

KENTUCKY LABOR CABINET
OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FIELD OPERATIONS MANUAL
CHAPTER 2 COMPLIANCE PROGRAMMING

CHAPTER II

COMPLIANCE PROGRAMMING

A. Program Planning.

1. Purpose. Compliance Programming provides general guidelines to the Program Manager and Director in planning compliance operations and related activities and instructions for their implementation.
2. Primary Consideration. The primary consideration in conducting compliance operations is the attainment of maximum effective inspection coverage. To achieve this goal, the guidelines in this chapter shall be used for scheduling inspections.

B. Inspection/Investigation Types.

1. Unprogrammed. Inspections scheduled in response to alleged hazardous working conditions that have been identified at a specific worksite are unprogrammed. This type of inspection responds to imminent dangers, fatalities/catastrophes, complaints and referrals. It also includes followup and monitoring inspections scheduled by the Office.

NOTE: This category includes all employers directly affected by the subject of the unprogrammed activity.

2. Unprogrammed Related. Inspections of employers at multi-employer worksites whose operations are not directly affected by the subject of the conditions identified in the complaint, accident, or referral are unprogrammed related. An example would be a trenching inspection conducted at the unprogrammed worksite, where the trenching hazard was not identified in the complaint, accident report, or referral.
3. Programmed. Inspections of worksites which have been scheduled based upon objective or neutral selection criteria are programmed. The worksites are selected according to national scheduling plans for safety and for health or special emphasis programs.
4. Programmed Related. Inspections of employers at multi-employer worksites whose activities were not included in the programmed assignment such as a low injury rate employer at a worksite where programmed inspections are being conducted for all high injury rate employers. All high hazard employers at the worksite shall normally be

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included in the programmed inspections. (See Chapter III, D.3.h.(1).)

C. Inspection Scope. Inspections, either programmed or unprogrammed, may fall into one of two categories depending on the scope of the inspection:

1. Comprehensive. A substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected.
2. Partial. An inspection whose focus is limited to certain potentially hazardous areas, operations, conditions or practices at the establishment.
 - a. A partial inspection, whether programmed or unprogrammed, shall include, in addition to its principal focus, a review of injury and illness records, an assessment of the employer's hazard communication and lockout/tagout programs, an evaluation of the employer's safety and health management program, and a brief walkaround to survey, as deemed appropriate, those areas, conditions, operations, and practices that, based on the exercise of discretion and professional judgment, are believed to have the greatest hazard potential, but see Chapter III, D.1.d.(5)(b). Follow-up inspections may be excepted from this rule.
 - b. The information gathered during this review and walkaround shall be used to confirm or revise the determination made in accordance with the FOM, Chapter III, D.7.c., as to whether the inspection's scope should be expanded.

D. Inspection Selection Criteria.

1. General Requirements. The KY OSH Program's priority system for conducting inspections is designed to distribute available KY OSH resources as effectively as possible to ensure that maximum feasible protection is provided to the working men and women of this state.
 - a. Scheduling. The Director shall ensure that inspections are scheduled within the framework of the priorities outlined in this chapter, that they are consistent with the objectives of the Agency, and that appropriate documentation of scheduling practices is maintained. (See OSHA Instruction CPL 2.51G for current congressional exemptions and limitations on

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OSHA inspection activity.)

- b. Effect of Contest. If an employer scheduled for inspection, either programmed or unprogrammed, has contested a citation and/or a penalty received as a result of a previous inspection and the case is still pending before the Review Commission, the following guidelines apply:
- (1) If the employer has contested the penalty only, the inspection shall be scheduled in accordance with the guidelines given under F, that is, it shall be scheduled as though there were no contest.
 - (2) If the employer has contested the citation itself or any items thereon, then:
 - (a) Unprogrammed inspections shall be scheduled in accordance with the guidelines in E.1. The scope of such an inspection normally shall be partial. All items under contest shall be excluded from the inspection unless a potential imminent danger is involved.
 - (b) Programmed inspections may be carried over to the next cycle in accordance with the guidelines given under F.2.b.(1)(e) 1, F.2.b.(2)(e) 3, and F.2.b.(3)(c) 5b. Such inspections may continue to be carried over until the case is no longer before the Commission. If the inspection is done, all items under contest shall be excluded from the inspection unless a potential imminent danger is involved.
 - (c) On rare occasions, when warranted by the particular circumstances involved, programmed safety inspections may be carried over to the next cycle when the employer has contested a previously issued health citation. The same is true for programmed health inspections when the employer has contested a previously issued safety citation. The decision to carry such an inspection over shall be made only after consultation with the Director.
2. Employer Contacts. Contacts for information initiated by employers or their representatives shall not trigger an

