. Copies of all inspections and reports will be maintained at the local safety office and/or district safety office in accordance with established record schedules.

824.5 Deficiency and Hazard Abatement**824.51 Hazard Classifications**

Safety hazards are classified as follows:

- a. *Imminent danger* — a situation in which there is a reasonable certainty that a danger exists that could cause death or serious physical harm immediately or before the danger can be eliminated through normal abatement procedures.
- b. *Serious danger* — a situation in which there is a substantial probability that death or serious physical harm could result.
- c. *Nonserious danger* — a situation that does have a direct relationship to job safety and health but probably would not cause death or serious physical harm.

824.52 Hazard Abatement Committee

Within 5 working days after receipt of the inspection report, a hazard abatement committee must be established and meet to assign priorities and specific abatement dates within the limits set by the inspection team. The installation head must chair this committee. (**Note:** Postmasters or others who serve as *installation head* for detached units may designate a chair for those detached unit abatement committees only.) Committee members must include:

- a. Installation head (or designee as noted above).
- b. Safety representative (collateral duty FSC if appropriate).
- c. Maintenance representative.

Additionally, Mail Processing, Customer Services, Industrial Engineering, Purchasing, and other personnel must attend when their functional areas are involved.

824.53 **Abatement**

824.531 **Within 20 Days**

Where feasible, correct deficiencies within 20 days of receipt of the report.

824.532 **More Than 20 and Fewer Than 45 Days**

All deficiencies determined to require more than 20 days to correct must be reported immediately, along with an abatement plan, to the district manager. The abatement plan must contain the following:

- a. Name of installation.
- b. Location of unsafe condition.
- c. Description of unsafe condition.
- d. Length of time the condition has existed.
- e. Explanation of the circumstances of the delay in abatement.
- f. A management action plan (MAP) that will be used for resolution of the problem.
- g. A summary of steps being taken in the interim to protect employees from being injured by the unsafe or unhealthful working condition.

Affected employees must be informed of the provisions of the plan.

824.533 **More Than 45 Days**

All deficiencies determined to require more than 45 days to correct must be reported immediately, along with the abatement plan, through management channels to the vice president of Area Operations, with copies to the area Human Resources manager.

824.534 **Changes**

Once an abatement plan has been submitted, any changes in the abatement plan require the submission of a new plan in accordance with the provisions of this section.

824.535 **Submission of Abatement Record**

Within 5 days of abatement, a copy of the abatement record, signed by the installation head, must be sent to the safety professional in charge of the inspection.

When deficiency requires action by the General Services Administration or another federal lessor agency, the installation head must contact the lessor agency and request corrective action. This does not, however, relieve management from the obligation to protect employees.

824.54 **Reinspection and Followup**

The procedures for correcting a deficiency must include a process to check (through spot checks and reinspections as appropriate) whether the corrective action taken has proven to be effective.

Spotchecks and reinspections should be conducted by the same personnel (i.e., full-time or collateral duty facility FSC) who performed the original inspection. Posting of the follow-up inspection results is not required.

824.6 Investigating Employee Reports of Hazard, Unsafe Condition or Practice**824.61 Purpose of Form 1767, Report of Hazard, Unsafe Condition or Practice**

PS Form 1767 is designed to encourage employee participation in the Postal Service Safety and Health Program and to provide prompt action when employees report a hazard. This form provides a channel of communication between employees and management that promotes a prompt analysis and response with corrective action to reports of alleged hazards, unsafe conditions, or unsafe practices.

824.62 Availability of Form

Supervisors must maintain a supply of PS Forms 1767 in the workplace in a manner that provides employees with both easy and (if an employee so chooses) anonymous access.

824.63 Procedures and Responsibilities**824.631 Employee**

Any employee, or the representative of any employee, who believes that an unsafe or unhealthful condition exists in the workplace may do any or all of the following:

- a. File a report of the condition on PS Form 1767 with the immediate supervisor and request an inspection of the alleged condition.
- b. If the employee desires anonymity, file PS Form 1767 directly with the installation's safety personnel, who will immediately return the report to the employee's supervisor for necessary action. (In such cases, safety personnel must not disclose the name of the individual making the report.)
- c. Report alleged unsafe conditions to a steward, if one is available, who may then discuss the condition with the employee's supervisor.

Discrimination against an employee for reporting a safety and health hazard is unlawful.

