



# **Guide to Workplace Safety for Departmental Safety Coordinators, Supervisors, Managers and Leads**

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# I. Occupational and Environmental Health & Safety Policy



## **County of Santa Clara Board of Supervisors' Occupational and Environmental Health & Safety Policy—May 24, 1994**

"The County of Santa Clara is committed to using environmentally sound practices and providing safe work environments to employees and the public we serve.

The County will comply with all environmental regulations and occupational safety standards, demonstrating the strongest commitment to the protection of the environment and the safety of its employees. County agencies, departments, employees and contractors will strive to preserve natural resources through pollution prevention, recycling, using environmentally-friendly products, and by reducing the use of toxic chemicals in the workplace.

The County will provide its employees the information, training, equipment, guidance and technical support to perform their job successfully and safely. Department heads, middle managers and supervisors will be held accountable for providing proper training, a safe work environment and prompt resolution of environmental health and safety issues.

All employees will be responsible for following County policies and procedures, assisting in resolving environmental health and safety issues, and contributing to the overall safety and environmental compliance of their operation. County management will recognize the efforts of employees who further the County's commitment to environmental health and safety practices.

The County will strive to constantly improve its overall safety and environmental compliance by supporting an organizational culture, which encourages all employees to reach their full potential while preserving the quality of life."

## II. Supervisor's Safety Information



## **Supervisor's Safety Information**

The responsibility for the health and safety of assigned employees is primarily vested in the supervisor. Supervisors play a critical role in ensuring understanding of safety practices, and providing incentive to do things right.

Every California employer has a legal obligation to provide and maintain a safe and healthful workplace for its employees. All County of Santa Clara Agencies or Departments fulfill this obligation through the implementation and maintenance of a written Injury and Illness Prevention Program (IIPP).

Supervisors have an affirmative responsibility to set up and maintain a safety program. The key principles include: personal protection, the work environment, proper equipment maintenance, safety education, departmental supervision and control, records, inspections, investigations and analysis.

The supervisor must continually review safety measures for their relationship to the physical well-being of every contractor, visitor, and employee on County premises.

The following is a list of some of the principal responsibilities supervisors have in health and safety:

### **DEVELOPMENT OF PROPER ATTITUDE**

The supervisor is responsible for the development of the proper attitude toward health and safety in all workers under his/her supervision. There is no single way to develop such an attitude. However, the following two activities will help promote the development of a positive attitude:

- (1) Personal Example - the supervisor must set the proper example by his/her personal behavior. When a work area or situation requires personal protective apparel, the supervisor must also use the necessary apparel. In addition, the supervisor must never act unsafely or violate a safety rule or an established safe work practice.
- (2) Acceptance of Responsibilities - the supervisor can best convince other employees of the importance of health and safety issues by carrying out his/her safety responsibilities conscientiously and with conviction.

## KNOWLEDGE OF SAFE WORK PROCEDURES

The supervisor is responsible for knowing the safe work procedures that must be used to perform each job task. It is also his/her responsibility to know what personal protective equipment is needed for each task and how this equipment must be properly used and maintained.

## ORIENTATION AND TRAINING OF EMPLOYEES

It is the supervisor's responsibility to train and instruct employees to perform their work safely. This includes proper use of machinery, hand tools, and use of chemicals and other hazardous materials. The supervisor should also stress the importance of proper body mechanics and lifting techniques to prevent back and other related injuries. Special attention and instruction should be given to new employees or employees who have been recently assigned to a new job. All training provided by the supervisor should be documented.

## DETECTION OF EMPLOYEE PERSONAL DIFFICULTIES

The supervisor should make every reasonable effort to observe each worker under his/her supervision sometime during each workday. It is the supervisor's responsibility (within reasonable limits) to detect personal difficulties, such as illness or disability among his/her workers. When such conditions are detected, proper action should be taken.

## ENFORCEMENT OF SAFE PRACTICES AND REGULATIONS

It is the supervisor's responsibilities to enforce safe work practices and procedures. Failure to do so invites an increase in unsafe acts and conditions, and inability to defend against citations and other potential liability.

## CONDUCTING PLANNED OBSERVATIONS

The supervisor should conduct planned observations of his/her employees to ensure compliance with safe work procedures. Whenever unsafe acts are observed, the supervisor should inform the worker immediately and explain why the act was unsafe. Depending upon the circumstance, disciplinary action may be warranted.

## PREVENTION OF UNSAFE CONDITIONS

Many unsafe conditions are the result of what employees do or fail to do properly. It is the supervisor's responsibility to train and periodically remind employees of what conditions to look for, and how to correct or report these conditions.

## CONDUCTING PLANNED SAFETY INSPECTIONS

The supervisor should conduct periodic inspections of tools, vehicles, machinery and assigned work areas. Planned inspections are an effective and systematic method of discovering physical conditions that could contribute to a work injury.

## CONDUCTING SAFETY MEETINGS

The supervisor should periodically conduct safety meetings to help increase safety awareness and keep employees informed about their organization's health and safety programs. Safety meetings should be kept short and cover relevant topics, such as recent job accidents or specific job hazards.

## CORRECTING UNSAFE CONDITIONS

The supervisor should take immediate steps to correct unsafe conditions within his/her authority and ability. When an unsafe condition cannot be immediately corrected, the supervisor should take temporary precautionary measures. A follow-up system should also be used to ensure corrective measures are completed in a timely fashion.

## INVESTIGATING UNSAFE CONDITIONS

The supervisor is responsible for conducting accident investigations as soon after the accident as possible. All facts and opinions regarding the cause(s) of the accident should be compiled and documented.

You are also responsible for becoming familiar with Workers' Compensation, so you can advise your employees regarding their rights.



## **SUPERVISORS' Guide:**

As supervisors, you have a special responsibility to initiate actions to safeguard the well-being of the workers you oversee.

**MOTIVATE** your employees toward proper accident awareness by having a positive attitude about safety and environmental compliance, and displaying the following attributes:

Knowledge—Knowing the rules of safety applying to the work you supervise. Obtain expert safety advice.

Example—Setting a good example by demonstrating safety in your own work habits and personal contact.

Communication—Encouraging your employees to discuss the hazards of their work with you. Be sure they understand and accept safety rules.

Anticipating Hazards—Anticipate hazards before they occur, or risks that may arise from changes in equipment or methods. Inspect the work environment regularly.

Encouragement— Motivate your employees to work safely by methods such as: periodic meetings, awards for good safety performance, use of educational materials (films, printed matter, field demonstrations), and your personal approval of a difficult task well-handled.

Investigation—Investigate and analyze every accident. Correct the cause. Encourage employees to report minor injuries to avoid a possible major injury later.

Cooperation—Cooperate with others in your organization who are actively concerned with accident prevention. Your combined purpose is to keep employees fully able and on the job.

**REMEMBER: Supervisors are responsible for everything  
their workers do—or fail to do!**

# III. How to Report a Safety Hazard

**Hazard Report**

**Concerned Employee: Complete This Section**

If this hazard presents a *clear and immediate* danger to health and safety, **DO NOT USE THIS FORM**. Report the problem to your supervisor and, if necessary, Occupational Safety and Environmental Compliance.

It is usually best to discuss a safety hazard with your supervisor before using this form. Use this form if you have already discussed the hazard with your supervisor and received a written notice of the hazard. Ask your supervisor for a blank form or photocopy any blank form to use as a guide. You may also ask your Steward to submit an anonymous report for you.

Hazard location: \_\_\_\_\_ Address: \_\_\_\_\_ Floor: \_\_\_\_\_ Department: \_\_\_\_\_

Date: \_\_\_\_\_

the departmental Safety Coordinator or the office of your union.

business days.

**Supervisor: Complete This Section** Keep a copy.

Your analysis and action taken: \_\_\_\_\_

Person contacted: \_\_\_\_\_

Person contacted: \_\_\_\_\_

Work Order or Service Call number (if applicable): \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Concerned Employee:**

If you are satisfied with your supervisor's response, this form is not needed. If you are not satisfied, you may contact the departmental Safety Coordinator, and Occupational Safety and Environmental Compliance.

This form developed by the Joint Labor/Management Safety Committee

4205 REV 7/07 REORDER CODE NUMBER 963079

## **How to Report a Safety Hazard in the County**

The County of Santa Clara encourages all employees to report unsafe conditions.

County first-line Supervisors and Departmental Safety Coordinators are trained to cultivate an environment where employees feel encouraged to bring forward safety concerns without fear of reprisal, to follow-up on employee concerns, and to use formal written procedures when needed. They also act as liaisons between employees and management to make sure there is follow-up resolution of those concerns.

### **Always report safety hazards to your supervisor immediately!**

In addition to completing the following formal Hazard Report form, other reporting avenues are:

- Report the hazard to your Departmental Safety Coordinator
- Report the hazard to your Departmental Safety Committee
- Report the hazard to OSEC at **(408) 441-4280**
- Report the hazard to your Union Safety Steward
- Report the hazard anonymously to any of the above.



# Hazard Report



## Concerned Employee: Complete This Section

If this hazard presents a *clear and immediate* danger to health and safety, DO NOT USE THIS FORM. Report the problem to your supervisor and, if necessary, Occupational Safety and Environmental Compliance.

It is usually best to discuss a safety hazard with your supervisor before using this form. Use this form if you wish to make a written notice of the hazard. Ask your supervisor for a blank form or photocopy any blank form to use as an original. You may also ask your Steward to submit an anonymous report for you.

Hazard location: Address: \_\_\_\_\_

Building: \_\_\_\_\_ Floor: \_\_\_\_\_ Department: \_\_\_\_\_

Describe the Hazard: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What action do you recommend? \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

➡ Give this form to your supervisor and keep a copy.

➡ If you do not hear from your supervisor within two business days, send copies to your Steward, the departmental Safety Coordinator, Occupational Safety and Environmental Compliance 441-4280 Fax 432-7555, and the local office of your union.

## Supervisor: Complete This Section *Give to the employee within two business days. Keep a copy.*

Your analysis and action taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person contacted: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Person contacted: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Work Order or Service Call number (if applicable): \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Concerned Employee:

If you are satisfied with your supervisor's response, no further action is necessary.

If you are dissatisfied or would like to discuss this matter further, contact your Steward, the departmental Safety Coordinator, and Occupational Safety and Environmental Compliance 441-4280.

# IV. Work-Related Serious Injury Reporting



**EMERGENCY**

AMBULANCE: \_\_\_\_\_

FIRE — RESCUE: \_\_\_\_\_



CAL/OSHA: \_\_\_\_\_

Posting is required by Title 8 Section 1512 (e), California Code of Regulations



March 1990  
S-500

State of California  
Department of Industrial Relations  
Cal/OSHA Publications  
P.O. Box 420603  
San Francisco, CA 94142-0603

## Work-Related Serious Injury Reporting

As an employer in the State of California, the County of Santa Clara is required to comply with administrative regulations and Safety Orders, or standards of the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), otherwise known as Cal/OSHA. These rules can be found at Cal/OSHA Standards Board website [[www.dir.ca.gov/oshsb/oshsb.html](http://www.dir.ca.gov/oshsb/oshsb.html)], and are codified as Title 8, California Code of Regulations, with a numerical section number, or abbreviated as 8 CCR § (number). Much of the remaining information in this Guide addresses these requirements and how to comply with them as a means of preventing accidents and promoting safety. This section covers reporting obligations necessary to follow Cal/OSHA regulations and to assist this state agency in achieving its mission of promoting occupational safety and health in workplaces in this state.

There are both reporting and recording (recordkeeping) requirements in Cal/OSHA regulations, and definitions that are needed to interpret whether reporting or recording is necessary. It is essential for County personnel responsible for occupational safety and health, and those who communicate with outside agencies to understand and properly implement these requirements.

### Work-Related Serious Injury or Fatality Reporting in a County Workplace or Worksite

The most important reporting obligation in Cal/OSHA regulations is the requirement to report a work-related fatality or serious injury within 8 hours to the nearest Cal/OSHA District Office. The applicable regulation is 8 CCR § 342(a), and the definition of serious injury—including illness—is at 8 CCR § 330(h), which is quoted, as follows due to its importance to a determination of whether an injury is considered serious for reporting purposes:

“(h) *Serious injury or illness* means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.”

Note: An excerpt of Sections 330(h) and 342 are presented as Exhibit IV-1.

To summarize the criteria, serious injury reporting is required whenever an employee of the County or any employee of any employer engaged in work activities for the County (regardless of whether that employer reports the incident) experiences any of the following:

- Death while engaged in work activities for the County at any location;
- Death at a County facility or worksite;
- A serious injury is defined as: 1) loss of any significant amount of tissue (bone loss) from a body part; 2) serious degree of permanent disfigurement (for example, loss of an eye); or 3) in-patient hospitalization for 24 hours for treatment, and not mere observation.

The importance of this reporting requirement is emphasized by the fact violations for late or non-reporting are subject to a mandatory minimum \$5,000 penalty [8 CCR § 336(a)(6)].

The following guidance provides additional information on the reporting process and its interpretation:

- ✓ Definition of injury types not relevant to reporting to Cal/OSHA: There are two other definitions of types of injuries sometimes confused with § 342(a) immediate reporting described above that are not relevant to this requirement. First is the definition of an OSHA Log 300 recordable case at 8 CCR § 14300.7, as discussed in Section XI, which overlaps to some extent by requiring recording of all reportable cases under § 342(a), but also includes many other criteria for less serious cases that are not immediately reportable. Examples include unconsciousness, heat illness not accompanied by hospitalization, and other beyond-first aid cases. Second is the relatively new definition of *serious physical harm* adopted by Assembly Bill 2774 and effective January 1, 2011 [California Labor Code § 6432(e)], which changed the criteria for a Serious citation as set forth in Cal/OSHA's classification of violations and penalty assessment regulation at 8 CCR § 334(c). This definition of *serious physical harm* is not criteria for immediate reporting, and, like the Log 300 definition above, adds several less serious types of injury not requiring immediate reporting. It is discussed further in Section IX Interacting with Cal/OSHA.
- ✓ Reporting to Cal/OSHA: A report should be made by telephone at any time of day, night, or weekend/holiday. The closest Cal/OSHA District Office to Santa Clara County is the Fremont District Office (510) 794-2521.
- ✓ What does "within 8 hours" mean with respect to a 24-hours of hospitalization criterion? In general, the appropriate timeframe for reporting a serious injury is within 8 hours of its occurrence, but, if the criterion at issue is 24-hours of hospitalization, the employer is not allowed to simply wait, but must exercise reasonable diligence to determine whether the employee is hospitalized as in-patient, the duration, and purpose of the hospitalization. Upon receipt of reliable information that the hospitalization will exceed 24 hours for more than observation, the case is reportable to Cal/OSHA as soon as possible after that time. The same procedure should be followed if the extent of injury cannot be

verified within 8 hours.