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inspection, nor shall such employer inquiries protect them against regular inspections conducted pursuant to guidelines established by the agency. Further, if an employer or his representative indicates that an imminent danger exists or that a fatality or catastrophe has occurred, the Supervisor shall act in accordance with established inspection priority procedures.

E. Inspection Priorities.

1. Order of Priority. Unless otherwise noted in particular cases, priority of accomplishment and assignment of manpower resources for inspection categories shall be as follows:

<u>Priority</u>	<u>Category</u>
First	Imminent Danger
Second	Fatality/Catastrophe Investigations
Third	Investigation of Complaints/Referrals
Fourth	Programmed Inspections

2. Efficient Use of Resources. Unprogrammed inspections normally shall be scheduled and conducted prior to programmed inspections. For efficient use of resources, or when agency objectives so dictate, programmed inspections may occasionally receive a higher priority than unprogrammed inspections. For example, a programmed inspection may be conducted during the response period for a formal other-than-serious complaint.

F. Inspection Scheduling.

1. Unprogrammed Inspections. Those inspections conducted in response to specific evidence of hazardous conditions at a worksite are considered unprogrammed inspections.
 - a. Priorities. Unprogrammed inspections (excluding followups and monitoring) shall normally be scheduled with the following priorities:
 - (1) Reports of alleged imminent danger situations from any source, including referrals and complaints regardless of formality (Chapter VII);
 - (2) Fatalities/catastrophes (Chapter VIII);
 - (3) Formal complaints, CSHO referrals, reinspection referrals, and referrals from other agencies,

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classified as serious (Chapter IX);

- (4) Media and employer reports of accidents involving serious injuries or hazards of a serious nature (Chapter IX, B.2.b.(6) and (7));
 - (5) Discrimination nonformal complaint referrals (Chapter IX);
 - (6) Formal other-than-serious complaints (Chapter IX);
 - (7) Nonformal complaints requiring an inspection (Chapter IX, A.8.b.).
- b. Scope. Unprogrammed inspections of an establishment are normally partial inspections limited to the specific working conditions or practices forming the basis of the unprogrammed inspection. Depending upon available resources, the scope may be expanded under any of the following circumstances which shall be documented in the case file:
- (1) The establishment is listed on the current safety or health inspection register and the deletion criteria given in Chapter II or OSHA Instruction ADM 1.1-13A, Chapter X, do not apply.
 - (2) A substantially complete inspection of a construction or maritime establishment has not been conducted within the preceding 3 months.
 - (3) KY OSH Program inspection records for the establishment or for the employer in the case of a mobile worksite, indicate a history of significant violations.
 - (4) The allegations providing the basis for the unprogrammed inspection indicate the existence of potential hazards which can be identified by expanding the inspection.
 - (5) Any other legitimate reason as determined by the Director.
- c. Followup Inspections. In cases where a followup inspection is necessary, it shall be conducted as promptly as resources permit.
- (1) Followup Inspection Priority. Except in unusual circumstances, followup inspections shall be conducted no later than 30 working days after

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the latest violation abatement date and shall take priority over all programmed inspections and any unprogrammed inspection with hazards evaluated as other-than-serious. The seriousness of the hazards requiring abatement shall determine the priority among followup inspections.

(2) Required Followup Inspection. Followup inspections normally are required in the following situations:

- (a) Willful, repeated and high gravity serious violations;
- (b) Failure to abate notifications;
- (c) Citations related to an imminent danger situation;
- (d) When the employer fails to respond to a request for notification of abatement action by letter or other means after having been contacted several times; and
- (e) Whenever the Supervisor believes that particular circumstances (e.g., the number and/or the type of violations, past history of the employer, complex engineering controls, and etc.) indicate the need for a followup.