824.632 Supervisor

The immediate supervisor must promptly (within the tour of duty):

- a. Investigate the alleged condition.
- b. Either initiate immediate corrective action or make appropriate recommendations.
- c. Record those actions or recommendations on PS Form 1767.
- d. Forward the original PS Form 1767 and one copy to the next appropriate level of management (approving official).
- e. Give the employee a copy signed by the supervisor as a receipt.
- f. Immediately forward the third copy to the safety office.

It is the supervisor's responsibility to monitor the status of the report at all times until the hazard is abated. If the hazard remains unabated longer than

7 calendar days, the supervisor must verbally inform the employee as to abatement status at the end of each 7-day interval.

824.633 **Approving Official**

The approving official (determined locally) must initiate action to eliminate or minimize the hazard. If this results in the submission of a work order, attach the original 1767 and forward, through channels, to the manager of Maintenance. If the approving official determines that there are no reasonable grounds to believe such a hazard exists, the employee must be so notified in writing within 15 calendar days. (Safety personnel must assist in this determination when requested.) If the hazard was abated through actions of the approving official, the employee must be so notified in writing, and the original 1767, with a statement of actions taken, must be forwarded to the safety office.

824.634 **Safety Personnel and Collateral Duty FSCs**

Safety personnel and FSCs must log and sequentially number all hazard reports received on PS Form 1773, *Report of Hazard Log*. Safety personnel and FSCs must also review all PS Forms 1767 for accuracy, completeness, and follow-up, as necessary. They must routinely provide status reports of 1773 logs at Executive and Joint Labor-Management Safety and Health Committee meetings.

824.635 **Maintenance**

Maintenance must notify the approving official when any PS Form 1767 maintenance-related work order has been completed.

824.636 **Installation Head**

Installation heads are responsible for responding promptly to reports of hazard and ensuring that line supervisors are diligent at correcting hazards. If it is determined on the basis of a hazard report that an imminent or serious danger exists, the installation head must take immediate corrective action.

825 **OSHA Inspections**

Reference Note:

For additional material concerning the subject matter found in 825, refer to:

- Handbook EL-802, *Executive's and Manager's Safety Compliance Guide*.
- OSHA publications summarized and referred to therein.

825.1 **Purpose**

The purpose of 825 is to provide general guidance when compliance safety and health officers (CSHOs) or compliance safety and health officers industrial hygienists (CSHO-IHs) from OSHA conduct announced or unannounced inspections or investigations of postal facilities. All such inspectors are referred to as CSHOs in part 825.

825.2 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 ensure compliance with OSHA requirements. In leased facilities this responsibility continues to exist regardless of lease arrangements.

825.3 Authority

It is Postal Service policy to maintain safe and healthful working conditions and to cooperate fully with OSHA inspectors. Also, as an employer subject to private sector enforcement, it is also Postal Service policy to ensure that inspections are conducted in a reasonable manner.

825.4 Procedures**825.41 Arrival of Inspectors and Verification of Credentials**

OSHA may conduct its inspections without prior notice. CSHOs generally conduct inspections during normal working hours, but may arrive on any tour. 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.

The senior postal official, or designee, is to review all CSHOs' credentials and may request verification from the OSHA area office.

Once the CSHO has presented appropriate credentials, the senior postal official is to immediately notify, via telephone or in person, the district manager and area Human Resources manager (or their designees) of OSHA's presence and the scope of the inspection and request that a safety professional come to the facility immediately for the inspection.

825.42 Consent to Entry and Cooperation

The CSHO must be informed that he or she will be permitted to enter any postal facility for inspection or investigation purposes without delay once a safety representative reaches the site or area, or once the area Human Resources manager or designee agrees that the inspection may proceed without such attendance.

The CSHO should be informed that a request for such a representative has been made, that the Postal Service position is not intended to delay or interfere with the inspection, but rather to ensure that the Postal Service participates in a professional manner, and that the presence of the representative ultimately will expedite the completion of the inspection. 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, subject to the advice of the safety professional, the postal official should attempt to make the CSHO aware of all relevant additional information.

825.43 Opening Conference**825.431 Initiation**

The CSHO holds an opening conference to inform the Postal Service of the purpose, scope, and conduct of the inspection. If the CSHO does not offer to conduct the conference, one should be requested.

825.432 Attendance

The opening conference must be attended by a safety professional unless the district Human Resources manager or designee says to proceed. The senior postal official attends the opening conference and may invite other postal officials from the facility, as appropriate. Employee representatives also should attend the opening conference; union representatives from the local safety and health committee should participate in accordance with 825.3 and 824.3.