- ✓ What information is necessary when reporting a death or serious injury or illness to Cal/OSHA? The following information should be obtained and reported to Cal/OSHA:

- (1) Time and date of accident.
- (2) Employer's name, address and telephone number.
- (3) Name and job title or badge number of person reporting the accident.
- (4) Address of site of accident or event.
- (5) Name of person to contact at site of accident.
- (6) Name and address of injured employee(s).
- (7) Nature of injury(ies).
- (8) Location where injured employee(s) was (were) moved to.
- (9) List and identity of other law enforcement agencies present at the site of accident.
- (10) Description of accident and whether the accident scene or instrumentality has been altered.

#### Emergency Responder Reporting of Work-Related Serious Injury or Fatality

An additional aspect of Cal/OSHA's reporting regulation at 8 CCR § 342(b) requires governmental emergency responders to also report deaths and serious injuries to Cal/OSHA:

“(b) Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury, or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.”

This provision applies to County Fire and Sheriff's Departments, and is subject to the same reporting criteria and timing as set forth above. It should be noted that the reporting by emergency responders is required regardless of the employer of the victim, and in addition to the employer's report, if made.





## Reporting Work-Related Serious Injuries and Fatalities to County Employees Form

Every work-related **serious injury or illness or fatality** to County employees must be reported promptly, and **no later than 8 hours** to the nearest Cal/OSHA (DOSH) District Office.

**Call DOSH to report at (510) 794-2521**  
**Fax report to OSEC at (408) 432-7555**

### Required Information:

Time and date of accident
Employer's name, address and telephone number
Name and job title, or badge number of person reporting the accident
Address of site of accident or event
Name of person to contact at site of accident
Name and address of injured employee(s)
Nature of injury
Location where injured employee(s) was (were) moved to
List and identity of other law enforcement agencies present at the site of accident
Description of accident and whether the accident scene or instrumentality has been altered

## APPENDIX IV-1

### California OSHA Regulations for Reporting Work-Related Serious Injuries and Fatalities

**§ 300(h)** "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.

#### **§ 342. Reporting Work-Connected Serious Injuries and Fatalities.**

**IV.** Every employer shall report immediately by telephone to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment.

Immediately means as soon as practically possible but not longer than **8 hours** after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in CCA Section 330(h) [see below].

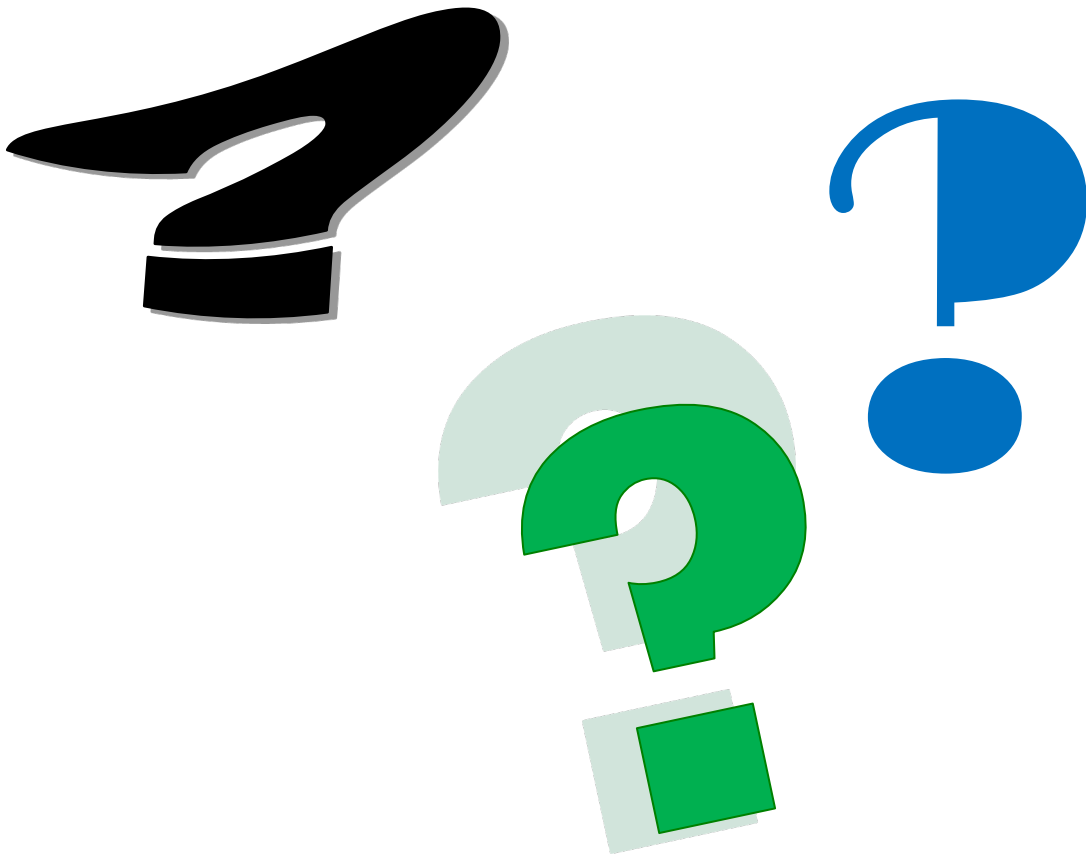
**V.** Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury, or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

**VI.** When making such report, whether by telephone or telegraph, the reporting party shall include the following information, if available:

- (1) Time and date of accident.
- (2) Employer's name, address and telephone number.
- (3) Name and job title, or badge number of person reporting the accident.
- (4) Address of site of accident or event.
- (5) Name of person to contact at site of accident.
- (6) Name and address of injured employee(s).
- (7) Nature of injury.
- (8) Location where injured employee(s) was (were) moved to.
- (9) List and identity of other law enforcement agencies present at the site of accident.
- (10) Description of accident and whether the accident scene or instrumentality has been altered.

**VII.** The reporting in (a) and (b) above, is in addition to any other reports required by law and may be made by any person authorized by the employers, state, county or local agencies to make such reports.

# V. Frequently Asked Questions about Safety in the Workplace



## Frequently Asked Questions about Safety in the Workplace

County of Santa Clara employees have a right to a safe and healthful workplace, as set forth in County policies, state law, and Cal/OSHA regulations and Safety Orders. Employees also have a right-to-know about procedures available to obtain information about safety and health issues generally, and specific information about job tasks and material hazards, and safe work practices. The intent of these measures is to ensure the opportunity for full participation by employees in matters affecting their safety and health, and the rights afforded under state law.

The following Frequently Asked Questions (FAQs) are intended to summarize employee rights, as well as responsibilities to participate in the County's workplace safety and health programs in a simple question and answer format. Further responses to questions and more complete documentation is available upon request from OSEC by calling **(408) 441-4280**.

### **FAQ:** What are my rights to a safe workplace?

**Answer:** In California, you have the right to:

- Safe and healthy working conditions.
- Training in safe work practices and hazards unique to your job assignment.
- Request action from your employer to correct hazards or violations.
- Receive information and training on hazardous substances in the workplace, including Safety Data Sheets and labels.
- Observe worksite monitoring/measuring of harmful substances.
- Be informed if you are exposed to harmful substances in concentrations higher than exposure limits allowed and of corrective action.
- See and copy your medical records and records of exposure to toxic and harmful substances and physical agents, including exposure records of workers working in similar jobs or conditions.
- Request an inspection by making a confidential complaint to Cal/OSHA about unsafe and unhealthy working conditions.
- Representation on a Cal/OSHA inspection.
- Talk privately with the Cal/OSHA inspector.
- See the Cal/OSHA citations posted where the violations occurred.
- See the log of occupational injuries and illnesses.
- Appeal abatement dates, participate in appeal proceedings and variance hearings and to representation in permit safety conferences.
- Take part in making changes to workplace safety and health standards or file a petition to the Occupational Safety and Health Standards Board for a new

standard.

- File a Cal/OSHA discrimination or whistleblower complaint with the Division of Labor Standards Enforcement.
- Request a research investigation on possible workplace health hazards from the National Institute for Occupational Safety and Health.

**FAQ: Do I have responsibilities as a worker under Cal/OSHA?**

**Answer:** Cal/OSHA does not cite workers, but does encourage employees to comply with all its rules, regulations and standards. Cal/OSHA recommends workers do the following:

- Read the Cal/OSHA poster at your jobsite.
- Increase your awareness of Cal/OSHA standards, which are designed to protect you.
- Obey all workplace safety and health laws, standards, orders and regulations.
- Safety in the Workplace
- Frequently Asked Questions (FAQ) November 2016
- Use protective equipment such as hard hats, safety belts, lifelines, machine guards and safety interlocks
- Don't interfere with others' use of safeguards
- Don't remove, displace, damage, destroy or tamper with safety devices, safeguards, notices or warnings
- Report hazardous conditions to the supervisor
- Report any job-related injury or illness to the supervisor
- Cooperate with Cal/OSHA enforcement personnel when they are conducting an inspection
- Exercise your rights under the California Occupational Safety and Health Act - they're provided for your protection.

These rights are described in the Safety and Health Protection on the Job Cal/OSHA poster displayed in County workplaces, and shown at Exhibit V-1.

**FAQ: Can I get into trouble with my employer if I complain to Cal/OSHA?**

**Answer:** An employee may not be discharged, punished or discriminated against in any way for filing a bona fide complaint about unsafe or unhealthy working conditions or exercising other rights protected by law.

**FAQ:** What should I do if my employer tells me not to talk to a Cal/OSHA inspector?

**Answer:** You have the right to discuss safety and health issues with Cal/OSHA inspectors in private. If you feel uncomfortable talking with Cal/OSHA inspectors at your workplace, just let them know and give them an alternate place and time that would be better for you. Furthermore, if your employer retaliates against you for talking to Cal/OSHA, you may file a claim with the Division of Labor Standards Enforcement.

**FAQ:** Do I have to agree to be interviewed by Cal/OSHA?

**Answer:** No. It's your right to decide if you want to be interviewed or not. If you choose not to be interviewed, the Cal/OSHA inspector may not get as much information on safety and health conditions in your workplace. Remember, all employees have the right to be interviewed in private during an inspection.

**FAQ:** If a Cal/OSHA inspector wants to interview me during an inspection, can it be done privately?

**Answer:** Yes. Cal/OSHA inspectors must interview workers privately during the inspection.

**FAQ:** Should I be informed about the physical and health hazards of materials I'm using in the workplace?

**Answer:** Yes. Employers are required to provide information to their employees about hazardous substances to which they may be exposed through a written Hazard Communication Program, including an inventory of hazardous substances, and through labels and other forms of warning, including Safety Data Sheets (SDS) and training.

**FAQ:** If my employer (the County) corrects a hazardous workplace condition, but I still feel it is unsafe, what can I do?

**Answer:** If you feel uncomfortable talking to your employer, you can file a complaint anonymously with any of the following County personnel:

- a. Your Supervisor
- b. Your Departmental Safety Coordinator
- c. Safety Committee Members
- d. Safety Steward
- e. The County Occupational Safety & Environmental Compliance (OSEC) Department

**FAQ:** What if I am denied these rights?

**Answer:** Any employee who believes they have been discharged or otherwise discriminated against for exercising their rights to a safe and healthful work environment may file a complaint with the State Division of Labor Standards Enforcement.

**FAQ:** Is there someone in the County I can call with safety and health questions?

Answer: First, talk to your supervisor, your Departmental Safety Coordinator, one of your Safety Committee members or your Safety Steward about safety and health issues. If you still have questions call an OSEC representative at (408) 441-4280 and ask for assistance.

Frequently Asked Questions about Safety in the Workplace; November 2016



## EXHIBIT V-1

# SAFETY AND HEALTH PROTECTION ON THE JOB

State of California  
Department of Industrial Relations



California law provides job safety and health protection for workers under the Cal/OSHA program. This poster explains the basic requirements and procedures for compliance with the state's job safety and health laws and regulations. The law requires that this poster be displayed. (Failure to do so could result in a penalty up to \$7,000.)

### WHAT AN EMPLOYER MUST DO:

All employers must provide work and workplaces that are safe and healthful. In other words, as an employer, you must follow state laws governing job safety and health. Failure to do so can result in a threat to the life or health of workers, and substantial monetary penalties.

You must display this poster so everyone on the job can be aware of basic rights and responsibilities.

You must have a written and effective injury and illness prevention program for your employees to follow.

You must be aware of hazards your employees face on the job and keep records showing that each employee has been trained in the hazards unique to each job assignment.

You must correct any hazardous condition that you know may result in serious injury to employees. Failure to do so could result in criminal charges, monetary penalties, and even incarceration.

You must notify the nearest Cal/OSHA office of any serious injury or fatality occurring on the job. Be sure to do this immediately after calling for emergency help to assist the injured employee. Failure to report a serious injury or fatality within 8 hours can result in a minimum civil penalty of \$5,000.

### WHAT AN EMPLOYER MUST NEVER DO:

Never permit an employee to do work that violates Cal/OSHA law.

Never permit an employee to be exposed to harmful substances without providing adequate protection.

Never allow an untrained employee to perform hazardous work.

### EMPLOYEES HAVE CERTAIN RIGHTS IN WORKPLACE SAFETY & HEALTH:

As an employee, you (or someone acting for you) have the right to file a complaint and request an inspection of your workplace if conditions there are unsafe or unhealthful. This is done by contacting the local district office of the Division of Occupational Safety and Health (see list of offices). Your name is not revealed by Cal/OSHA, unless you request otherwise.

You also have the right to bring unsafe or unhealthful conditions to the attention of the Cal/OSHA investigator making an inspection of your workplace. Upon request, Cal/OSHA will withhold the names of employees who submit or make statements during an inspection or investigation.