NOTE: See Chapter III, D.9.b.(9).

(3) Exceptions to Required Followup Inspections. It will not be necessary to conduct a followup inspection if any of the following applies:

- (a) Unquestionable Proof of Abatement. A followup inspection will not be necessary where unquestionable proof of abatement has been presented such as when the CSHO observed and documented the correction of the cited condition during the inspection.
- (b) Supervisor Determination. The Supervisor may determine that a followup inspection is not required. Justification for not conducting followup inspections may include statements by the employee or employer representative or other knowledgeable professionals attesting to

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the correction of the violation.

NOTE: Written signed statements are preferred; however, verbal communications are acceptable if summarized by KY OSH Program personnel in a written memorandum for the case file.

- (c) Administrative Closing of Case File. Where a required followup inspection has not been conducted within 6 months of the final correction date (and the case has become a final order of the Commission), the case file normally shall be administratively closed after consultation with the Director. All administratively closed case files shall contain verification of abatement as well as documentation as to the reasons why the required followup inspection was not conducted.
- (4) Multiple Abatement Dates. If a followup inspection is to be conducted where an employer has been cited for a number of violations with varying abatement dates, the followup inspection normally shall not be scheduled until after most, if not all, of the abatement dates set forth for the more serious violations in the citation(s) have passed. If satisfactory corrective action has been taken by the employer, additional followup activity normally shall not be scheduled unless the Supervisor believes that complex engineering controls or other special factors involved in the case warrant such activity.
- (5) Notice of Contest Not Filed. Followup inspections may be conducted during the 15-day notice of contest period provided the date set for abatement has passed and the employer has not actually filed such a notice. Normally, however, only those conditions considered high gravity serious shall subject an employer to being scheduled for followup during the contest period. If such a followup inspection reveals a failure to abate, a Notification of Failure to Abate Alleged Violation (KY OSH-2B) may be issued immediately without regard to the contest period of the initial citation. (See Chapter V, F.1. and Chapter VI, B.13.a.)

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- (6) Notice of Contest Filed. When a citation is currently under contest, a followup inspection shall not be scheduled regarding the contested items.
- (a) If the employer contests the proposed penalty but not the underlying citation, a followup inspection normally shall not be conducted unless the violations are considered high gravity and the Supervisor decides that a followup is necessary.
- (b) If a followup inspection is conducted at establishments involved in proceedings before the Review Commission, the CSHO shall explain in the opening conference that the inspection will not involve matters before the Commission.
- (7) Final Order. When the notice of contest is withdrawn, the proceeding is settled, or the Commission affirms alleged violations that are contested, the abatement period begins; and a followup inspection may be scheduled as appropriate after the Director has received clearance from the General Counsel.
- d. Monitoring Inspections. Monitoring inspections are conducted to ensure that hazards are being corrected and employees are being protected, whenever a long period of time is needed for an establishment to come into compliance. Such Inspections may be scheduled, among other reasons, as a result of a request for extension of abatement date (Chapter III, E.9); a corporate-wide settlement agreement (CSA) (OSHA Instruction CPL 2.90); or to ensure that terms of a permanent variance are being carried out.
- (1) Reserved.
- (2) Reserved.
- (3) Monitoring visits shall be scheduled to check on progress made on long-term or multistep abatement plans whenever abatement dates extend beyond one year from the issuance date of the citation.
- (a) These inspections shall be conducted every 6 months, counted from the citation date until final abatement has been achieved for all cited violations.

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If the case has been contested, the final order date shall be used as a starting point, instead of the citation date. A settlement agreement may specify an alternative monitoring schedule.

(b) If the employer is submitting satisfactory quarterly progress reports and the Director agrees, after careful review, that these reports reflect adequate progress on implementation of control measures and adequate interim protection for employees, a monitoring inspection may be conducted every 12 months.

(c) Such inspections shall have priority equal to that of serious formal complaints. The seriousness of the hazards requiring abatement shall determine the priority among monitoring inspections.

(4) Reserved.

(5) Monitoring visits may also be made for other reasons, as outlined in Chapter III, I.1.

e. Reinspection Referrals. Once a determination is made that a reinspection referral is required, based on the definition in Chapter IX, B.2.b.(2), the inspection shall be conducted in accordance with the priorities given at F.1.a.(3).