825.433 Provision of Materials

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 that 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.

825.434 Outline of Scope

The CSHO can be expected to outline the proposed general scope of the inspection, including employee interviews, physical inspection of the workplace, records review, and the taking of photographs or samples.

825.435 Plan of Route Sequence

The CSHO should be questioned during the opening conference so that the walk-around 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 in plain view en route to a particular area.

825.44 Records Review**825.441 Safety Records**

It is the policy of the Postal Service to require that the CSHO present all requests for documents in writing to the person designated by the Postal Service as the one at the facility to receive such requests during the inspection. It is also postal policy to respond as quickly as possible to such requests. 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 the OSHA log and summary and Form 1769, *Accident Report*, when it is used to record injuries and illnesses.

825.442 Medical Records

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. Access to medical records must be coordinated through the senior area medical director.

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If the CSHO wishes to record or copy any medical records, a written access order in the form set forth in the OSHA *Field Information Reference Manual* (FIRM) must be provided.

825.45 **Participation**

825.451 **Management Participation During Inspections**

The safety professional, or designee, must accompany the CSHO during the walk-around portion of the inspection. Collateral duty FSC should also participate in the inspection. Representatives of Operations, In-Plant Support, and Maintenance are to be with the CSHO, whenever possible.

Management representatives, including managers and supervisors, must not sign any statements, affidavits, or notes.

825.452 **Interviews of Management and Supervisory Personnel**

It is the policy of the Postal Service:

- a. To cooperate with requests the CSHO may make for interviews with representatives of management, including supervisors and staff. Management should work with the CSHO to schedule such interviews so as not to interfere with mail processing. Subject to this consideration, management employees should be made available for interviews as soon as reasonably possible.
- b. To have a representative of the Postal Service present for the entire interview. The representative may be an employee from Human Resources or Safety, a counsel, or a senior official or his or her designee.
- c. Not to consent to the audio or video taping or other recording of interviews with representatives of management. The only exception is if OSHA issues an investigatory subpoena requiring a witness to appear for a formal, sworn, recorded interview. In such cases, the representative of management must be represented by counsel.
- d. Not to allow representatives of management to sign statements, affidavits, notes, or other documents prepared by OSHA during interviews.

825.453 **Employee Participation During Inspections**

Union representatives from the local safety and health committee must be given the opportunity, in accordance with 824.3, to accompany CSHOs during inspections.

CSHOs also may consult with other nonsupervisory employees who are not part of the inspection team and may request to interview them in private or with their union representatives during the walk-around. The CSHO may be permitted to talk with employees at their workstations for no more than 5 minutes. If further conversation is desired, the Postal Service walk-around representative should offer to make the employee available for a scheduled interview by the CSHO. Management should work with the CSHO to schedule such interviews so as not to interfere with production. Subject to this consideration, employees should be made available for interviews as soon as reasonably possible.

Employee representatives are on the clock whenever the inspection is conducted during the employee's regular work schedule. Employees are not compensated for time spent accompanying CSHOs outside of their work schedule.

825.46 **Methods**

825.461 **Walk-Around Inspection**

There are several types of inspections (see Handbook EL-802) that may involve detailed inspection of all areas and a thorough records review.

Normally, in an inspection triggered by a complaint, the CSHO limits the inspection to the items listed in the employee's report. The scope of the inspection may, however, extend to other areas of the postal installation. During the walk-around inspection, the CSHO examines each item mentioned in the employee's report.

The CSHO may take photographs of or videotape any conditions observed. The Postal Service must duplicate as closely as possible each photograph or videotape taken by the CSHO and should specify in the detailed notes what each photograph shows. If necessary, as a less preferred but acceptable alternative, before the inspection begins, a written agreement may be reached with the CSHO that at the conclusion of the inspection, OSHA will promptly provide the Postal Service with copies of all the photos or videotapes that it has taken of the observed conditions.

The CSHO may use measuring devices or instruments to determine compliance with the OSH Act. The safety professional or designee must record the type of instrument used and the readings obtained, and take duplicate measurements using Postal Service instruments.

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.

825.462 **Health Sampling**

In order to determine whether a violation of health standards exists, the CSHO may collect 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.

