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Surviving The OSHA Inspection

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INTRODUCTION

There are few things more disruptive and potentially damaging to an employer than an OSHA inspection of the employer's property. Whether the OSHA inspection concerns imminent danger, catastrophes and fatal accidents, employee complaints, a programmed inspection or follow-up inspection, properly handling an OSHA inspection is a crucial part of conducting any business.

Under the Occupational Safety and Health Act of 1970 (the "Act"), the Occupational Safety and Health Administration ("OSHA") is authorized to conduct workplace inspections to determine whether employers are complying with standards issued by the agency for safe and healthy workplaces. OSHA also enforces Section 5(a)(1) of the Act, known as the General Duty clause, which requires that every working man and woman be provided with a safe and healthy workplace.



The following material outlines some practical steps that employers can undertake to handle an OSHA inspection. Inspections are usually conducted without advance notice. In fact, alerting an employer without proper authorization in advance of an OSHA inspection can bring a fine of up to \$1,000 and/or a six month jail term.

There are, however, special circumstances under which OSHA may give notice to the employer, but such notice will normally be less than 24 hours. These circumstances include the following:

- Imminent danger situations that require correction as soon as possible;
- Inspections that must take place after regular business hours or that require special preparation;
- Cases where notice is required to ensure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than five working days when there is good cause; and
- Situations in which the OSHA Area Director determines that advance notice would produce a more thorough or effective inspection.

Refusal to admit an OSHA compliance officer or interfering with the inspection will precipitate appropriate legal action against your establishment, as permitted by the Act.

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An employer can best handle an OSHA inspection by following two simple rules. First, **BE PREPARED** for the possibility of an OSHA inspection, no matter how properly your business is operated. Second, if and when an OSHA inspector does arrive at your business, **DON'T PANIC**.

What follows in Section II is a list of things to do when first confronted by an OSHA inspector. Section III discusses whether to cooperate in or oppose an OSHA inspection and Section IV describes how to handle the inspection itself. Finally, Section V addresses issues that arise after an OSHA inspection is concluded.

II. THINGS TO DO WHEN CONFRONTED BY AN OSHA INSPECTOR

1. Prepare For An Inspection.

The most important “first step” for handling an OSHA inspection actually occurs **before** any inspection begins. The employer who has prepared for the possibility of an OSHA inspection will find the inspection far less disruptive than the employer who has never given an inspection any thought or who claims “it will never happen here.”

Create a plan for handling an OSHA inspection including naming contact people in advance, drafting internal policies for dealing with OSHA during an inspection, and having critical phone numbers and contacts readily available. Developing a plan in advance will reduce the chance of panic and help you remain “in control” during the inspection.

2. Inspector's Credentials.

When the OSHA inspector arrives at your establishment, he or she should display official credentials and ask to meet with an appropriate company representative. An employer should always ask to see the inspector's credentials. OSHA inspector credentials can be verified by calling the nearest OSHA office. Inspectors are strictly prohibited from collecting a penalty at the time of the inspection or promoting the sale of any products or services at any time; anyone who attempts to do so is impersonating a government inspector, and the FBI should be contacted immediately.

3. Determine What The Inspection Is About.

During the opening conference, obtain as much information as you can about the inspector's purpose for being at your place of employment. Specifically, find out if the inspection is aimed at any specific violations and how the inspection was prompted or initiated (e.g., an employee complaint).

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4. Don't Volunteer Information.

Any information you give to an OSHA inspector can and will be used against you. Answer only the questions you are asked. Be cooperative, but don't say too much. You may inadvertently alert the inspector to issues of which he or she was not previously aware.

5. Learn The Law And Understand OSHA's Procedures.

Find out specifically what statutes or regulations are involved, the basis for the complaint or inspection, whether a complaint has been filed or how your facility was selected.

If you are familiar with OSHA practice and procedure, the inspection may go more smoothly and without unnecessary interference with your business operation. OSHA has a policy manual explaining their procedures for handling inspections and employers' rights and responsibilities following an OSHA inspection.

For a copy of the Employer Rights and Responsibilities Following an Inspection (OSHA 3000) brochures as well as any other OSHA publication, you can visit <http://www.osha.gov/pls/publications/publication.html> or call any OSHA area office.

6. Appoint A Company Spokesperson Or OSHA Representative.

Assign one person to deal with OSHA inspectors. This person should have sufficient authority to oversee an internal inspection. Preferably, the person will have firsthand knowledge of the facts underlying any alleged violations. The spokesperson should receive mail, interact with the inspector and/or legal counsel and serve as the sole contact for the inspector within the company. This individual should be responsible for retaining any paperwork or information received from the inspector or OSHA. The selection of a single company spokesperson will significantly increase the likelihood of maintaining a consistent account of the facts from the employer's perspective.

Inconsistencies discovered during an inspection only invite further OSHA scrutiny.

7. Conduct A Self-Inspection.

Conduct an internal audit as if you were the OSHA inspector. Examine your records to determine what they will look like to someone who is unfamiliar with your record keeping system and business operations. Make sure that crucial documents are there. If documents that should be kept in the normal course of business are missing, be sure to have an explanation as to where they are prior to the inspector conducting his or

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her inspection. Be prepared to explain how your business operates, the key personnel and the job titles of any employees who might potentially be interviewed by the OSHA inspector.