2. Programmed Inspections. A programmed inspection generally is a comprehensive inspection of the worksite but may be limited as necessary in view of resource availability and other enforcement priorities. (Low hazard areas, such as office space, may be excluded from inspection without affecting the comprehensiveness of the inspection.)

a. General. Certain considerations are fundamental to the implementation of KY OSH's targeting system.

(1) Policy. It is KY OSH policy that inspections conducted as programmed inspections be primarily in the "high hazard" sectors of employment.

(a) In the area of safety, the Agency considers a "high hazard industry" to be one within a Standard Industrial Classification (SIC) code having an

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occupational injury incidence rate equal to or higher than the national average rate for private sector industry as a whole as most recently published by the Bureau of Labor Statistics (BLS). High hazard industries are also called "high rate" industries.

- (b) In the area of health, the agency considers a "high hazard" industry to be one with a previous history of serious OSHA health citations.
 - (c) For the purpose of scheduling programmed inspections, construction and maritime are considered to be categories of high hazard employment.
 - (d) Other specific industries, such as logging, and oil and gas extraction, are also high hazard industries and are frequently scheduled for inspection as special emphasis programs.
- (2) Description. Both programmed safety inspections and programmed health inspections are scheduled using a multiple-step process.
- (a) The initial selection of a particular category of employment (e.g., Public Sector, high hazard general industry, construction, maritime, or high hazard health) is made in accordance with current agency policy.
 - (b) Within a category, establishments are selected for inspection from the Lost Time Claims Rate (LTCR) List or the SIC List for that category and placed in an inspection cycle. For Public Sector Agencies, a random list of establishments will be supplied by the Administrative Services Office. LTCR will be supplied by the National Office. For General Industry safety and health categories, establishment lists will ordinarily be provided by the National Office for each SIC code and corrected as necessary by the Office. For construction, worksite lists will be provided through the **DODGE DATALINE** service.

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(c) Where no list is provided by the National Office (e.g., maritime category), the Program Manager shall compile an establishment (worksite) list considering all establishments (worksites) within the State and using the best available information (manufacturing directories, commercial telephone listings, local knowledge, etc.).

b. Guidelines and Procedures. Programmed inspections shall be conducted jointly by both safety and health personnel whenever resources are available and it is likely, based on experience in inspecting similar workplaces, that both safety hazards and health hazards exist to a significant degree. If an inspection is begun as safety only or as health only but the CSHO determines during the course of the inspection that it should be expanded, the CSHO shall contact the supervisor. A decision will then be made on the basis of the information available whether the inspection should be expanded and, if so, to what extent. A decision may also be made, based on resource availability, to handle the information as a CSHO referral for inspection at a later time.

NOTE: Establishments which appear on both the safety and health registers should be scheduled for a joint safety/health inspection whenever practicable. (See F.2.b.(1)(e) 1 g.)

(1) Inspection Scheduling for General Industry (Safety & Health). The following procedures are to be adhered to in programming General Industry safety and health inspections.

NOTE: Public Sector Program targeted inspections and onsite evaluations have a priority equal to that of private sector general industry programmed inspections.

(a) Industry Rank Report. The National Office shall provide each State with a Statewide Industry Rank Report (SIC List), listing industries by their 4-digit Standard Industrial Classification (SIC) codes where available. (See OSHA Instructions CPL 2.25H and ADM 1-1.13A.)

1 The Safety SIC Lists are statewide listings of:

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- a Manufacturing industries within SIC codes with lost workday injury (LWDI) rates equal to or higher than the most recently published BLS national average rate for all of private sector industry ranked in order of their LWDI rate (the High Rate SIC List).
 - b Manufacturing industries within SIC codes with LWDI rates below the most recently published BLS national average rate for all of private sector industry ranked in order of their LWDI rate (the Low Rate SIC List).
 - c Nonmanufacturing industries selected from within SIC codes 4000 through 8900 ranked in order of their LWDI rate (the Nonmanufacturing SIC List). This list will not be provided to the Offices. Instead establishment selections shall be made randomly by the National Office.
- 2 The Health SIC List is a statewide listing of industries within SIC codes with a previous history of serious OSHA health violations.
- (b) Establishment Lists. The National Office will also provide a series of establishment lists for use by the Office in programming inspections.

