

OSHA 101: Or What You Don't Know About OSHA Could Hurt You

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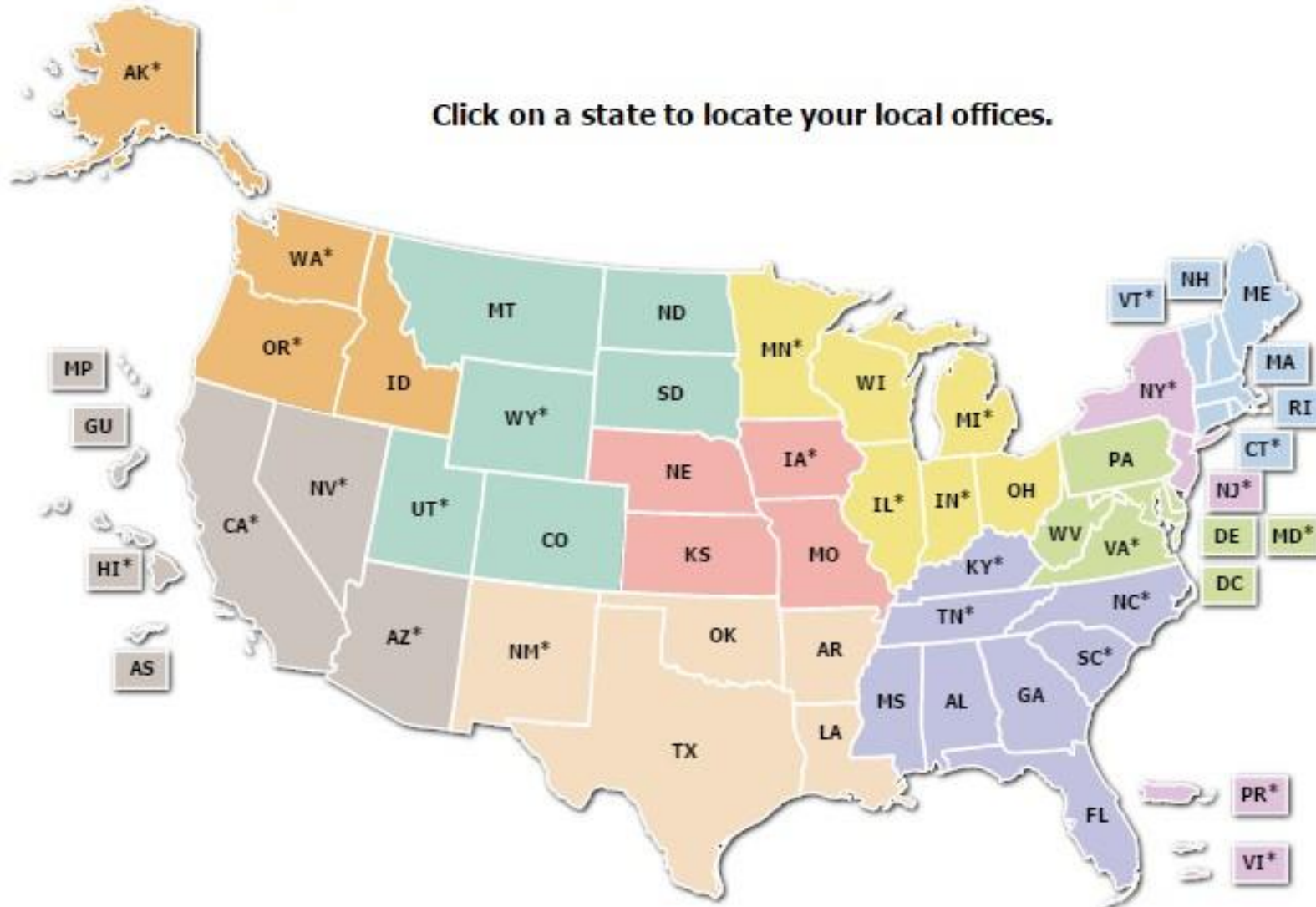
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What Do I Need to Know About OSHA?

- ▶ The Agency is organized into 10 regions, each headed by a Regional Administrator.
- ▶ OSHA Area Offices are responsible for enforcement, and each is headed by an Area Director who oversees Compliance Officers.
- ▶ There are 22 state-plan states that have their own OSHA programs.
- ▶ The remaining states are under federal OSHA jurisdiction.

