

KENTUCKY LABOR CABINET
OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 1 GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

CHAPTER I

GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

A. Director of Compliance.

It is the mission or duty of the Director of Compliance to carry out the compliance portion of the Occupational Safety and Health Program within the Commonwealth of Kentucky, using policy instructions formulated by the Secretary of Labor. The Director is responsible for both the safety and health areas of compliance as well as the coordination of the two areas.

B. Program Manager for Safety. It is important that the administration of the program be consistent in all parts of the state. The Program Manager for Safety is responsible for keeping the Supervisors for Safety advised of any changes in policy or new interpretations and act for the Director in his/her absence.

C. Program Manager for Health. Protection of the employee from health hazards is an important part of the total Occupational Safety and Health Program. The Program Manager for Health is responsible for keeping the Supervisors for Health advised of any changes in policy or new interpretations. He/she serves as technical advisor to the total Compliance program on occupational health, and arranges for the calibration of measuring instruments. He/she may act for the Director in his/her absence.

D. Supervisor.

1. General. The Field Supervisor has first level supervisory responsibility over CSHOs in the discharge of their duties.

2. Responsibilities. The following are among the specific duties of the supervisor:

a. Reviewing the work products of CSHOs under supervision for technical adequacy in applying the policies and procedures in effect in the agency, accepting, amending, or rejecting them as appropriate (This includes forwarding such products to a supervisor of the opposite discipline for review whenever items from

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OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 1 GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

that discipline are addressed.);

- b. Evaluating the performance of CSHOs under supervision;
- c. Advising, counseling, and instructing CSHOs under supervision on OSHA policies and procedures and on administrative matters;
- d. Ensuring that CSHOs have available all report forms and handouts in sufficient quantity for use in inspections; that necessary personal protective equipment is available for use and in serviceable condition; that test equipment required for inspections is properly calibrated and ready for use when needed; and that CSHOs are trained in the field use of such equipment;
- e. Developing, scheduling and/or executing training to upgrade the knowledge and skills of CSHO staff under supervision;
- f. Evaluating incoming complaints and referrals, establishing priorities among inspection categories, scheduling programmed and unprogrammed inspections in accordance with the targeting procedures outlined in Chapter II, and ensuring that adherence to targeting procedures is adequately documented;
- g. Recommending and initiating work methods, organizational alignment, and the structure of work to achieve optimum utilization of available resources;
- h. Conducting informal conferences, as appropriate, and generally offering advice and consultation to the Program Manager on program and procedural issues.

E. Compliance Safety and Health Officer.

1. General. It is the mission of the Compliance Safety and Health Officer (CSHO) to represent the Ky OSH Program to the public and, in so doing, to carry out the policies and procedures of the agency under the direction of the supervisor.
2. Responsibilities. The primary responsibility of the CSHO is to carry out the mission of the agency in accordance with established policies and procedures. The most effective means of achieving this goal is to build cooperative relationships in the interest of workplace safety and health. This is accomplished primarily through quality inspections reflecting the highest levels of professionalism.

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OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 1 GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

- a. Preparation. The most important time spent in a CSHO's professional activity is that devoted to preparing for an inspection. Having been assigned an establishment for inspection, the CSHO shall review the types of conditions likely to be encountered, including the work processes, equipment and machinery involved, and the hazards likely to be associated with them. All available sources of information shall be used to bring about as complete a familiarity with the establishment as is practicable. The quality of the inspection will be judged by employer and employee alike based on the familiarity with the work done and the problems associated with it.
- b. First Impression. CSHOs must be aware that a good first impression is of utmost importance to the creation of an atmosphere of cooperation and is essential to the successful completion of the inspection. Such an impression can be created by careful planning. Dress shall be appropriate to the type of establishment to be inspected. Proper protective clothing and equipment shall be worn and company comportment rules scrupulously observed. CSHOs shall attempt to become aware of how the employer and the employee representatives feel about the Ky OSH Program's presence in the workplace and shall take care not to become a source of resentment. A precise and respectful professionalism shall characterize the CSHO's demeanor. The inspection shall be conducted as efficiently as possible, without undue delay and with sensitivity to the needs and concerns of those involved.
- c. Concern for Safety and Health. During the walkaround the CSHO shall encourage dialogue and questions related to safety and health issues and shall offer suggestions and explanations as to how problems might be abated. The major goal of the Ky OSH Program's inspections is to foster a mutual interest on the part of labor and management in eliminating or reducing workplace hazards. This involves building cooperation on the foundation of existing good safety and health practices, which practices shall be commended and promoted whenever possible.
- d. Balanced Approach. The Ky OSH Program policy is to remain neutral in dealing with management and labor. The CSHO is an agent of neither side but rather of Ky OSH and is, therefore charged with ensuring a safe and healthful workplace. Bias or even the appearance of partiality toward one side or the other will lessen the Ky OSH Program's ability to carry out this

KENTUCKY LABOR CABINET
OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 1 GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

legislative mandate.

- e. Thoroughness. The Ky OSH Program will be judged at every step of the inspection by the actions of the CSHO. The closing conference shall be used as a means of reinforcing the agency's intent to be cooperative, helpful, and courteous in the conduct of its business. The CSHO shall explain the availability of other Ky OSH programs in addition to enforcement, such as consultation and training.
3. Subpoenas Served on CSHOs. If a CSHO is served with a subpoena, the Supervisor shall be informed immediately and the matter referred to the Program Manager and the General Counsel.
4. Testifying in Hearings. The CSHO is required to testify in hearings on the Ky OSH Program's behalf. The CSHO shall be mindful of this fact when recording observations during inspections. The case file shall reflect conditions observed in the workplace as accurately as possible. If the CSHO is called upon to testify, the case file will be invaluable as a means for recalling actual conditions.
5. Release of Inspection Information. The information obtained from inspections is confidential but is to be determined as disclosable or nondisclosable on the basis of criteria established in the Open Records Legislation.
 - a. The CSHO shall not discuss information connected within any case except as indicated elsewhere in this FOM. Thus, for example, case file information may be discussed with employer or employee representatives in the closing conference, during informal conferences, and the like. (See, for example, Chapters III and V.)

NOTE: This subparagraph is intended to apply to discussions with persons outside of the Ky OSH Program. It is not intended to prohibit professional consultation with other agency employees.
 - b. Any requests for such information shall be directed to the General Counsel.
6. Disposition of Inspection Records. "Inspection records" are any records made by a CSHO that concern, relate to, or are a part of any inspection or that concern, relate to, or are part of the performance of any official duty. Such original material and all copies shall be included in the case file. These records are the property of the Labor Cabinet and a part of the case file. Inspection records

KENTUCKY LABOR CABINET
OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 1 GENERAL RESPONSIBILITIES AND ADMINISTRATIVE PROCEDURES

are not the property of the CSHO and under no circumstances are they to be retained or used for any private purpose. Copies of documents, notes or other recorded information not necessary or pertinent or not suitable for inclusion in the case file shall, with the concurrence and permission of the Supervisor, be destroyed.

7. Correspondence with the Public. CSHOs normally shall not correspond with the public except as directed by the Supervisor. All formal correspondence shall be submitted to the Director for approval. This shall not be interpreted to mean that a CSHO cannot answer questions regarding Ky OSH programs, including standards interpretations, if asked while on an inspection or over the telephone.