Any employee has the right to refuse to perform work that would violate a Cal/OSHA or any occupational safety or health standard or order where such violation would create a real and apparent hazard to the employee or other employees.

### SPECIAL RULES APPLY IN WORK AROUND HAZARDOUS SUBSTANCES:

Employers who use any substance listed as a hazardous substance in Section 339 of Title 8 of the California Code of Regulations, or subject to the Hazard Communications Standard (T8 CCR Section 5194), must provide employees with information on the contents on Safety Data Sheets (SDS), or equivalent information about the substance that trains employees to use the substance safely.

Employers shall make available on a timely and reasonable basis a Safety Data Sheet on each hazardous substance in the workplace upon request of an employee, an employee collective bargaining representative, or an employee's physician.

Employees have the right to see and copy their medical records and records of exposure to potentially toxic materials or harmful physical agents.

Employers must allow access by employees or their representatives to accurate records of employee exposures to potentially toxic materials or harmful physical agents, and notify employees of any exposures in concentration or levels exceeding the exposure limits allowed by Cal/OSHA standards.

Any employee has the right to observe monitoring or measuring of employee exposure to hazards conducted pursuant to Cal/OSHA regulations.

### WHEN CAL/OSHA COMES TO THE WORKPLACE:

A trained Cal/OSHA safety engineer or industrial hygienist may periodically visit the workplace to make sure your company is obeying job safety and health laws.

An inspection will also be conducted when a legitimate complaint is filed by an employee with the Division of Occupational Safety and Health.

Cal/OSHA also goes to the workplace to investigate a serious injury or fatality.

When an inspection begins, the Cal/OSHA investigator will show official identification from the Division of Occupational Safety and Health.

The employer, or someone the employer chooses, will be given an opportunity to accompany the investigator during the inspection. A representative of the employees will be given the same opportunity. Where there is no authorized employee representative, the investigator will talk to a reasonable number of employees about safety and health conditions at the workplace.

### VIOLATIONS, CITATIONS & PENALTIES:

If the investigation shows that the employer has violated a safety and health standard or order, then the Division of Occupational Safety and Health issues a citation. Each citation specifies a date by which the violation must be abated. A notice, which carries no monetary penalty, may be issued in lieu of a citation for certain non-serious violations.

Citations carry penalties of up to \$7,000 for each regulatory or general violation and up to \$25,000 for each serious violation. Additional penalties of up to \$7,000 per day for

You may not be fired or punished in any way for filing a complaint about unsafe or unhealthful working conditions, or using any other right given to you by Cal/OSHA law. If you feel that you have been fired or punished for exercising your rights, you may file a complaint about this type of discrimination by contacting the nearest office of the Department of Industrial Relations, Division of Labor Standards Enforcement (State Labor Commissioner) or the San Francisco office of the U.S. Department of Labor, Occupational Safety and Health Administration. (Employees of state or local government agencies may only file these complaints with the State Labor Commissioner.) Consult your local telephone directory for the office nearest you.

**EMPLOYEES ALSO HAVE RESPONSIBILITIES:**

To keep the workplace and your coworkers safe, you should tell your employer about any hazard that could result in an injury or illness to people on the job.

While working, you must always obey state job safety and health laws.

**HELP IS AVAILABLE:**

To learn more about job safety rules, you may contact the Cal/OSHA Consultation Service for free information, required forms and publications. You can also contact a local district office of the Division of Occupational Safety and Health. If you prefer, you may retain a competent private consultant, or ask your workers' compensation insurance carrier for guidance in obtaining information.

regulatory or general violations and up to \$15,000 per day for some serious violations may be proposed for each failure to correct a violation by the abatement date shown on the citation. A penalty of not less than \$5,000 nor more than \$70,000 may be assessed an employer who willfully violates any occupational safety and health standard or order. The maximum civil penalty that can be assessed for each repeat violation is \$70,000. A willful violation that causes death or permanent impairment of the body of any employee results, upon conviction, in a fine of not more than \$250,000, or imprisonment up to three years, or both and if the employer is a corporation or limited liability company the fine may not exceed \$1.5 million.

The law provides that employers may appeal citations within 15 working days of receipt to the Occupational Safety and Health Appeals Board.

An employer who receives a citation, Order to Take Special Action, or Special Order must post it prominently at or near the place of the violation for three working days, or until the unsafe condition is corrected, whichever is longer, to warn employees of danger that may exist there. Any employee may protest the time allowed for correction of the violation to the Division of Occupational Safety and Health or the Occupational Safety and Health Appeals Board.

**Call the FREE Worker Information Hotline - 1-866-924-9757**

**OFFICES OF THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

HEADQUARTERS: 1515 Clay Street, Ste. 1901, Oakland, CA 94612 — Telephone (510) 286-7000

**District Offices**

Bakersfield	7718 Meany Avenue, Bakersfield 93308	(661) 588-6400
Concord	1450 Civic Circle Suite 525, Concord 94520	(925) 602-6517
Foster City	1065 East Hillsdale Blvd. Suite 110, Foster City 94404	(650) 573-3812
Fremont/San Jose	39141 Civic Center Dr. Suite 310, Fremont 94538	(510) 794-2521
Fresno	2550 Mariposa St. Room 4000, Fresno 93721	(559) 445-5302
Los Angeles	320 West Fourth St. Room 670, Los Angeles 90013	(213) 576-7451
Modesto	4206 Technology Dr Suite 3, Modesto 95356	(209) 545-7310
Oakland	1515 Clay St. Suite 1301, Oakland 94612	(510) 622-2916
Sacramento	2424 Arden Way Suite 165, Sacramento 95825	(916) 263-2800
San Bernardino	464 West Fourth St. Suite 332, San Bernardino 92401	(909) 383-4321
San Diego	7575 Metropolitan Dr. Suite 207, San Diego 92108	(619) 767-2280
San Francisco	455 Golden Gate Ave. Rm. 9516, San Francisco 94105	(415) 557-0100
Santa Ana	2000 E. McFadden Ave, Ste. 122, Santa Ana 92705	(714) 558-4451
Santa Rosa	1221 Farmers Lane Suite 300, Santa Rosa 95405	(707) 576-2388
Torrance	680 Knox St. Suite 100, Torrance 90502	(310) 516-3734
Van Nuys	6150 Van Nuys Blvd, Suite 405, Van Nuys 91401	(818) 901-5403
West Covina	1906 West Garvey Ave. S. Suite 200, West Covina 91790	(626) 472-0046

**CAL/OSHA Consultation Service**

Headquarters: 2000 E. McFadden Ave. #214, Santa Ana, CA 92705 — (714) 558-4411

**Area & Field Offices:**

• Fresno/Central Valley	1901 North Gateway Blvd. Suite 102, Fresno 93727	(559) 454-1295
• Oakland/Bay Area	1515 Clay St. Suite 1103 Oakland 94612	(510) 622-2891
• Sacramento/Northern CA	2424 Arden Way Suite 410 Sacramento 95825	(916) 263-0704
• San Bernardino	464 West Fourth St. Suite 339 San Bernardino 92401	(909) 383-4567
• San Diego/Imperial Counties	7575 Metropolitan Dr. Suite 204 San Diego 92108	(619) 767-2060
• San Fernando Valley	6150 Van Nuys Blvd. Suite 307 Van Nuys 91401	(818) 901-5754
• Santa Fe Springs/Los Angeles/Orange County	1 Centerpointe Suite 150 La Palma 90623	(714) 562-5525

**Regional Offices**

Oakland	1515 Clay Street, Ste. 16-22A, Oakland 94612	(510) 286-1066
Sacramento	2424 Arden Way Suite 300, Sacramento 95825	(916) 263-2803
Santa Ana	2000 E. McFadden Ave, Ste 119, Santa Ana 92705	(714) 558-4300
Monrovia	750 Royal Oaks Drive, Ste 104, Monrovia 91016	(626) 471-9122

Enforcement of Cal/OSHA job safety and health standards is carried out by the Division of Occupational Safety and Health, under the California Department of Industrial Relations, which has primary responsibility for administering the Cal/OSHA program. Safety and health standards are promulgated by the Occupational Safety and Health Standards Board. Anyone desiring to register a complaint alleging inadequacy in the administration of the California Occupational Safety and Health Plan may do so by contacting the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor (Tel: 415-975-4310). OSHA monitors the operation of state plans to assure that continued approval is merited.

Feb 2014

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# VI. OSEC Services



## OSEC Services

Occupational Safety and Environmental Compliance (OSEC) is a department within the Office of the County Executive, County of Santa Clara tasked with the development and implementation of County-wide employee safety programs and for ensuring environmental compliance of internal County activities.

### OSEC's Responsibilities

OSEC is responsible for the development and implementation of County-wide employee safety programs and for ensuring environmental compliance of internal County activities. OSEC works with five (5) full-time Environmental Health and Safety Professionals, and more than eighty (80) departmental Safety Coordinators who devote part of their time to safety programs. Together, they support 46 County Departments and 8 County Agencies with over twenty one thousand (21,000) employees. Among the services offered by OSEC are:

- Occupational safety and environmental compliance support;
- Facility inspection and auditing, and environmental permitting assistance;
- Establishment of County-wide occupational safety and hazardous materials management program;
- Field investigations of accidents and hazardous materials incidents;
- Safety and hazardous materials assessments of County facilities;
- Safety Coordinator training; and
- Active member of Joint Union-Management County-wide Safety Committee.

OSEC further tracks and interprets new federal, state and local legislation relating to environmental compliance and occupational safety, and modifies County policies and procedures, as necessary.

OSEC's services to County Departments:

- Injury and Illness Prevention Program (IIPP) development and support;
- Departmental IIPP evaluation;
- California Occupational Safety & Health Act (Cal/OSHA) counseling and management consultation;
- Safety Coordinator training;
- Supervisor and Employee Group training;
- Facility inspection and audit;
- Environmental permitting assistance;
- Safety material and video lending library;
- Occupational safety and environmental compliance support; and

- Proactive Ergonomic Program.

### Safety Coordinators

Departmental Safety Coordinators are responsible for the overall condition of health and safety programs within their department. They serve as a critical liaison between OSEC, Agency/Department heads, and line supervisors and their employees. With input from employees and managers, Safety Coordinators oversee implementation of health and safety policies in a way that works well with their agency or department.





## **Injury and Illness Prevention Program (IIPP)**

Santa Clara County has implemented the Cal/OSHA-mandated Injury and Illness Prevention Program (IIPP) since adoption of this regulation in 1991. The IIPP rule requires an organized safety program with 10 separate requirements intended to prevent accidents and exposures to hazards that may cause injuries and illnesses to employees.

Other benefits of IIPP compliance include prevention of property damage and operational efficiency by specifically directing safety-oriented efforts by County Departments, their managers and supervisors, and professionals of OSEC. In addition, effective implementation of IIPP requirements supports Cal/OSHA's mission of state-wide employee safety and minimize that agency's need to investigate accidents associated with County operations.

### Elements of an Effective IIPP

As summarized in Exhibit VII-1, which explains the County's IIPP, the state standard codified at 8 CCR § 3203 in the General Industry Safety Orders requires a California employer's IIPP to include certain measures to achieve employee safety, which are identified in a written program and effectively implemented. Documentation of compliance must be maintained. The 10 elements of IIPP are:

- (1) A written program including all required elements.
  - (2) Identification of the person(s) responsible for implementing the program.
  - (3) Employer's system for identifying and evaluating hazards.
  - (4) Employer's procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner.
  - (5) Scheduled periodic inspections to identify unsafe conditions and work practices.
  - (6) Investigation of injuries and illnesses.
  - (7) A training program to instruct employees in general safe work practices and provide job-specific safety information.
  - (8) A system to communicate with employees on occupational safety and health matters, including encouraging reports of job hazards without fear of reprisal. (An employee/management safety committee is one method to meet this requirement.)
  - (9) Employer's system for ensuring employees comply with safe work practices, including disciplinary action.
  - (10) Recordkeeping to document compliance.
-

## Application of IIPP to Prevent Accidents

As indicated by the elements of the IIPP, safety and accident prevention is achieved by a systematic approach whereby the employer, through its designated persons with responsibility seek out hazards by conducting periodic inspections, investigating incidents, and communicating with employees. Once a hazardous condition is found, it must be corrected in a timely manner. Further, employees affected by the potential hazard are advised, and appropriate preventive measures—including training or re-training—implemented. Communication with employees includes incentives and progressive discipline, if necessary, to assure compliance with safe work practices. After decades of experience with IIPP implementation, which has improved the safety of workplaces, there are four (4) basic concepts that have been shown to be effective in preventing injuries and illnesses:

First, implementing the Injury and Illness Prevention Program to the extent every potentially injury-producing operation, equipment, task, and work practice is identified and hazards controlled by engineered protection or safe work practices.

Second, achieve full compliance with every Cal/OSHA standard applying to the operations, equipment, and work practices at a workplace.

Third, obtain supervisor and employee safety consciousness to preclude intentional and negligent unsafe acts, and establish effective communications to advise employer of unsafe conditions/problems.

Fourth, progressive discipline of any type appropriate to the safety rule violation and the employee's history must be administered and documented.

As explained in Section X. Interacting with Cal/OSHA, effective implementation of the County's IIPP and establishment of a safe work culture, as described above demonstrates the "reasonable diligence" necessary to assert recognized affirmative defenses to citations not warranted by the circumstances during an inspection or accident investigation.



## EXHIBIT VII-1

# *Injury & Illness Prevention Program*

### WHAT SHOULD I KNOW ABOUT THE COUNTY IIPP?

Our safety and health program will include:

Providing mechanical and physical safeguards to the maximum extent possible.

Conducting safety and health inspections to find, eliminate or control safety and health hazards as well as unsafe working conditions and practices, and to comply fully with the safety and health standards for every job.

Training all employees in good safety and health practices.

Providing necessary personal protective equipment, and instructions for use and care.

Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

Investigating, promptly and thoroughly, every accident to find out what caused it and correct the problem so it will not happen again.

Setting up a system of recognition and awards for outstanding safety service or performance.”