NOTE: Establishments showing 10 or fewer employees will have been deleted from establishment lists provided by the National Office.

- 1 High Rate Establishment List for Safety. A list of all known establishments located within the jurisdiction for each SIC code on the High Rate SIC List will be provided by the National Office as available to all States. (See OSHA Instructions CPL 2.25H, Appendix B and ADM 1-1.13A, Chapter X.)

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2 Low Rate Establishment List for Safety. A list of all known establishments located within the State jurisdiction for each SIC code on the Low Rate SIC List will be provided by the National Office as available to all States. (See OSHA Instruction ADM 1-1.13A, Chapter X.)

3 Nonmanufacturing Establishment List for Safety. A list of randomly selected establishments located within the State jurisdiction for each SIC code on the Nonmanufacturing SIC List will be provided by the National Office to all States. (See OSHA Instruction ADM 1-1.13A, Chapter X.)

NOTE: Establishments which have been exempted from the recordkeeping requirements by reason of their primary SIC codes will have been deleted from the Nonmanufacturing Establishment List.

4 Health Establishment List. A list of all known establishments located within the State jurisdiction for each SIC code on the Health SIC List will be provided by the National Office as available to all States. (OSHA Instructions CPL 2.25H, Appendix A and ADM 1-1.13A, Chapter X.)

5 Adjustments. Prior to use of establishment lists provided by the National Office for scheduling purposes, the Program Managers shall make appropriate additions and deletions as follows:

NOTE: IMIS Codes for additions and deletions are also found in OSHA Instruction ADM 1- 1.13A, Chapter X, Table I, Update Codes. Additions and deletions may be applied to the inspection register (as defined in F.2.b.(1)(c)) in lieu of the entire establishment list for the Low Rate Manufacturing and the

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Nonmanufacturing programmed inspections prescribed in F.2.b.(1)(b). The number of establishments on the register before inspections begin shall be approximately equal to the number of projected inspections.

a Additions. The following updated code shall be used for adding establishments to the list:

<u>Code</u>	<u>Description</u>
AA	When information received from local sources reliably indicates that an establishment is classified within a SIC code on one of the SIC Lists but does not appear on the corresponding establishment list provided. Additions shall be placed on the proper SIC List in accordance with the listing criterion used; e.g., alphabetically, by size, etc.

b Deletions. The following deletion codes shall be used to update establishment lists. Deletions for any other reason shall be requested from the Director.

<u>Activity</u>	<u>Code</u>	<u>Description (# = last digit of the fiscal year)</u>
A#		Activity ceased or process not active.
B#		Business Closed-- Establishment is no longer in business.
C#		Consultation-- Establishment has been approved for exemption from inspection through

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consultation.

H#

Health inspection--A substantially complete health inspection was conducted within the current or previous 3 fiscal years with no serious violations cited; or, where serious violations were cited, an acceptable abatement letter or a followup inspection has documented "good faith" efforts to abate all serious hazards.

I#

Incorrect SIC code--The correct SIC code for the establishment is not on the current Safety High Rate SIC List or the current Health SIC Lists. This deletion also applies when the correct establishment SIC code is not on the Low Rate SIC List when used for scheduling according to F.2.b.(1)(e) 4 a (i.e., when the correct SIC code is a nonmanufacturing code).

EXAMPLES: Establishment is listed under an incorrect SIC code which is on the High Rate SIC List but the correct SIC code for the establishment is not on the High Rate SIC List.

Establishment is listed in a SIC code which was on the High Rate SIC List for the fiscal year in which the Inspection Register was made up initially, but

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is no longer on the High Rate SIC List at the time the inspection is scheduled.

NOTE: If an establishment is listed on the Low Rate or the Nonmanufacturing Establishment List for Safety under an incorrect SIC code, the establishment shall not be deleted from those lists unless the correct SIC code is listed on the High Rate SIC List. In that case, the establishment shall be removed from the Low R a t e o r Nonmanufacturing Establishment List for Safety and added to the High Rate Establishment List following F.2.b.(1)(f).