OSHA Offices by State



Click on a state to locate your local offices.

Find Office By State

Select a State ▼

OSHA Region Offices

- [Region I: Boston](#)
- [Region II: New York](#)
- [Region III: Philadelphia](#)
- [Region IV: Atlanta](#)
- [Region V: Chicago](#)
- [Region VI: Dallas](#)
- [Region VII: Kansas City](#)
- [Region VIII: Denver](#)
- [Region IX: San Francisco](#)
- [Region X: Seattle](#)

* This is one of the 27 OSHA-approved State Plans. Twenty-two State Plans (21 states and Puerto Rico) cover both private and state and local government workplaces. The other five State Plans (Connecticut, Illinois, New Jersey, New York, and the Virgin Islands) cover state and local government workers only.

What Brings OSHA to Your Door?

- ▶ Random
- ▶ Complaints
 - ▶ Formal
 - ▶ Informal
- ▶ Referral
 - ▶ Ambulance/hospitals
 - ▶ Media
- ▶ Special Emphasis Programs
 - ▶ Trenching and excavations
 - ▶ Nursing/residential care

What Brings OSHA to Your Door?

- ▶ Duty to report to OSHA
 - ▶ Within 8 hours
 - ▶ Fatalities
 - ▶ Within 24 hours
 - ▶ Hospital admissions for treatment
 - ▶ Amputations
 - ▶ Loss of eye

No Need to Report to OSHA

- ▶ Incident occurs on a street or highway.
- ▶ Incident occurs on a plane, train, bus.
- ▶ Fatality occurs >30 days after the incident.
- ▶ Admission, amputation, loss of eye occurs >24 hours after the incident.
- ▶ Admission to hospital is solely for observation.
- ▶ But you “must” report work-related heart attacks.

What Do I Need to Know During an OSHA Inspection?

- ▶ OSHA has to establish:
 - ▶ A Standard applies and was violated.
 - ▶ General Industry Standards
 - ▶ Construction Standards
 - ▶ General Duty Clause
 - ▶ Employer has knowledge of the violation.
 - ▶ Actual
 - ▶ Constructive
 - ▶ Employees have access to a hazard.
 - ▶ In how they perform their jobs
 - ▶ When in their regular paths of travel
- ▶ Violation occurred within 6 months of the Citation.

What Do I Need to Know During an OSHA Inspection?

- ▶ Assign team to accompany Inspector.
- ▶ Management statements are admissions.
- ▶ Interviews with hourly employees are private.
- ▶ Managers can be accompanied during their interviews.
- ▶ Photographs/videotaping
 - ▶ Identify trade secrets/confidential business information
 - ▶ Freedom of Information Act requests

What Happens at the Conclusion of an OSHA Inspection?

- ▶ There will be a Closing Conference.
- ▶ Citations are issued with:
 - ▶ Other than Serious violations
 - ▶ Serious violations
 - ▶ Repeat violations
 - ▶ Willful violations

Repeat and Willful Citations

- ▶ Within 5 years of resolution of a prior Citation, if same Standard is violated, a Repeat Citation is issued.
- ▶ Willful means either:
 - (1) Intentional disregard for requirements of the Standard or the OSH Act, or
 - (2) Employer showed plain indifference to employee safety and health.
 - External/internal audits

What Can I Do in Response to a Citation?

- ▶ Accept it as is and pay a reduced penalty offered by the Agency
- ▶ Schedule an Informal Conference
 - ▶ Learn what OSHA thinks
 - ▶ Negotiate a better deal or withdrawal of Citation Items
- ▶ File a Notice of Contest
 - ▶ Case goes to OSH Review Commission
 - ▶ Able to continue negotiations
 - ▶ Option of a hearing before an Administrative Law Judge

OSHA Protects Against Retaliation

- ▶ Section 11(c) of the Occupational Safety and Health Act
No person shall discharge or in any manner discriminate against any employee because such employee has
 - (1) **Filed a complaint;**
 - (2) Caused a proceeding under the Act;
 - (3) Testified in such proceeding; or
 - (4) Exercised any right afforded under the Act.

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