County of Santa Clara  
Occupational Safety &  
Environmental Compliance  
2310 N. First Street, Suite 204  
San Jose, CA 95131-1011  
Telephone (408) 441-4280  
Facsimile (408) 432-7555  
Intranet – <http://www.OSEC/>

*Safety is Everyone's*

## RESPONSIBILITY

“We recognize that the responsibilities for safety and health are shared:

The County accepts the responsibilities for leadership of the safety and health program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe conditions.

Supervisors are responsible for developing proper attitude toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program including compliance with all rules and regulations and for continuously practicing safety while performing their duties.”

# SAFETY ON- THE-JOB

Cal/OSHA is California's job safety and health program covering workers throughout the state. Cal/OSHA laws are enforced by the Division of Occupational Safety and Health.

One of those laws requires the County to have an Injury and Illness Prevention Program (IIPP). It must be in writing and be effective.

You and the County can work together to make our IIPP a good one.

## A GOOD PROGRAM WILL:

- Help keep you safe and healthy on the job.
- Help the County reduce costly accidents and illnesses at work.

## THE LAW SAYS THAT...

The County must give you safety training:

- When the IIPP is established.
- When you begin a new job.
- For each new job assignment.
- For any new process, procedure, substance, or equipment that creates a new hazard.

## THE COUNTY MUST ALSO:

- Communicate with you in a way that you understand.
- Encourage you to report unsafe conditions without fear of reprisal.
- Correct unsafe/unhealthy work conditions or practices as soon as possible.
- See that you comply with safe work practices.

## YOU'LL NEED TO KNOW...

- How to report a work-related injury or illness.
- Who provides your safety and health training and when it will take place.
- How to report a safety or health problem you've seen at work.
- How to reach the person responsible for your Department's IIPP.

The County could be cited by Cal/OSHA if you or your co-workers violate safety regulations by not following safe and healthful work practices. If there is something you don't understand about working safely or about the IIPP, then just ask your supervisor. You can use this information to work safely and stay safe from costly accidents and illnesses on the job.

## OCCUPATIONAL SAFETY & ENVIRONMENTAL COMPLIANCE (OSEC)

OSEC's mission is to develop policies and to provide oversight for the Environmental Health and Safety programs applicable to the operations of the County of Santa Clara.

OSEC assists in the training of County employees, the development of programs, and the impartial investigation of issues. OSEC evaluates and responds to the diverse needs of all agencies/departments and monitors activities to protect County employees and the public we serve.



## **Job Safety Information**

Visit our Intranet site at

<http://www.OSEC>

Click on the FAQs tab for your Department Safety Coordinator's contact information and to learn more about on-the-job safety at the County.

# IIPP CHECKLIST EVALUATION

Does the written Injury and Illness Prevention Program contain the elements required by California Code of Regulations, Title 8, Section 3203(a)?

Are the person or persons with authority and responsibility for implementing the program identified?

Is there a system for ensuring that employees comply with safe and healthy work practices (i.e., employee incentives, training and retraining programs, and/or disciplinary measures)?

Is there a system that provides communication with affected employees on occupational safety and health matter (i.e., meetings, training programs, posting, written communications, a system of anonymous notification concerning hazards and/or health and safety committees)?

Does the communication system include provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal?

Is there a system for identifying and evaluating workplace hazards whenever new substances, processes, procedures, or

equipment are introduced to the workplace and whenever the employer receives notification of a new or previously unrecognized hazard?

Were workplace hazards identified when the program was first established?

Are periodic inspections for safety and health hazards scheduled?

Are records kept of inspections made to identify unsafe conditions and work practices, if required?

Is there an accident and near-miss investigation procedure?

Are unsafe or unhealthy conditions and work practices corrected expeditiously, with the most hazardous exposures given correction priority?

Are employees protected from serious or imminent hazards until they are corrected?

Have employees received training in general safe and healthy work practices?

Do employees know the safety and health hazards specific to their job assignments?

Is training provided for all employees when the training program is first established?

Are training needs of employees evaluated whenever new substances, processes, procedures, or equipment are introduced to the workplace and whenever the

employer receives notification of a new or previously unrecognized hazard?

Are supervisors knowledgeable of the safety and health hazards to which employees under their immediate direction and control may be exposed?

Are records kept documenting safety and health training for each employee by name or other identifier, training dates, type(s) of training and training providers?

Does the employer have a labor-management safety and health committee?

Does the committee meet at least quarterly?

Is a written record of safety committee meetings distributed to affected employees and maintained for Cal/OSHA Division of Occupational Safety and Health (DOSH) review?

Does the committee review results of the periodic, scheduled worksite inspections?

Does the committee review accident and near-miss investigations and, where necessary, submit suggestions for prevention of future incidents?

When determined necessary by the committee does it conduct its own inspections and investigations, to assist in remedial solutions?

Does the committee verify abatement action taken by the employer as specified in DOSH citations upon request?

# VIII. Safety and Health Training



## **Safety and Health Training**

Santa Clara County has established comprehensive safety and health training programs for employees in conjunction with its IIPP and employee skills development objective.

Training is an investment in human resources and the organization's future. Training in the areas of occupational safety and environmental compliance is subject to a rapidly changing regulatory environment. In addition to the traditional safety training required by Cal/OSHA, several regulatory agencies also have training requirements. Beyond simple compliance, safety is, in fact, a key factor in most organization's standard operating principles. In addition to the obvious impact in the event of an accident on the injured worker, there are detrimental impacts on operations, performance, and workforce of on-the-job accidents that result in injuries and illnesses.

Pursuant to the Cal/OSHA IIPP Standard, training is provided to employees to address:

- General training to cover hazards basic to all places of employment;
- Specific training to cover hazards unique to each employee's job assignment; and
- Supplemental training in the event of a change in a job task, equipment, or finding of an unrecognized hazard.

### Training Responsibilities

The County IIPP dictates that Agency and Department Heads are ultimately responsible for departmental or site-specific IIPPs and employee training. They may delegate this responsibility to managers and supervisors in the organization who also function as a Safety Coordinator, Training Coordinator, Facility Manager or other designated representatives to manage and administer the program and the training function for their departments.

### Training Defined

What Constitutes Formal/Informal Training?

It would be prudent to consider all training efforts formal training, and document accordingly. Perhaps the only "training" considered informal would be presentations where having employees sign an attendance roster are impractical.

If you are still unclear as to whether training is formal or informal, ask yourself the following question: "If an inspector asks for training records provided to employees during the past year, will I be able to provide the records?" If the answer is yes or maybe, thorough documentation is essential. Remember: if it isn't documented, it did not happen. An employee's signature, along with copies of outlines and handout material documenting that all required elements are addressed are also very important.

## OSEC Services

OSEC generally coordinates training programs impacting the entire County where consistency of information is an important factor. Employees are provided with generic information on topics relating to environmental compliance and occupational safety in the workplace setting. Department managers and supervisors are responsible for ensuring employees receive this generic information, and for supplementing it with department specific information.

Documentation of training must be kept according to departmental recordkeeping retention practices as they relate to departmental IPPs.

Documentation for department or site-wide programs and for programs that require interfacing with regulatory agencies is usually coordinated through OSEC.

## EH&S Orientation for New Employees

OSEC provides new hires with the framework of the County IIPP. Departmental managers and supervisors are responsible for ensuring new employees are familiar with a departmental or site-specific IIPP for their organization. As it is essential that all new employees immediately receive the minimum training required for his or her position, a Safety Orientation Checklist must be used to document initial training (Exhibit VIII-1).

## Managers and Supervisors

Managers and supervisors are responsible for supplementing generic information distributed by OSEC with department-specific information. For example, the manager would have to designate specific emergency evacuation routes from the department and an assembly area outside to supplement the generic information provided by OSEC on an emergency evacuation plan and procedures.

Managers and supervisors are responsible for training that impacts day-to-day operations within their departments. Ensuring employees are familiar with standard operating procedures (SOPs) is a good example.

Managers and supervisors are responsible for identifying environmental health and safety (EH&S) training required for their employees based on the potential safety hazards of their job. They are also responsible to ensure employees receive required training and any refresher training as needed.

Managers and supervisors are also responsible for documentation relating to their operations, their work areas and their employees. As described in Section X. Interacting with Cal/OSHA, documentation of training is essential to being able to present defenses to proposed or issued citations that are not warranted.

## Classroom and Hands-On Training

Several topics will require the use of classroom or hands-on training. Such is the case when a skill must be evaluated by having the student demonstrate proficiency. An example is Forklift Operator certification training, where both classroom and hands-on training is required.

### Using Written Materials for EH&S Training

OSEC places an increased emphasis on the use of brochures, booklets and pamphlets for EH&S training. There are several reasons for this:

- It is the easiest and most efficient way to present information to a large number of County employees.
- Experience has shown a large percentage of our employees prefer to have the information presented in a clear, concise written format they can read at their convenience, rather than schedule time to go to a class.
- Brochures, booklets, and pamphlets simplify the training documentation process in that most of the information conveyed to employees is already in writing.
- Employees have written materials they can refer to in the future.

This information exchange will satisfy most training requirements. Managers and supervisors need only document that their employees have reviewed the materials and have had an opportunity to ask questions about the information.

### Advice on Locating Specific Cal/OSHA Training Requirements and Obtaining Training Resources

Cal/OSHA Safety Orders contain hundreds of specific regulatory requirements, including training obligations for many types of activities, equipment, and situations to which employees may be exposed. Although it is difficult to summarize such voluminous information, the following should provide useful tools to get started in identifying job-specific training requirements. In addition, OSEC staff are available to assist in identifying training requirements, interpreting Cal/OSHA standards, and help in preparation or presentation of training material.

- Finding Cal/OSHA Standards' Requirements: Cal/OSHA standards, or Safety Orders applying to County operations are in Title 8 of the California Code of Regulations (CCR) under various Safety Orders with easily recognized subjects. For example, General Industry, Construction, and Electrical—which cover nearly all safety topics relevant to County employment. These standards can be found on the Internet on the Cal/OSHA website at [www.dir.ca.gov/title8/index/T8index.asp](http://www.dir.ca.gov/title8/index/T8index.asp). These specific standards contain regulatory requirements plus any applicable training.
- Finding Training Requirements in Cal/OSHA Standards: Training requirements within Cal/OSHA Safety Orders are usually found in what are called program standards—those that comprehensively regulate an activity, including a written program or other documentation requirements. These standards differ from most Cal/OSHA standards specifying a physical condition to achieve safety, but not a training requirement. Therefore, within the General Industry Safety Orders, there are such programmatic



standards with training requirements, which are summarized in Exhibit VIII-2. In the Construction Safety Orders and Electrical Safety Orders, training is usually referred to as competent person training in several standards, also as shown in Exhibit VIII-2.

- Providing Training that complies with a standard and is effective in qualifying an employee to safely perform a job task is a matter of the trainer's knowledge and experience with respect to the subject, combined with available training material. As indicated, to assure being able to prove the quality of training, a written outline or other documentation of material presented is important to prepare and preserve. Cal/OSHA, Fed/OSHA, and the National Institute of Occupational Safety and Health (NIOSH), as well as simply "Googling" for safety information on a particular job task or equipment operation will produce many valuable training aids. **Be sure to coordinate with OSEC staff when considering training resources to assure materials are current and effective for use by the County.**
- Document Training: Documentation is necessary to demonstrate compliance with IIPP general training requirements, specific Cal/OSHA standard's training requirements, and to show reasonable diligence necessary to interact effectively with Cal/OSHA. Documentation in the form of a sign-in sheet is usually sufficient, but it must include the name of the trainee and his/her acknowledgement of being present (*e.g.*, signature), training date, trainer's name, and the topic. As indicated above, an outline of the presentation should be available, as well.



## EXHIBIT VIII-1

### Safety Orientation Checklist

As required under the California Injury and Illness Prevention Program Regulation and County Policy, every supervisor must instruct each new employee in the safety requirements of the job. The following checklist is provided for that purpose. Instruction should be completed within one (1) week after the employee is hired. Check each of the items on this form at the time instruction is given. When completed, sign, obtain employee's signature and give original to the employee. Place a copy in the employee's health and safety records file.

Employee Name: \_\_\_\_\_

Date Hired: \_\_\_\_\_

Job Class Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Department: \_\_\_\_\_

#### Topic Completed

- Emergency Procedures/Alarm Sound/Evacuation Routes
- Fire Protection/Location of Fire Extinguishers
- First Aid Kit and ERT Personnel
- Emergency Telephone Numbers
- Report Safety/Health Hazards
- Reporting Injuries
- Explanation of Job Hazards and Safe Work Practices
- Location and Review of Hazard Communication Program and Safety Data Sheets
- Discussion of Equipment Safety Devices
- Personal Protective Equipment (when required, what/how to use)
- Demonstration and Fitting of Personal Protective Equipment
- Ergonomics
- Proper Lifting Techniques
- Location and Review of Injury and Illness Prevention Program (IIPP)
- Housekeeping
- County Driver Orientation

*I instructed the above new employee in the subjects checked and believe he/she can reasonably be expected to perform his/her duties with an adequate degree of safety.*

Supervisor: \_\_\_\_\_

Employee: \_\_\_\_\_

Date: \_\_\_\_\_

#### Safety Goals

- The County of Santa Clara values its employees and clients and will provide healthy, safe and secure County facilities for them.
- Safety is everyone's responsibility, and the County supports and encourages employees to identify and resolve safety problems.
- Response to safety concerns will be given the highest priority at every level of County government.