- J# Jurisdictional error--Not within State geographic area or jurisdiction.
- L# Location of establishment--Could not be found.
- O# Other reasons for deletion not listed above. Approval for deletion shall be requested from the Director.
- P# Plant office or headquarters--Nonplant facility.
- S# Safety inspection--Any comprehensive programmed safety inspection or a substantially complete unprogrammed safety

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inspection conducted within the current or previous two (2) fiscal years.

T# R e s e r v e d .

V# Voluntary protection program participation approved. Establishment has been approved to participation in the voluntary protection program.

W# Reserved.

Y# Carryover

(c) Inspection Register. After all the appropriate additions and deletions are made, the Office inspection registers shall be made up by determining which establishments on the several establishment lists are to be scheduled for inspection during the current fiscal year.

1 The Safety Inspection Register shall consist of the following elements:

- o Five percent of the total number of projected programmed high rate safety inspections to be conducted shall be randomly selected from the Low Rate Establishment List;
- o Five percent of the total number of projected programmed high rate safety inspections to be conducted shall be scheduled from the Nonmanufacturing Establishment List;
- o Ninety percent of the total number of projected programmed high rate safety inspections shall be selected in rank order from the High Rate Establishment List, for the purpose of inspection scheduling.

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2 The Health Inspection Register shall consist of the total number of projected programmed health inspections selected in rank order from the Health Establishment List.

NOTE: The number of projected programmed inspections is taken from the revised OSHA-146 Form (OSHA-146 EZ).

3 The inspection registers, together with adequate documentation on all additions, deletions, or other modifications, shall be maintained in the Office for 3 years following their completion. (See OSHA Instruction ADM 12.5 Appendix F, A.1. and B.1., Records Disposition Schedule NC1-100-82-1, Item 1a.)

(d) Inspection Cycles. The inspection registers of establishments to be inspected during the fiscal year shall be divided into two cycles, each consisting of one-half of the total number of establishments contained within each element on the register. The first half shall be designated as cycle one and the remaining half as cycle two.

(e) Inspection Scheduling. Within a cycle, establishments may be scheduled and inspected in any order that makes efficient use of available resources.

1 Each inspection cycle shall be completed before another cycle is begun. The only exceptions are as follows:

a An establishment may be carried over to another cycle if the establishment is not operating normally because of strikes, seasonal fluctuations, or other factors.

b An establishment may be carried over to another cycle if necessary equipment or personnel with necessary experience and qualifications to perform the

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inspection are not presently available.

- c An establishment may be carried over to another cycle if it is the last remaining establishment in a cycle, its inspection would require travel in excess of 50 miles and it cannot be combined with other inspection activity.
- d An establishment may be carried over to another cycle if the employer has not yet completed abatement action required as a result of a previous comprehensive KY OSH inspection of the same inspection type (safety or health) because the final abatement date has not yet come.
- e An establishment may be carried over to another cycle if the employer has contested a citation item issued as a result of a previous KY OSH inspection and the case is still pending before the Review Commission.
- f An establishment may be carried over to another cycle if the inspection cannot be completed due to the employer's refusal to allow the inspection.
- g An establishment may be carried over or moved up to another cycle in order to schedule joint safety/health inspections of an establishment on both the safety and health inspection registers.

EXAMPLE: An establishment appears in the first cycle of the safety register. It is also in the second cycle of the health register. The safety inspection may be carried over or the health inspection may be moved up so that they can both be conducted at the same time.

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- h An establishment may be carried over to another cycle if the inspection must be deferred because of the presence of a consultant at the worksite.
- i Approval for carrying over an establishment for reasons not listed above must be requested from the Director.

NOTE: Although the Director is authorized to carry over inspections to another cycle for the reasons given in this subparagraph, in most cases there is no requirement to do so.

- o There may be good reasons for not carrying an establishment over to another cycle; in that case, the Program Manager is free to schedule the inspection.
- o If an inspection is conducted rather than carried over and if there are items under contest or with an abatement date that is still open, those items shall be excluded from the scope of the inspection unless monitoring of abatement is required; e.g., pursuant to a settlement agreement. (See OSHA Instruction CPL 2.90.)