If the CSHO desires to conduct such monitoring, the Postal Service representative must request a delay until the Postal Service brings to the site an industrial hygienist or other person qualified to perform parallel monitoring. When such requests are made, the senior postal official must immediately notify the district manager, area human resources analyst, and district Safety and Health manager by phone. Every effort is to be made for the Postal Service hygienist to reach the site as soon as possible.

When OSHA conducts health sampling, the Postal Service is to take duplicate samples and send the samples to an accredited laboratory for

analysis. Proper chain-of-custody procedures established by the laboratory must be followed. Sample results must be retained locally and transmitted to the district Safety and area Human Resources.

825.47 **Immediate Correction of Imminent Dangers or Other Violations**

During an inspection, a CSHO may point out conditions that may be considered to be imminent dangers under the OSH Act. Immediate efforts are to be made to evaluate the condition. If it appears that such a danger is present, the corrections are to be made immediately, if possible, or the exposed employees removed from the zone of danger. Whenever feasible, also correct other potential violations or hazards pointed out by the CSHO during the visit.

825.48 **Closing Conference**

After completing the review of records, employee interviews (if necessary), and the walk-around inspection, the CSHO ordinarily will conduct an exit conference with the senior postal official and other team members. If the CSHO does not offer to conduct the conference, one should be requested. 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 the collateral duty FSC. Employee representatives from the walk-around inspection must also attend.

During this conference, all conditions or practices that the CSHO believes may constitute a safety or health violation(s) should be reviewed. Efforts should be made to have the CSHO explain in as much detail as possible what violations he or she believes have been observed, and what citations, if any, he or she intends to recommend for issuance to the area director.

825.49 **Post Conference Internal Communications**

Following the closing conference, the senior postal official must immediately notify the area vice president that the inspection has been completed.

It is policy and direction of the General Counsel that following the closing conference, the installation head must prepare a memorandum for and directed to the General Counsel summarizing OSHA's findings and any other pertinent information concerning the inspection. This report is to be considered privileged and confidential as attorney-client communications and attorney-work product. The report is to be prepared and transmitted to the servicing area General Counsel within 48 hours of the closing conference. Copies of the report are to be sent only to the area Human Resources manager and the manager of Safety Performance Management at Headquarters. No other copies are to be distributed.

825.5 **Citations**

825.51 **Issuance and Posting**

Following an inspection, if violations have been observed, OSHA may issue citations alleging violations and stating a proposed penalty and proposed abatement date (OSHA Form 2).

Upon receipt of a citation, notify area and Headquarters General Counsel and Safety Performance Management. A copy is to be faxed immediately to Safety Performance Management, Headquarters, and the vice president of Area Operations. The citations must be forwarded to the district Safety and Health manager immediately (COB that day) and entered into the national citation management tracking system by area-designated persons, who will update each entry promptly until the citation is resolved and closed.

In accord with the instructions that accompany the citations, copies of the citations are to be posted in the affected facility at the locations where important announcements are customarily posted for employees. The citations are to remain posted until they are finally resolved.

825.52 **Abatement**

A citation includes a proposed date by which each alleged violative condition is to be corrected. The length of the period allowed varies based on the type of hazard involved, the severity of the risk to employees, and OSHA's assessment of the difficulty of correcting the hazard.

It is the policy of the Postal Service to abate violative conditions promptly. Whether a condition constitutes a violation, and whether a proposed penalty, abatement date, and means of abatement are reasonable, however, are matters to be resolved with OSHA once the citation has been reviewed by Headquarters Safety Performance Management and the Headquarters General Counsel.

825.53 **Informal Conference**

To assist in determining whether to contest or resolve a citation, the installation head (in concert with the Headquarters, area, and district safety representatives) must request an informal conference with the OSHA area director who issued the citation. Informal conferences are managed by area or Headquarters Safety Performance Management, and attended by field legal counsel or Headquarters legal counsel as deemed appropriate by Headquarters.

825.54 **Citation Management**

Citations must be managed in accordance with instructions from the Headquarters General Counsel and Safety Performance Management. (See Handbook EL-802 and OSHA publications therein concerning citations and required actions.)

825.6 Performance Cluster File of OSHA Inspections

The performance cluster file of OSHA inspections is the official record of OSHA compliance activity. However, the citation management tracking system must be kept current both to assist in tracking and management of citations, and provide a database of OSHA compliance activity nationally.

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 citations (OSHA 2) and accompanying materials.
- 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, and documentation submitted to OSHA.
- f. Document log, if documents were provided to the CSHO.