## EXHIBIT VIII-2

<b>SAFETY TRAINING MATRIX*</b>			
<b>General Applicability and Safety Training Topics</b>	<b>Regulatory Reference(s) [8 CCR §§]</b>	<b>Training Frequency</b>	<b>Typical Job Safety Classification(s)</b>
<b>All Employees</b>			
Injury and Illness Prevention (IIPP)	§ 3203(a)(7)	Initial/Update	All employees; specific to job duties
Emergency Action Plan	§ 3220	Initial/Update	All employees; additional training necessary for employees with specific assignments
Portable Fire Extinguishers	§ 6151(g)	Initial/Annual	Any employee authorized to use a device
First Aid/CPR	§§ 1512(b), 3400(b)	Initial/Biennial	Any employee authorized to perform first aid
Bloodborne Pathogens	§ 5193(e)	Initial/Annual	Any employee authorized to perform first aid
Hazard Communication	§ 5194(h)	Initial/Annual	Any employee using hazardous substances
Ergonomic/Back Injury Prevention	§ 5110(b)(3), § 3203(a)(7)	Initial/Update	Employees who lift or exposed to RMI/ergonomic hazard
Heat Illness Prevention	§ 3395(h)	Initial/Annual	Any employee engaged in outdoor work
Medical/Exposure Records Access	§ 3204(g)	Initial/Update	Employees with hazardous substance exposure records
Walking/Working Surfaces, Means of Egress	§§ 3209-3215, § 3203	Initial/Update	General employment, any location
<b>Maintenance/Facilities Utility Employees</b>			
Acetylene/Fuel Gas Safety	§ 1740(k)(1)	Initial	Employees using acetylene or fuel gas
Accident Prevention Signs and Tags	§§ 3340(c), 3341(d)(5)	Initial	Employees exposed to signs/tags
Aerial Devices (with employee elevated)	§ 3648(l)(7)	Initial	Employees and drivers engaged in aerial device operation or being elevated
Agricultural/Industrial Tractors	§§ 3441(a), 3664(b)	Initial/Annual	Any employee operating a tractor
Agriculture/Electrical Safety	§ 3455(b)	Prior/Initial	Users
Asbestos Operations/Asbestos Awareness	§§ 1529(f), 5208(j)(7)(B)	Initial/Annual	Employees exposed to asbestos-containing materials
Confined Spaces	§§ 5157(g)(1), 5158(c)(2)	Initial/Update	Employees engaged in confined space activities: entrant, attendant, entry supervisor, rescuer
Crane/Hoist Safety	§§ 3472(h)(1); 1618.4	Initial/Update	Employees engaged in crane/hoist operations: operator, signal person
Electrical Safety	§§ 2320.2(a)(2), 2940(b)	Initial	Electricians and other electrical workers
Electronic News Gathering (ENG)	§ 2982(a)(2), (b)(1)	Initial/Annual	Any employee operating an ENG vehicle
Elevating Work Platforms	§ 3646(c)	Initial	Employees using or assembling elevating work platforms
Elevating Work Platforms and Aerial Devices (Scissor Lifts, Boom Lifts)	§§ 3648(l)(7), 3646	Initial	Employees using elevating work platforms
Excavation/Trenching/Shoring	§§ 1540, 1541(b)(1)(D)	Initial	Employees in and around trenches, excavations, etc.

SAFETY TRAINING MATRIX*			
General Applicability and Safety Training Topics	Regulatory Reference(s) [8 CCR §§]	Training Frequency	Typical Job Safety Classification(s)
Fall Protection	§§ 1670, 3209, 3210	Initial	Employees engaged in activities 30-inches or more above floor with no guardrail
Fire Prevention Plan	§ 3221(d)	Initial/Update	Employees exposed to fire hazards
Fixed Fire Extinguishing Systems	§ 6175(b)(10)	Initial/Annual	Employees who inspect, maintain, operate, repair fixed fire extinguishing equipment/system
Flaggers/Traffic Control	§ 1599(f)	Initial	Employees engaged in traffic control activities: flaggers, field workers, grounds workers
Forklift Safety	§ 3668(a)(1)	Initial/Triennial	Forklift drivers
Forklifts Elevating Employees	§ 3657	Initial	Forklift drivers
Fumigation	§ 5221(b)	Initial	All employees working with fumigants or near fumigant operations
Hazardous Waste Operations	§ 5192(p) or (q)	Initial/Annual	Employees who manage hazardous wastes or respond to spills/releases
Hearing Conservation/ Noise Control	§ 5099(a)	Initial/Annual	Employees exposed to 85 dBA or above
Laser Equipment	§ 1801(a)	Initial	Employees who install, adjust, operate laser equipment
Lead	§§ 5198(l)(1)(A), 1532.1(l)(1)(A)	Initial/Annual	Employees engaged in construction work or maintenance work
Liquid Oxygen and Ozone Safety	§§ 5500 – 5509	Initial	Employees exposed to liquid oxygen or ozone
Lockout/Tagout	§§ 2320, <i>et seq.</i> ; 3314(a)	Initial/Update	Any employee exposed to machines or equipment in which the unexpected energization or start-up of the machines or equipment, or release of stored energy ( <i>e.g.</i> , during cleaning, repairing, servicing, setting-up or adjusting) could cause injury; millwrights
Natural Gas Fuel Tanks on Vehicles	§ 544(o)	Initial	Drivers
Permanent Powered Platforms—Building Maintenance	§ 3298(a)	Initial	Employees engaged in operation of powered platforms
Personal Protective Equipment (PPE)	§ 3380(f)(4) – (6)	Initial/Update	Employees required to use PPE
Pesticide Safety	§ 5194	Initial/Annual	Employees exposed to pesticides, including field/grounds workers, applicators
Powder-Actuated Tools (PAT)	§ 1685	Initial	Employees with valid PAT operator's card and qualified PAT instructors
Power Lawn Mowers	§ 3563(e)	Initial/Update	Employees who operate power lawn mowers
Power Presses	§ 4203(a)	Initial	Employees who inspect or maintain power press equipment
Power Presses—Operators	§§ 4203(b), 4208.1	Initial/Annual	Employees who operate power press equipment
Respiratory Protective	§ 5144(c) and (k)	Initial/Annual	Employees engaged in

<b>SAFETY TRAINING MATRIX*</b>			
<b>General Applicability and Safety Training Topics</b>	<b>Regulatory Reference(s) [8 CCR §§]</b>	<b>Training Frequency</b>	<b>Typical Job Safety Classification(s)</b>
Equipment			field/grounds work, or maintenance
Roofing Operations/Roof Hazards	§§ 1730, 1510	Initial	Any employee engaged in roofing operations
Rims or Wheels—Servicing	§ 3326(c)	Initial/Update	Mechanics and other employees engaged in servicing rims or wheels
Rope Access Equipment	§ 3270.1(c)(2) and (3)	Initial/Annual	Any employee engaged in rope access work
Safety Instructions for Employees	§ 1510(a), (c)	Initial	All construction employees
Seatbelts (in vehicles with rollover protection)	§ 3653(a)	Initial	Employees who operate industrial vehicles with rollover protection
Tree Work, Maintenance or Removal	§§ 3241(c), 3423(a)	Before engaging in work	Any employee engaged in tree work, maintenance or removal
Tree Work—Electrical Line Clearance	§ 2951	Initial	Employees engaged in tree work involving electrical line clearance
Welding and Cutting Safety/Fire Watch/Hot Work	§§ 4799, 3203	Initial	Welding and maintenance employees
<b>Special Occupations</b>			
Aerosol Transmissible Diseases and Zoonotics	§§ 5199(i) and 5199.1(d)(9)	Initial/Annual	Health Care Workers, Emergency Responders (EMTs)
Bloodborne Pathogens	§ 5193(e)(5)(C) and (g)(2)(A)	Initial/Annual	Laboratory, Medical, Public Safety, First Aid Personnel
Chemical Hygiene—Laboratories	§ 5191(f)	Initial	Laboratory Personnel
Helicopter Operations	§ 1901(c), 1907(a) [ground crew]	Before each operation/ Daily	Employees engaged in helicopter operations, including ground crew
Hyperbaric Medical Chamber	§ 6075(c)	Initial	Employees exposed to, or control the exposure of others to hyperbaric conditions
Hazardous Waste Operations under RCRA Hazardous Waste Operations Emergency Response (HAZWOPER)	§§ 5192(p) or (q)	Initial/Annual	Employees engaged in hazardous waste management activities; emergency response employees who may be exposed to chemical releases
Safe Patient Handling	§ 5120(d)	Initial/Annual	Health Care Workers
Qualified Person—Construction	§§ 1504 (definition); 1541(b)(1)(D)		Construction Supervisor, Excavation Leads
Qualified Person—Electrical	§§ 2300 (definition); 2320.1		Electricians, Utility Supervisors
<b>Notes to Table:</b> <ol style="list-style-type: none"> <li>1. Limitations include specific machinery guarding and chemical exposure standards requiring additional research as to applicability.</li> <li>2. Annual training means mandatory re-training with 12 months of prior training.</li> <li>3. Update training means training required if there is a change in exposure or hazard, change in equipment or work practice, or noticed deficiencies warranting retraining.</li> </ol>			
*Courtesy of Paul Burnett, Safety Program Administrator, Santa Clara Valley Water District, as edited 12/28/16			

# IX. OSHA Log 300

## Recording of Work-Related Injuries and Illnesses

**OSHA's Form 300** (Rev. 01/2004)  
**Log of Work-Related Injuries and Illnesses**

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20 2004  
 U.S. Department of Labor  
 Occupational Safety and Health Administration  
 Form approved OMSB on 11/14/03

Establishment name X17 Company  
 City Anytown State MA

*You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.*

Identify the person		Describe the case		Classify the case			Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness						
(A) Case no.	(B) Employer's name	(C) Job title (e.g. Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g. Loading dock west end)	(F) Describe injury or illness, parts of body affected, and object or substance that directly injured or made person ill (e.g. Second degree burns on right forearm from gasoline tank)	(G) Death	(H) Days away from work	(I) Job transfer or restriction	(J) Other recordable cases	(K) Any days transfer or restriction	(L) On job days transfer or restriction	(M) Injury	(N) Illness	(O) Injury	(P) Illness
1	Mark Bagin	Welder	5 / 25 Monday	basement	fracture, left arm and left leg, fall from ladder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12 days	15 days	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Shane Alexander	Foundry man	7 / 2 Monday	pouring deck	poisoning from lead fumes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7 days	30 days	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Sara Sander	Electrician	8 / 15 Monday	2nd floor stairwell	broken left foot, fall over box	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 days	30 days	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Ralph Escobar	Laborer	9 / 17 Monday	parking deck	Back strain lifting boxes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	days	days	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Ferrod Daniels	Machine op.	10 / 23 Monday	production floor	dust in eye	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	days	days	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Be as specific as possible. You can use two lines if you need more room.**

**Revise the log if the injury or illness progresses and the outcome is more serious than you originally recorded for the case. Cross out, erase, or white-out the original entry.**

**Choose ONLY ONE of these categories. Classify the case by recording the most serious outcome of the case, with column G (Death) being the most serious and column J (Other recordable cases) being the least serious.**

**Note whether the case involves an injury or an illness.**

# OSHA Log 300 Recording of Work-Related Injuries and Illnesses

## OSHA Log 300 Recordkeeping

Cal/OSHA Form 300 is used to record, or log, all injuries and illnesses, except those that have been determined to be first aid only.

This form contains a summary of the total number of job-related injuries and illnesses that occurred during the previous year. Employers are required to post only the summary (Form 300A)—not the Log 300 because there may be employee privacy issues involved. Employers are not to include an employee's name for specific injuries or illnesses, such as needle sticks, HIV infection, hepatitis, sexual assault and others. In addition, an employee suffering from an injury or illness not listed as a privacy issue may request that his/her name not be entered on the Log.

OSHA Log 300 recordkeeping is a Cal/OSHA regulation [8 CCR § 14300] requiring all governmental employees in the state to complete Cal/OSHA Forms 300 and 300A (or equivalent) for work-related injuries, illnesses and fatalities.

Employers must post a Form 300A Summary in the workplace between February 1st through April 30<sup>th</sup> each year. In addition, the Form 300A Summary requires employment information about the annual average number of employees and total hours worked during the calendar year is also required to assist in calculating incidence rates. If there are no recordable injuries or illnesses in the previous year, the summary is completed with zeros on the "total" line. The form must be certified by the highest-ranking official working at the establishment. Form 300A is to be displayed in a common area where notices to employees are usually posted.

## Importance of Proper Log 300 Recording

OSHA Log 300 recording of injuries and illnesses replaced the former Log 200 system in 2007, with the express purpose of requiring individual establishment or workplace recordkeeping instead of corporation or other organization-wide recording. In addition, employment data is required to be included on the Summary Form 300A. These changes afford the ability by Cal/OSHA, as well as employer to determine on a workplace-by-workplace basis the incidence of total recordable, lost time cases, as well as other incidence rates for different types of cases. The calculation is a relatively simple conversion of average employment by number of employees or hours worked to 100-employee or 2,000-hour increments, and then dividing the number of cases by this value to obtain cases per 100 employees. This information can then be compared to federal OSHA's data and statistics website Log 300 incident rate tables for comparable industry sectors listed by North American Industrial Classification System (NAICS) Code. [[www.osha.gov/oshstats/work.html](http://www.osha.gov/oshstats/work.html)]

Any Log 300 recording establishment can evaluate its performance against national and state data to determine the effectiveness of its safety program or the quality of its recordkeeping practices if recordkeeping discrepancies are noted. It is a fact that whenever Cal/OSHA conducts an inspection or accident investigation, it requests several years of Log 300s and

associated Form 301 annual summaries to perform this type of analysis.