2 As previously described, the two inspection cycles are established with the number of inspections projected at the beginning of the fiscal year. The number of inspections actually performed, however, will depend on factors such as staffing, unprogrammed inspection activity and special programs.

- a If, at the end of the first

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cycle, it appears that the second cycle will be too long for the remainder of the fiscal year, the inspection register may be shortened so that the number of establishments will more nearly equal the number of inspections that can be performed. The projected number of inspections shall be based on the experience of the first cycle.

NOTE: The register shall be shortened by removing establishments from the end of the list in reverse order of their listing.

- b If at the end of the fiscal year a cycle has not begun, it is simply disregarded.
- c If all establishments in the two cycles are inspected before the end of the fiscal year, a third cycle shall be prepared by extending the inspection register to the next group of consecutively numbered establishments on the list. The number of establishments on the extended inspection register will be equal to an estimate of the number of inspections that the Office projects it can conduct prior to the end of the fiscal year.
- 3 Any cycle begun but not yet completed at the end of the fiscal year shall be completed, subject to the exceptions set forth in F.2.b.(1)(e) 1, before beginning the new fiscal year inspection cycles. The number of inspections yet to be completed shall be taken into account in setting the new fiscal year inspection cycles.
- 4 In the event that inspections have been conducted in all eligible establishments on the Establishment Lists received from the National Office before completing the planned number of inspections, the Program

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Manager shall:

- a For safety, establish additional cycles from the Low Rate Establishment List, selected in rank order, making appropriate adjustments, according to F.2.b.(1)(b) 5.
- b For health, request from the National Office, a list of additional establishments within the next group of targeted health SIC codes.

(f) Deletions and Additions. Once the inspection cycle itself begins, the following policy shall guide additions and deletions:

- 1 An establishment shall be deleted from an inspection cycle whenever one of the criteria for deletion becomes applicable. For example, an establishment may be out of business or inactive.
- 2 Where it is learned only after the compliance officer has arrived at the establishment that one of the criteria for deletion applies, the inspection shall not be conducted (or continued if already begun). Citations for the completed portion of the inspection shall still be issued, unless the SIC code is exempted. (See OSHA Instruction CPL 2.51G.)
- 3 If the CSHO learns after arrival that the establishment has been classified in the wrong SIC code, but the correct SIC is on the safety or the health register, the CSHO shall conduct the inspection at that time. Otherwise, the inspection shall be deferred.
- 4 A newly discovered establishment may be added at any time to the inspection register. If the establishment's SIC was included in an already completed first cycle, the

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inspection shall be performed as part of the second cycle.

(2) Inspection Scheduling for Construction. Due to the mobility of the construction industry, the transitory nature of construction worksites and the fact that construction worksites frequently involve more than one construction employer, inspections shall be scheduled from a list of construction worksites rather than construction employers.

(a) Inspection List. The KY OSH Program has contracted with the **DODGE DATALINE** to provide computer-generated inspection lists to the State based upon:

- 1 Counties located within the State boundaries;
- 2 Estimated number of worksites to be inspected during the monthly scheduling period and the number of employers expected to be covered by the inspection at each site;
- 3 The selection criteria are to be determined by the Program Manager based on local conditions. These selection criteria may be designed to include any class of worksites within the computerized selection process. Some examples of such criteria are:
 - o A minimum dollar value of the construction project.
 - o A minimum size of the project in square feet.
 - o The project start date.
 - o A certain length of time the project is likely to last.
 - o Specific stages of construction project (in percent complete).
 - o Specific types of construction projects.

(b) Reserved.

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- (c) Reserved.
- (d) Reserved.
- (e) Reserved.
- (f) Reserved.
- (g) Reserved.

- (h) Health Construction Inspections. No separate scheduling method is applied for programmed construction health inspections. Rather, the Program Manager shall determine which construction inspections are to be conducted as a joint inspection where serious health hazards are likely to exist at the worksite. However, a local emphasis plan may be submitted and approved for scheduling health construction inspections.

(3) Inspection Scheduling for Maritime.

G Exemptions and Limitations. Congress may place exemptions and limitations on OSHA activities through the annual Appropriations Act. Refer to current OSHA Instructions for guidelines on how to apply current exemptions and limitations to compliance programming. (See OSHA Instruction CPL 2.51G.)