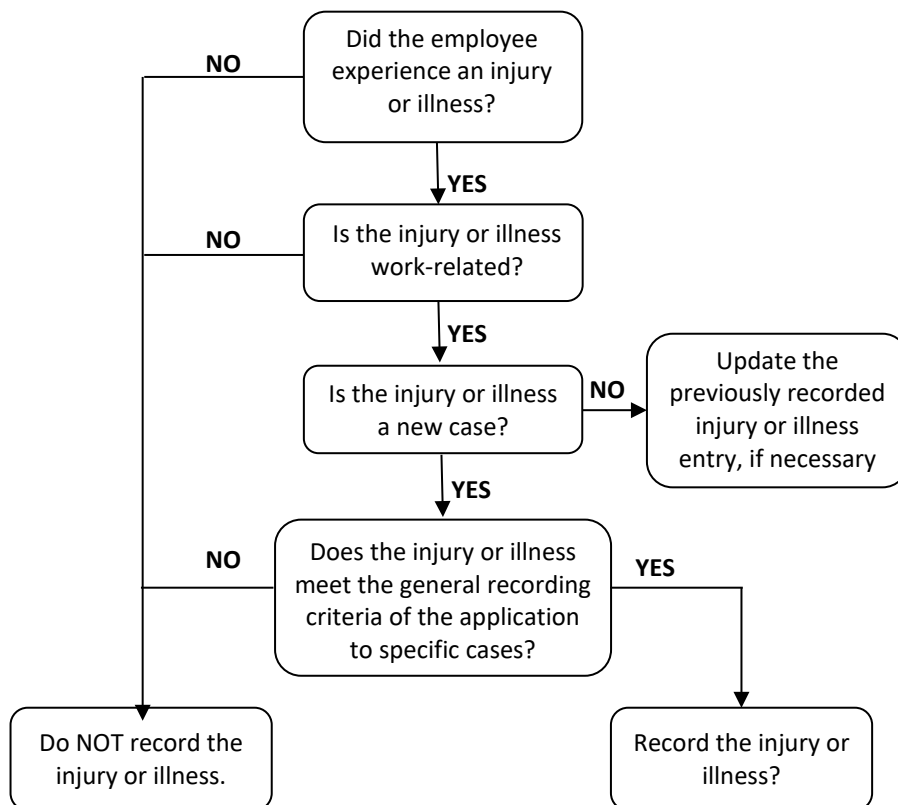
### Proper Completion of Log 300

As required by Cal/OSHA's § 14300 regulation, injuries and illnesses are recordable if: 1) work-related; 2) a new case; and 3) meets recording criteria, including:

- ✓ A fatality;
- ✓ An injury or illness resulting in days away from work;
- ✓ An injury or illness resulting in restricted work or transfer to another job;
- ✓ An injury or illness involving a loss of consciousness;
- ✓ An injury or illness requiring medical treatment beyond first aid; or
- ✓ Is a significant injury or illness diagnosed by a physician or other licensed health care professional.

Cal/OSHA has posted detailed instructions and other advice on Log 300 compliance at its website: [www.dir.ca.gov/dosh/etools/recordkeeping/index.html](http://www.dir.ca.gov/dosh/etools/recordkeeping/index.html).

The following flow chart simplifies the process of determining whether a specific injury or illness needs to be recorded on the Log 300:



One of the more complicated decisions with respect to determining if a case is recordable is whether medical treatment or first aid was received. First aid only renders a case non-recordable. The regulation includes a list of first aid measures not considered medical treatment (Exhibit IX-5).

Once it is determined an injury or illness case is recordable, the following procedures apply:

- ✓ Entry of the new work-related fatality or recordable injury or illness on the Log 300 within 7 days;
- ✓ Completion within 7 days of a case-related Form 301 Incident Report or authorized alternative. In California, Workers' Compensation form, "Employer's Report of Occupational Injury or Illness" (WC 5020) is available, and may be advantageous to avoid duplication of forms and due to its legal safeguards.
- ✓ Completion of recordable case totals and establishment information (employer head-count data) onto the Annual Summary (Form 300A).
- ✓ Form 300A must be posted February 1 through April 30.
- ✓ Injury and illness recording forms must be maintained for five (5) years (and be retained and updated if the status of a case changes).

Note 1: As mentioned above, any privacy case, due to its sensitive nature, or upon an employee's request for privacy of his/her injury and illness information, may not include the employee's name on the Log 300. A case code must be assigned and information relating the code to the employee must be kept confidential.





## EXHIBIT IX-2

# Cal/OSHA Form 301 Injury and Illness Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.  
See CCR Title 8 14300.29(b)(6)-(10)



Department of Industrial Relations  
Division of Occupational Safety & Health

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with *Log of Work-Related Injuries and Illnesses* and the accompanying *Annual Summary*, these forms help the employer and Cal/OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the instructions and information asked for on this form.

According to CCR Title 8 Section 14300.33 Cal/OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by \_\_\_\_\_

Title \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

### Information about the employee

- 1) Full name \_\_\_\_\_
- 2) Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 3) Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_
- 4) Date hired \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5)  Male  
 Female

### Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Facility \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 7) If treatment was given away from the worksite, where was it given?  
Facility \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 8) Was employee treated in an emergency room?  
 Yes  
 No
- 9) Was employee hospitalized overnight as an in-patient?  
 Yes  
 No

### Information about the case

- 10) Case number from the Log \_\_\_\_\_ (Transfer the case number from the Log after you record the case.)
- 11) Date of injury or illness \_\_\_\_/\_\_\_\_/\_\_\_\_
- 12) Time employee began work \_\_\_\_\_ AM / PM
- 13) Time of event \_\_\_\_\_ AM / PM  Check if time cannot be determined
- 14) What was the employee doing just before the incident occurred? Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."
- 15) What happened? Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."
- 16) What was the injury or illness? Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."
- 17) What object or substance directly harmed the employee? Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.
- 18) If the employee died, when did death occur? Date of death \_\_\_\_/\_\_\_\_/\_\_\_\_

# EXHIBIT IX-3

State of California <b>EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS</b>		Please complete in triplicate (type if possible) Mail two copies to:		OSHA CASE NO.	
				FATALITY <input type="checkbox"/>	
Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.		California law requires employers to report within five days of knowledge every occupational injury or illness which results in lost time beyond the date of the incident OR requires medical treatment beyond first aid. If an employee subsequently dies as a result of a previously reported injury or illness, the employer must file within five days of knowledge an amended report indicating death. In addition, every serious injury, illness, or death must be reported immediately by telephone or telegraph to the nearest office of the California Division of Occupational Safety and Health.			
EMPLOYER	1. FIRM NAME	1a. Policy Number	Please do not use this column		
	2. MAILING ADDRESS: (Number, Street, City, Zip)	2a. Phone Number			CASE NUMBER
	3. LOCATION if different from Mailing Address (Number, Street, City and Zip)	3a. Location Code			OWNERSHIP
	4. NATURE OF BUSINESS; e.g., Painting contractor, wholesale grocer, sawmill, hotel, etc.	5. State unemployment insurance acct no			
6. TYPE OF EMPLOYER: <input type="checkbox"/> Private <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> School District <input type="checkbox"/> Other Gov't, Specify: _____				INDUSTRY	
7. DATE OF INJURY / ONSET OF ILLNESS (mm/dd/yy)	8. TIME INJURY/ILLNESS OCCURRED _____ AM _____ PM	9. TIME EMPLOYEE BEGAN WORK _____ AM _____ PM	10. IF EMPLOYEE DIED, DATE OF DEATH (mm/dd/yy)		
11. UNABLE TO WORK FOR AT LEAST ONE FULL DAY AFTER DATE OF INJURY? <input type="checkbox"/> Yes <input type="checkbox"/> No	12. DATE LAST WORKED (mm/dd/yy)	13. DATE RETURNED TO WORK (mm/dd/yy)	14. IF STILL OFF WORK, CHECK THIS BOX: <input type="checkbox"/>		
15. PAID FULL DAYS WAGES FOR DATE OF INJURY OR LAST DAY WORKED? <input type="checkbox"/> Yes <input type="checkbox"/> No	16. SALARY BEING CONTINUED? <input type="checkbox"/> Yes <input type="checkbox"/> No	17. DATE OF EMPLOYER'S KNOWLEDGE NOTICE OF INJURY/ILLNESS (mm/dd/yy)	18. DATE EMPLOYEE WAS PROVIDED CLAIM FORM FORM (m/m/dd/yy)		
19. SPECIFIC INJURY/ILLNESS AND PART OF BODY AFFECTED, MEDICAL DIAGNOSIS if available, e.g., Second degree burns on right arm, tendonitis on left elbow, lead poisoning				SEX	
20. LOCATION WHERE EVENT OR EXPOSURE OCCURRED (Number, Street, City, Zip)		20a. COUNTY	21. ON EMPLOYER'S PREMISES? <input type="checkbox"/> Yes <input type="checkbox"/> No		
22. DEPARTMENT WHERE EVENT OR EXPOSURE OCCURRED, e.g., Shipping department, machine shop.		23. Other Workers injured or ill in this event? <input type="checkbox"/> Yes <input type="checkbox"/> No		AGE	
24. EQUIPMENT, MATERIALS AND CHEMICALS THE EMPLOYEE WAS USING WHEN EVENT OR EXPOSURE OCCURRED, e.g., Acetylene, welding torch, farm tractor, scaffold				DAILY HOURS	
25. SPECIFIC ACTIVITY THE EMPLOYEE WAS PERFORMING WHEN EVENT OR EXPOSURE OCCURRED, e.g., Welding seams of metal forms, loading boxes onto truck.				DAYS PER WEEK	
26. HOW INJURY/ILLNESS OCCURRED. DESCRIBE SEQUENCE OF EVENTS. SPECIFY OBJECT OR EXPOSURE WHICH DIRECTLY PRODUCED THE INJURY/ILLNESS, e.g., Worker stepped back to inspect work and slipped on scrap material. As he fell, he brushed against fresh weld, and burned right hand. USE SEPARATE SHEET IF NECESSARY				WEEKLY HOURS	
27. Name and address of physician (number, street, city, zip)				WEEKLY WAGE	
		27a. Phone Number		COUNTY	
28. Hospitalized as an inpatient overnight? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes then, name and address of hospital (number, street, city, zip)		28a. Phone Number		NATURE OF INJURY	
		29. Employee treated in emergency room? <input type="checkbox"/> Yes <input type="checkbox"/> No		PART OF BODY	
ATTENTION This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes. See CCR Title 8 14300.29 (b)(6)-(10) & 14300.35(b)(2)(E)2. Note: Shaded boxes indicate confidential employee information as listed in CCR Title 8 14300.35(b)(2)(E)2.				SOURCE	
30. EMPLOYEE NAME		31. SOCIAL SECURITY NUMBER	32. DATE OF BIRTH (mm/dd/yy)		
33. HOME ADDRESS (Number, Street, City, Zip)		33a. PHONE NUMBER			
34. SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	35. OCCUPATION (Regular job title, NO initials, abbreviations or numbers)		36. DATE OF HIRE (mm/dd/yy)		
37. EMPLOYEE USUALLY WORKS _____ hours per day, _____ days per week, _____ total weekly hours		37a. EMPLOYMENT STATUS <input type="checkbox"/> regular, full-time <input type="checkbox"/> part-time <input type="checkbox"/> temporary <input type="checkbox"/> seasonal		37b. UNDER WHAT CLASS CODE OF YOUR POLICY WHERE WAGES ASSIGNED	
				EXTENT OF INJURY	
38. GROSS WAGES/SALARY \$ _____ per _____		39. OTHER PAYMENTS NOT REPORTED AS WAGES/SALARY (e.g. tips, meals, overtime, bonuses, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Completed By (type or print)		Signature & Title		Date (mm/dd/yy)	
* Confidential information may be disclosed only to the employee, former employee, or their personal representative (CCR Title 8 14300.35), to others for the purpose of processing a workers' compensation or other insurance claim; and under certain circumstances to a public health or law enforcement agency or to a consultant hired by the employer (CCR Title 8 14300.30). CCR Title 8 14300.40 requires provision upon request to certain state and federal workplace safety agencies.					
FORM 5020 (Rev7) June 2002		FILING OF THIS FORM IS NOT AN ADMISSION OF LIABILITY			

## EXHIBIT IX-4

Cal/OSHA Form 300A (Rev. 7/2007)

# Annual Summary of Work-Related Injuries and Illnesses



All establishments covered by CCR Title 8 Section 14300 must complete this Annual Summary, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the Cal/OSHA Form 300 in its entirety. They also have limited access to the Cal/OSHA Form 301 or its equivalent. See CCR Title 8 Section 14300.35, in Cal/OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
_____	_____	_____	_____
(G)	(H)	(I)	(J)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
_____	_____
(K)	(L)

Injury and Illness Types			
Total number of . . . (M)			
(1) Injuries	_____	(4) Poisonings	_____
(2) Skin disorders	_____	(5) Hearing loss	_____
(3) Respiratory conditions	_____	(6) All other illnesses	_____

Post this Annual Summary from February 1 to April 30 of the year following the year covered by the form.

**Establishment information**

Your establishment name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Industry description (e.g., *Manufacture of motor truck trailers*) \_\_\_\_\_

Standard Industrial Classification (SIC), if known (e.g., *SIC 3715*) \_\_\_\_\_

**Employment information** (If you don't have these figures, use the optional Worksheet to estimate.)

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

**Sign here**

**Knowingly falsifying this document may result in a fine.**

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive \_\_\_\_\_ Title \_\_\_\_\_


Phone \_\_\_\_\_ Date \_\_\_\_\_

## **EXHIBIT IX-5**

### **List of First Aid Measures Not Considered Medical Treatment for Log 300 Recording**

1. Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form). [A recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes.]
2. Administering tetanus immunizations. [Other immunizations, such as Hepatitis B vaccine or rabies vaccine are considered medical treatment.]
3. Cleaning, flushing, or soaking wounds on the surface of the skin.
4. Using wound coverings, such as bandages, Band-Aids, gauze pads, etc.; or using butterfly bandages or Steri-Strips. [Other wound-closing devices, such as sutures, staples, etc. are considered medical treatment.]
5. Using hot or cold therapy.
6. Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. [Devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes.]
7. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.).
8. Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.
9. Using eye patches.
10. Removing foreign bodies from the eye using only irrigation or a cotton swab.
11. Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means.
12. Using finger guards.
13. Massages. [Physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes.]
14. Drinking fluids for relief of heat stress.

# X. Interacting with Cal/OSHA



## CAL OSHA

**AGENCY**

**RESCUE:** \_\_\_\_\_

**HOSPITAL:** \_\_\_\_\_

**PHYSICIAN:** \_\_\_\_\_

**SAFETY ORDER 3204 - THE RIGHT TO SEE AND COPY:**

- Your medical records and records of exposure to toxic substances or harmful physical agents.
- Records of exposure to toxic substances or harmful physical agents of other employees with work conditions similar to yours.
- Safety Data Sheets (SDS) or other information exists for chemicals or substances used in the workplace, or which employees may be exposed to.

THESE RECORDS ARE AVAILABLE AT: \_\_\_\_\_

FROM: \_\_\_\_\_ (Person Responsible)

A COPY OF THE GENERAL INDUSTRY SAFETY ORDER IS AVAILABLE FROM: \_\_\_\_\_

The above information satisfies the requirements of GISO 3204 (g), which may be fulfilled by posting this placard in the workplace, or by any similar method the employer chooses.

**OPERATING RULES FOR INDUSTRIAL TRUCKS**

General Industry Safety Order 3650  
Industrial Trucks, General (Part (I))

(1) Every employer using industrial trucks or industrial low tractors shall post and enforce a set of operating rules including the appropriate rules listed in Section 3650.

**General Industry Safety Order 3650 Industrial Trucks, General (Part (I))**

(1) Industrial trucks and low tractors shall be operated in a safe manner in accordance with the following operating rules:

(1) Only drivers authorized by the employer and trained in the safe operation of industrial trucks or low tractors pursuant to Section 3650 shall be permitted to operate such vehicles.

(2) Stunt driving and horseplay are prohibited.

(3) No riders shall be permitted on vehicles unless provided with adequate riding facilities.

(4) Employees shall not ride on the forks of lift trucks.

(5) Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where they could be struck or crushed.

(6) Employees shall not be allowed to stand, pass, or work under the elevated portion of any industrial truck, loaded or empty, unless it is effectively blocked to prevent a front falling.

(7) Drivers shall chock the vehicle at the beginning of each shift and if it is found to be unsafe, the chocks shall be repositioned immediately to a forward position. Attention shall be given to the proper functioning of mechanical, electrical, hydraulic, pneumatic, and other systems, including horn, lights, battery, controller, brakes, steering mechanism, cooling system, and anti-skid system for forklifts (forks, chains, cables, and anti-skid system).

(8) No truck shall be operated with a leak in the fuel system.

(9) Vehicles shall not exceed the authorized or safe speed, always maintaining a safe distance from other vehicles, keeping the truck under positive control at all times and at established traffic regulations shall be observed. For trucks traveling in the same direction, a safe distance may be considered to be approximately 3 truck lengths or preferably a time lapse - 3 seconds - passing the same point.

(10) Trucks traveling in the same direction shall not be passed at intersections, blind spots, or dangerous locations.

(11) The driver shall slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

(12) Operators shall look in the direction of travel and shall not move a vehicle until certain that all persons are in the clear.

(13) Trucks shall not be driven up to anyone standing in front of a bench or other head object of such size that the person could be caught between the truck and object.

(14) Grades shall be ascended or descended slowly.

(A) When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load up grade.

(B) On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(C) Motorized hand and hand/ride trucks shall be operated on all grades with the load engaging means down grade.

(15) The forks shall always be carried as low as possible consistent with safe operations.

(16) When leaving a vehicle unattended (the operator is over 25 feet (7.6 meters) from or out of sight of the industrial truck), the brakes are set, the mast is brought to the vertical position, and the forks are left in the down position, either:

(A) The power shall be shut off and, when left on an incline, the wheels shall be blocked; or

(B) The power may remain on provided the wheels are blocked front and rear.

(17) When the operator of an industrial truck is dismounted and within 25 feet (7.6 meters) of the truck which remains in the operator's view, the load engaging means shall be fully lowered, controls placed in neutral, and the brakes set to prevent movement.

Continued on the next page...

LEFT (1/2)

STATE OF CALIFORNIA  
**CAL OSHA**  
DEPARTMENT OF INDUSTRIAL RELATIONS  
www.dir.ca.gov/dosh/dosh1.htm

State of California  
Department of Industrial Relations  
1515 Clay Street, Suite 1000  
Oakland, CA 94612  
Phone: (510) 286-2000  
Fax: (510) 286-2000

January 2015

## INTERACTING WITH CAL/OSHA

In California, the state agency responsible for enforcement of the Safety Orders adopted by the Occupational Safety and Health Standards Board is the Division of Occupational Safety and Health (DOSH), more commonly known as Cal/OSHA. Although Cal/OSHA's mission is to ensure compliance with regulations and standards designed to prevent employee injuries and illnesses—the same objective as the County—Cal/OSHA's presence in a workplace is usually the result of an incident or other reason for an inspection or investigation. It is well-established that the following events are likely to result in an inspection, and in which the relative amount Cal/OSHA's resources are expended to address:

- Employee complaints and referrals from other government agencies 50%
- Employer-required reports of death or serious injury 25%
- All other, including administratively-targeted (high hazard or special emphasis-like construction or heat illness prevention), and randomly selected establishments (very few). 25%

As a result, most Cal/OSHA inspections are significant events, and may result in citations with substantial penalties and other consequences—usually in terms of increased workers' compensation and other civil liability. Despite a long history of relatively small penalties for citations, which is the term used to charge a violation of a Cal/OSHA standard, including no monetary penalty whatsoever for governmental employers up to January 1, 2000, the County may be subject to penalties in the same manner as private sector employers. Therefore, efforts by County employees at all levels to maintain and improve safety and regulatory compliance are essential, as Cal/OSHA violation penalties are dramatically increasing, as follows:

Pre-2000: California's penalties for OSHA violations were the same as federal and other states: Serious and Non-Serious up to \$7,000; and Repeat and Willful up to \$70,000.

2000:

- Maximum penalty for a Serious violation increased to \$25,000.
- Mandatory minimum penalties established for Accident-Related Serious violations, along with loss of adjustments based on various factors, including inoperative IIPP.
- Cal/OSHA is relieved of the burden of proving employer knowledge as an element of a Serious citation.
- Felony criminal liability enacted for Willful violations causing death or serious injuries.

2011:

- Cal/OSHA's burden of proof for a Serious citation is further reduced from showing a substantial probability of death or serious injury to a realistic possibility of any serious physical harm. \_\_\_\_\_

#### 2015:

- Employer forfeits 50% penalty abatement credit if a Serious citation is not abated within 10 days of the date set by the citation. Appeal no longer stays abatement.

#### 2016:

- Repeat citation definition changes from individual establishment to state-wide establishments operated by the same employer, with a five-year look-back, and any similar violation, hazard or condition instead of the same violation [Effective 1/1/17]. Note: An establishment's or employer's five-year citation history can be obtained from OSHA's Data & Statistics "Establishment Search" website.

#### 2017:

- Higher penalties based on federal OSHA's increase of its penalties by 80% and mandate for state programs to be equivalent--\$12,600 for General violations and \$126,000 for Willful and Repeat citations. Effect on California's \$25,000 Serious citation penalty is not known. [Requires legislation, expected in 2017.]

In view of the County's potentially expanding liability for penalties and other consequences arising from inspections and investigations conducted by Cal/OSHA, it is important County personnel with managerial and safety responsibilities understand how to interact with Cal/OSHA, and to utilize the support services available from OSEC and legal, as appropriate.

#### Procedures During a Cal/OSHA Inspection or Investigation

All Cal/OSHA enforcement inspections are unannounced, but must be conducted at a reasonable time and in a reasonable manner. The inspector must present credentials and state the reason for the inspection. Note: Any violation observed from a publicly-accessible area may be cited or used as the probable cause for an inspection. Departments should work with OSEC to plan for such inspections and during an inspection to assure the visit goes smoothly, and the County is aware of Cal/OSHA's information needs and preliminary findings. Elements of such plans include:

- A policy on who can authorize an inspection and accompany the inspector.
- Policies on when and how long to delay an inspector's access, and whether a search warrant should be requested. Note: There is nothing wrong with correcting deficiencies prior to an inspection, especially if one is expected.
- Procedures for escorting the inspector and involving "key" personnel, employee representative (union), and unrepresented employees.
- Policies on photographs, samples and documents to protect trade secrets and securing duplicates. If photos are taken, take a duplicate photo. Later, record with photos everything the inspector viewed. Note: Photos of alleged violations and corrective actions are both needed.
- Assuring an exit conference is held after each visit, and a closing conference at the end of the inspection process. Make sure the inspector explains potential violations



or areas of concern and what more is necessary to determine compliance or non-compliance, and whether there is need for further inspections.

- Response to a document request (Exhibit X-1) should be carefully prepared and timely submitted; more time can be requested, if needed.

### Issuance of Citations, Classification and Penalties

Citations will be received via Certified Mail or in person at a closing conference—usually within weeks, but up to 180-days post-inspection. Posting of the citation near the location of the alleged violation is required upon receipt for 3 days, or until the violation is abated, whichever is longer.

Each citation (or each item of a multi-item Regulatory/General citation) will be classified as to its severity and include a charging statement with references to the standard, a proposed penalty\*, and an abatement date. (Exhibit X-2 is an example citation.) Classifications and penalties include:

- ✓ Regulatory citation is a violation of a procedural requirement, like not reporting a serious injury to Cal/OSHA or failing to properly maintain a Log 300. [Penalty up to \$12,600, usually less than \$1,000.]
- ✓ General citation is a violation of a safety or health related standard, but is not expected to result in serious injury or death. Either there is no employee immediately in peril or only a non-serious injury would occur. [Penalty up to \$12,600, usually \$3,000 - \$5,000.]
- ✓ Serious citation after the enactment of AB 2771 and beginning in 2011 is issued for a violation of a standard when an employee is in the zone of danger and there is a realistic possibility of serious physical harm. Serious physical harm includes more than serious injury, as defined in prior law; it can be any bodily impairment or injuries, like broken bones and repetitive motion injuries with outpatient treatment. [Penalty up to \$25,000; if accident-related, \$18,000 mandatory minimum.] Note: Prior to issuance of a Serious citation, a Notice of Intent, or 1BY Form will be provided to the employer to allow 15 days to rebut the extension of a Serious violation. (Exhibit X-3 is an example 1BY Form.)
- ✓ Repeat citation is the second (or more) violation of the same standard or a substantially similar hazard or condition within a five-year period at any establishment or worksite in the state operated by the same employer (effective 1/1/17). [Penalty up to \$126,000, but calculated based on the underlying offense penalty, above, without any adjustments times 2, 4 or 10 for each successive repeat.]

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\* Based on 2017 implementation of 2016 federal OSHA penalty regulation by Cal/OSHA.

- ✓ Willful citation requires a showing of intentional and knowing misconduct; for example, disregard for safety in a clearly hazardous situation, or if the employer can be shown to have prior knowledge of the hazard or violation. [Penalty up to \$126,000 based on the underlying offense penalty, above, without any adjustments times 5.]
- ✓ Failure to abatement citations are issued if the employer does not appeal the citation (which stays abatement) within the time specified on the citation. If appealed, abatement may be stayed, but, if the citation is upheld through a settlement or Appeals Board decision, it must be abated within the specified time on the citation after the Board's Order is issued. [Penalty up to \$15,000 per day, but adjustments usually reduce the penalty.]

### Actions Upon Receipt of Citations

Based on the citations issued and their classification, penalties and abatement feasibility, a decision as to whether and how to contest citations must be promptly made. Due to the strict 15 working days from the date of receipt of a citation time to appeal, input from Department Management, OSEC and legal should be coordinated.

The steps in the appeal process are:

- ✓ Informal conferences (optional settlement negotiations) can be held with Cal/OSHA up to the appeal deadline, and citations can be amended or withdrawn without need for appeal. Given time constraints, this must be accomplished within 15 days; not usually productive unless non-serious citations not likely to be repeated.
- ✓ File an appeal online or by mail within 15 working days post-receipt. Appeal forms available on the Appeals Board website (<http://dir.ca.gov/oshab/oshab.html>) must be completed and the citation packet attached and postmarked within the 15 working days, although any written indication of an intent to appeal with the full citation package attached may be sufficient; verification by contacting the Board within 15 days is recommended.
- ✓ If the notice of intent to appeal approach is used, a letter providing a new deadline—usually two (2) weeks after the initial 15 working day deadline—will be sent from the Board.

Note: The Appeals Board is in the process of implementing the Occupational Safety and Health Appeals Board Scheduling and Information System (OASIS), which will eventually be an all-electronic process. The current transition period allows use of electronic or hard copy paper submissions of appeals, but on a new form (Exhibit X-4).

- ✓ Once an appeal is docketed by the Appeals Board, a series of events will need to be followed requiring legal advice and representation. These steps include: discovery of Cal/OSHA's evidence, response to a Cal/OSHA discovery request, participation in Prehearing Conferences with the assigned Administrative Law Judge (ALJ), hearing preparation, settlement negotiations, and the hearing (usually about one year post-appeal).

### Other Aspects and Consequences of Cal/OSHA Citations

There are other aspects and consequences of Cal/OSHA citations stating violations of Safety Orders that should be recognized and avoided:

- ✓ Multi-employer citation policy includes issuance by Cal/OSHA of citations to the County as a controlling, or host employer if a contractor violates a standard and the County cannot prove it exercised reasonable diligence to assure safety or compliance. Therefore, there must be a reasonable effort made to require contractor safety programs and compliance with standards.
- ✓ Enhanced workers' compensation claims if an employee or contractor is injured and a Cal/OSHA citation related to the injury is issued, the citation is admissible in a workers' compensation Serious and Willful claim proceeding for 50% enhancement of benefits.
- ✓ Civil liability evidenced by violation of a Cal/OSHA standard is a potential concern due to the admissibility of such standards in civil cases, which can be brought by any aggrieved party, or possibly by a third-party employee.
- ✓ Criminal liability is a potential concern due to changes in Cal/OSHA law in 2000 making willful violation of a Cal/OSHA standard causing death or serious injury a felony, along with a number of lesser criminal offenses.

### The Need for Substantive Defenses to Cal/OSHA Citations is Essential

As explained in Section VII. Injury and Illness Prevention Program, whereas the most important benefits of an effective IIPP are injury and accident prevention and compliance with the standard, an effective IIPP is also the best defense to Cal/OSHA citations and other liabilities.

Once an accident occurs and an employee is seriously injured, it is a virtual certainty there will be a Cal/OSHA inspection resulting in one or more Accident-Related Serious citations with penalties between \$18,000 and \$25,000 for each, as well as of other Serious and Non-Serious citations.

In most cases, there are only 2 substantive defenses available to escape Serious citation liability and other legal consequences for being held responsible for an accident:

- (1) Independent Negligent Act of an Employee contributed to the accident and/or violation causing the employee's injury. If proven, this is a complete defense—meaning the citation must be withdrawn or vacated.
- (2) Employer Lack of Knowledge of the Violation or Hazardous Condition Despite

Exercise of Reasonable Diligence. This defense to a citation's Serious classification, which is usually a good outcome (reduction of an Accident-Related Serious citation with an \$18,000-plus penalty to an ordinary Non-Serious General citation with a much lower penalty).

These are affirmative defenses, meaning the employer bears the burden of proof and must have legally recognized evidence to properly assert these defenses. An effectively implemented IIPP is the best way to meet this burden by a preponderance of the evidence (51%)

### Independent Employee Act

The "Employee Independent Act" defense is based on the premise that the employer did everything right, but the employee commits a violation for which the employer is not responsible. Given the frequency this defense can be raised, the Cal/OSHA Appeals Board adopted a strict test in the *Mercury Services* case that must be satisfied for this defense to be effective:

- ✓ Employee was sufficiently experienced in the job being performed to be expected to work safely.
- ✓ Employer has a well-devised safety program including safety training specific to job assignments.
- ✓ Employer effectively implements the safety program, with proof of compliance with all IIPP elements.
- ✓ Employer has a policy of acting against employees who violate safety requirements.\*
- ✓ Employee caused a safety infraction the employee knew, or should have known was contrary to employer's safety rules.

\*Note: The employee who committed the unsafe act must be disciplined, even if injured, upon return to work in a non-discriminatory manner with at least a reprimand.

### Employer Lack of Knowledge

Proving employer lack of knowledge as an affirmative defense to a Serious violation requires the employer prove it did not know of the violation, and with exercise of reasonable diligence could not have known. IIPP elements can assist in meeting this burden by being able to prove:

- ✓ Documented hazard evaluations of equipment, materials, and tasks.
- ✓ Documented periodic scheduled inspections, especially in the same area or of the equipment involved in the accident.

- ✓ Documented safety-related communications with employees, including follow-up of employee questions/safety suggestions.
- ✓ Affirmation by sworn declaration or testimony that the employer did not know of the violation.

Note: An imperfect independent negligent act defense (not all elements can be proved) may support a lack of knowledge defense—for example, “although the employee was not instructed to avoid an obvious hazard, the employee’s conduct was so unforeseeable that a reasonably diligent employer would not have known or expected it.”

Employer lack of knowledge has become an effective defense in multi-employer citation appeals, even rising to the level of a complete defense to a citation.

As a last word, in the event of a Serious incident, the Cal/OSHA citation is usually the “tip of the iceberg” in terms of costs and potential liability. By designing and implementing the IIPP in a manner that can vacate a Cal/OSHA alleged Serious citation, virtually assures the ability to avoid liability in the civil and criminal arena because these offenses require proof of negligence or willfulness, which is readily overcome by a showing of reasonable diligence.

# EXHIBIT X-1

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH



[www.dir.ca.gov/DOSH](http://www.dir.ca.gov/DOSH)

## DOCUMENT REQUEST

EMPLOYER: \_\_\_\_\_ DATE: \_\_\_\_\_ Postmark by: \_\_\_\_\_

EMPLOYER CONTACT: \_\_\_\_\_ Cal/OSHA Inspector: \_\_\_\_\_

As discussed during the inspection on \_\_\_\_\_, it has been determined that copies of the following documents are required for review. Please provide the Cal/OSHA inspector with the required copies by the "postmark" date noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist, and possible citations and monetary penalties could result.

- Federal ER ID No./
- |  |             |
|--|-------------|
| <input type="checkbox"/> Licenses & Permits: <input type="checkbox"/> Business License <input type="checkbox"/> State ER Tax ID No. <input type="checkbox"/> CSLB <input type="checkbox"/> Garment Reg. <input type="checkbox"/> Farm Labor Contractor | Rec'd _____ |
| <input type="checkbox"/> Facility Layout (floor plan, evacuation routes, etc) _____  | Rec'd _____ |
| <input type="checkbox"/> OSHA Log 300 (from _____ to _____) <i>8 CCR 14301</i>   | Rec'd _____ |
| <input type="checkbox"/> OSHA 5020 (Employer's First Report of Injury) _____   | Rec'd _____ |
| <input type="checkbox"/> DWC Form 1 (Worker's Compensation Claim) _____  | Rec'd _____ |
| <input type="checkbox"/> Worker's Compensation Insurance Carrier _____   | Rec'd _____ |
| <input type="checkbox"/> Injury and Illness Prevention Program (written safety program) <i>8 CCR 3203</i>  | Rec'd _____ |
| <input type="checkbox"/> Safety Inspection Records _____   | Rec'd _____ |
| <input type="checkbox"/> Employee Training Records _____   | Rec'd _____ |
| <input type="checkbox"/> Safety Committee Meeting Minutes _____  | Rec'd _____ |
| <input type="checkbox"/> Heat Illness Prevention Program <i>8 CCR 3395</i>   | Rec'd _____ |
| <input type="checkbox"/> First Aid Kit approval <i>8 CCR 3400</i>  | Rec'd _____ |
| <input type="checkbox"/> Emergency Action Plan <i>8 CCR 3220</i>   | Rec'd _____ |
| <input type="checkbox"/> Fire Prevention Plan <i>8 CCR 3221</i>  | Rec'd _____ |
| <input type="checkbox"/> Hazard Communication Program <i>8 CCR 5194</i>  | Rec'd _____ |
| <input type="checkbox"/> Material Safety Data Sheets, for _____  | Rec'd _____ |
| <input type="checkbox"/> Respiratory Protection Program <i>8 CCR 5144</i>  | Rec'd _____ |
| <input type="checkbox"/> Hearing Conservation Program (Noise) <i>8 CCR 5097</i>  | Rec'd _____ |
| <input type="checkbox"/> Exposure Control Plan / Bloodborne Pathogens <i>8 CCR 5193</i>  | Rec'd _____ |
| <input type="checkbox"/> Workplace Exposure Records/Monitoring Results _____   | Rec'd _____ |
| <input type="checkbox"/> Chemical Hygiene Plan <i>8 CCR 5191</i>   | Rec'd _____ |
| <input type="checkbox"/> Carcinogen Registration <i>8 CCR Article 110</i>  | Rec'd _____ |
| <input type="checkbox"/> Permits / Variances, for _____  | Rec'd _____ |
| <input type="checkbox"/> Maintenance Records of Equipment _____  | Rec'd _____ |
| <input type="checkbox"/> Safety Instructions / Equipment Manuals _____   | Rec'd _____ |
| <input type="checkbox"/> _____   | Rec'd _____ |
| <input type="checkbox"/> _____   | Rec'd _____ |

If you require an extension of time in order to satisfy this request, please contact the Cal/OSHA inspector identified with your inspection at the phone numbers above before the deadline.

INSPECTION NO. \_\_\_\_\_ INSPECTOR ID. \_\_\_\_\_

OPT RPT NO. \_\_\_\_\_  
Cal/OSHA 1 AY(08/08)

## EXHIBIT X-2

### State of California

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950613; 4019)  
1065 East Hillsdale Blvd., Suite 110  
Foster City, CA 94404

**Inspection Number:** 31577  
**Inspection Dates:** 06/11/2013 - 12/10/2013  
**Issuance Date:** 12/10/2013  
**CSHO ID:** R11  
**Optional Inspection Nbr:** 024-



Phone: (650) 573-3812 Fax: (650) 573-3817

### Citation and Notification of Penalty

**Company Name:**

**Inspection Site:** Santa Clara, CA 95054

### Citation 1 Item 1 Type of Violation: **Serious**

T8CCR 1509(a): Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with section 3203 of the General Industry Safety Orders.

Location: Santa Clara, CA 95054

On or before June 11, 2013 the employer failed to implement and/or ensure implementation of the required elements of an Injury and Illness Prevention Program including but not limited to:

1. Failure to identify, evaluate, and correct the hazard of mounting electrical equipment within the counterweight runway such that employees may be required to be in the zone of danger during installation and maintenance of the equipment.
2. Failure to identify, evaluate, and correct the hazard of allowing the activation of the elevator while any employee is situated within the zone of danger created by the movement of the elevator platform or counterweight.
3. Failure to establish effective procedures for ensuring that employees are outside the zone of danger created by moving parts of an elevator prior to activating the elevator.

As a result, on June 11, 2013, an employee was fatally injured when he was struck by the elevator counterweights while working within the counterweight runway.

Ref: T8CCR 3203(a)

**Date By Which Violation Must be Abated:**

12/20/2013

**Proposed Penalty:**

\$ 18000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

## EXHIBIT X-3

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Occupational Safety and Health  
American Canyon District Office  
3419 Broadway Street Ste H8  
American Canyon, CA 94503  
Tel. # (707) 649-3700 Fax # (707) 649-3712



### NOTICE OF INTENT TO CLASSIFY CITATION AS SERIOUS

Via personal delivery, first class mail with proof of service, email: [lizabethm@rrpaccon.com](mailto:lizabethm@rrpaccon.com), or fax: (530) 564 1477

November 10, 2016

Woodland, CA 95695

Dear Employer:

An inspection was opened by Omar Diaz at a place of employment located at Oakley, CA 94561 on 10/05/2016. The purpose of this form is to inform you that pursuant to Labor Code Section 6432, the Division intends to cite as "serious" the following alleged violation:

Prior to and during the course of inspection on, including but not limited to, on October 5, 2016, the Employer failed to ensure that all employee's working in an open soil excavation approximately 6 feet deep were protected from cave-ins by an adequate protective system.

This alleged violation may be cited as a violation of one or more of the following regulations of Title 8 of the California Code of Regulations, or any other applicable regulation:

T8 CCR 1541.1(a)(1) Requirements for Protective Systems.

Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with Section 1541.1(b).

The Division may also classify the violation as "willful serious" or "repeat serious".

You are encouraged to provide, in writing, any statements and supporting evidence showing that the Division should not classify the citation as "serious". Factors the Division may consider include the following:

1. Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards
2. Procedures for discovering, controlling access to and correcting the hazard or similar hazards
3. Supervision of employees exposed or potentially exposed to the hazard
4. Procedures for communicating to employees about your health and safety rules and programs
5. Any additional information that you wish to provide such as:
  - a. An explanation of the circumstances surrounding the alleged violative events
  - b. Why you believe a serious violation does not exist
  - c. Why you believe your actions related to the alleged violative events were reasonable and responsible

Use "Employer's Signed Response to Notice of Intent to Classify Citation As Serious" form (attached). Additional statements and supporting evidence can be attached to the form. Use a separate form to respond to each "Notice of Intent to Classify Citation As Serious" received from the Division.

Please return the form, along with your additional statements and supporting evidence. Also, attach a copy of this notice. Information received by 12/8/16 will be considered before the Division issues the citation. Information received after this date may not be considered before the Division issues the citation. If no information is received at all, the citation may still be issued.



# EXHIBIT X-4



STATE OF CALIFORNIA  
Department of Industrial Relations  
Occupational Safety and Health Appeals Board

Please mail all correspondence to:  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833

## OSHAB APPEAL FORM

**Note:** You have a **total of 15 working days** from receipt of a citation to file an appeal. Attach a complete copy of your citation package along with this appeal form. Failure to file a completed form may result in dismissal of the appeal. Late appeals will not be accepted unless good cause is shown. *Please print legibly or type all information.*

A. CITATION INFORMATION		
<i>Please complete the following information as indicated on your citation.</i>		
1. Case (Inspection) #:	Issuance date: / /	Reporting ID#:
2. Employer:	Date Citation Received: / /	
3. Employer legal name or DBA (Optional):		
4. Employer contact:		
5. Address:		
City:	State:	ZIP code:
6. Primary phone: ( )	Secondary phone: ( )	
7. Email address:		
8. Preferred method of service:	<input type="checkbox"/> U.S. Postal Service	<b>OR</b> <input type="checkbox"/> Email <b>(Choose one only)</b>
B. REPRESENTATIVE INFORMATION (if any)		
1. Firm name:		
2. Representative name:		
3. Address:		
City:	State:	ZIP code:
4. Primary phone: ( )	Secondary phone: ( )	
5. Email address:		
6. Preferred method of service:	<input type="checkbox"/> U.S. Postal Service	<b>OR</b> <input type="checkbox"/> Email <b>(Choose one only)</b>
C. CONTACT INFORMATION and SIGNATURE		
I am the: Representative___ Employer___ Other___		
<i>I understand that it is my responsibility under Appeals Board regulations to notify the Appeals Board in writing if there are any changes to either employer or representative address, telephone number, and/or email address.</i>		
Signature of employer or employer's representative		Date
Print name and title		Phone No.

Employer:

Case (Inspection) #:

*Please note that you must complete page 2 of this OSHAB Appeal Form for each citation/item. Appellant must complete a separate page 2 for each citation/item being appealed.*

#### D. APPEAL INFORMATION

**1. This is an Appeal of:**

- CITATION AND NOTIFICATION OF PENALTY  
CITATION No.: \_\_\_\_\_ ITEM No.: \_\_\_\_\_
- NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
- SPECIAL ORDER / ORDER TO TAKE SPECIAL ACTION

**2. Specific ground(s) for this appeal are: (Check all that apply)**

- The safety order was not violated.
- The classification (i.e. serious, willful, repeat) is incorrect.
- The abatement requirements are unreasonable:
  - Required changes
  - Time allowed to complete changes
- The proposed penalty is unreasonable.

**3. An affirmative defense is a justification or excuse that if proved by appellant relieves the cited employer of all or some of the responsibility for the alleged violation. An affirmative defense must be raised by the appellant in a timely manner. Affirmative defenses for this appeal are: (Check all that apply)**

- Independent employee action caused the violation.
- A different safety order applied to the work activity that is the subject of the citation, and the appellant was in compliance with that other safety order. (The different safety order should be identified.) \_\_\_\_\_
- An exception exists in the California Code of Regulations, Title 8 which allows for the action that is the subject of the citation. (The specific safety order containing the exception should be identified.) \_\_\_\_\_
- The inspection that gave rise to the citation was invalid because the Division employee who inspected the appellant's worksite failed to comply with laws governing administrative searches.
- Another affirmative defense: other affirmative defenses may exist and can be asserted by the employer. If the appellant contends one or more affirmative defenses exist, the appellant may, but is not required to, provide a short, plain statement in writing setting forth the facts or circumstances which, if true, would prove the affirmative defense.

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# **County Executive Office**

**Jeff Smith, County Executive**  
**Miguel Marquez, Chief Operating Officer**  
**Tom Rudolph, Occupational Safety & Environmental**  
**Compliance Manager**

**Office of Occupational Safety and Environmental Compliance (OSEC)**  
**2310 N First Street, Suite 204**  
**San Jose, CA 95131**

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