The scope of your inspection should include the following:

- **Processing, Receiving, Shipping and Storage** – equipment, job planning, layout, heights, floor loads, projection of materials, materials-handling and storage methods.
- **Building and Grounds Conditions** – floors, walls, ceilings, exits, stairs, walkways, ramps, platforms, driveways, aisles.
- **Housekeeping Program** – waste disposal, tools, objects, materials leakage and spillage, cleaning methods, schedules, work areas, remote areas, storage areas.
- **Electricity** – equipment, switches, breakers, fuses, switch-boxes, junctions, special fixtures, circuits, insulation, extensions, tools, motors, grounding, NEC compliance.
- **Lighting** – type, intensity, controls, conditions, diffusion, location, glare and shadow control.
- **Heating and Ventilation** – type, effectiveness, temperature, humidity, controls, natural and artificial ventilation.
- **Machinery** – points of operation, flywheels, gears, shafts, pulleys, key ways, belts, couplings, sprockets, chains, frames, controls, lighting for tools and equipment, brakes, exhausting, feeding, oiling, adjusting, maintenance, lock out, grounding, work space, location, purchasing standards, safety guards.
- **Personnel** – training, experience, methods of checking machines before using, type of clothing, personal protective equipment, use of guards, tool storage, work practices, method of cleaning, oiling or adjusting machinery.
- **Hand and Power Tools** – purchasing standards, inspection, storage, repair, types maintenance, grounding, use and handling.
- **Chemicals** – storage, handling, transportation, spills, disposal, amounts used, toxicity or other harmful effects, warning signs, supervision, training, protective clothing and equipment.
- **Fire Prevention** – extinguishers, alarms, sprinklers, smoking rules, exits, personnel assigned, separation of flammable materials and dangerous operations, explosive-proof fixtures in hazardous locations, waste disposal.

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- **Maintenance** – regularity, effectiveness, training or personnel materials and equipment used, records maintained, method of locking out machinery, general methods.
- **Personal Protective Equipment** – type, size, maintenance, repair, storage, assignment of responsibility, purchasing methods, standards observed, training in care and use, rules of use, methods of assignment.

8. Notify Top Management.

Advise upper management about any inspection. Carefully document for upper management all contact with the OSHA inspector including letters, calls and any settlement discussions.

9. Develop A Theory.

Once you become aware of an inspection and its legal basis, begin developing a theory to explain the conduct under inspection. Include explanations for how key employees or operations relate to the OSHA inspection.

10. Know When To Contact Outside Counsel.

It is a fine line between attempting to handle an inspection in-house and possibly saving resources and getting in trouble by making legal mistakes without the assistance of legal counsel. While you are always free to consider calling your attorney, there are several instances where you should always obtain legal assistance before speaking with the government. They are:

- You receive an OSHA warrant;
- There is a possibility of criminal charges being filed, a grand jury investigation or an indictment;
- The National Labor Relations Board is involved;
- You receive a subpoena from any government agency;
- A lawsuit is threatened;
- There is a hearing and/or you want to claim an attorney/client privilege.

If your company has decided to handle OSHA inspections without the assistance of counsel, you should contact the inspector listed in the notice immediately. You should introduce yourself, assert the company's position and express that the company will cooperate with the inspection. Our experience indicates that more positive results can be achieved by not being intransigent with the OSHA inspector. You always should vigorously defend the company's position with the investigator, but be professional. Never be loud, obnoxious or patronizing.

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III. THE IMPORTANCE OF COOPERATION

Your initial reaction to an OSHA inspector, especially one inspecting alleged safety violations, may be crucial. A number of former government prosecutors and staff attorneys have all reached the same conclusion: ***employers who do not obstruct initial OSHA inspections often end up being cited less and for less fines per violation than employers who obstruct an inspection and/or require that the Agency obtain a subpoena or search warrant.*** Although it is almost always an employer's right to require that a government agency obtain a subpoena or search warrant before inspecting the employer's premises or documents, a decision to do so may prove penny wise and pound foolish.

For fiscal year 2015, there were approximately 80,000 federal OSHA and/or state safety agency inspections of private businesses. Statistics show that those employers which deny the inspectors initial access or otherwise contest the government's right to inspect their property or documents are, on average cited more than those employers who cooperated from the outset of the inspection. Moreover, those employers that denied initial access on average have larger proposed fines as compared to cooperating employers.

Similarly, one former Department of Labor official indicated that OSHA proposed penalties can be negotiated down 95% of the time, with more significant reductions being made by employers that cooperate and "work deals" with OSHA, rather than opposing the government inspector.

This is not to suggest that an employer should never oppose the government inspection or require that the government conform with its statutory obligations to obtain warrants and subpoenas. Rather, the numbers suggest that considering cooperation initially, especially as part of a pre-inspection policy, may shorten the inspection and result in lower initial fines.

In addition, employers who are initially non-cooperative often have fines reduced significantly after they begin to discuss and negotiate contested citations. Moreover, there may be times, especially in a union setting, where employees will deliberately "tip off" government inspectors as a means of bringing additional pressure to bear on the employer at a time when the employer can least afford to expend scarce resources dealing with a government inspector.

The testimonials of former government employees and the statistical data indicates that every employer should first consider cooperating with the government inspector rather than immediately throwing up road blocks. As with all phases of a government inspection, the decision to cooperate fully and candidly with the government is a fine line between reducing potential liability and committing grave errors which may ultimately prove much more

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damaging to the company. If you have any questions regarding the degree of initial cooperation, or at any phase of an OSHA inspection, you should consult with legal counsel, preferably before the OSHA inspection begins. Ideally, your company will have a policy in place for how to handle OSHA inspections in the event you are ever visited by OSHA.

Note, however, you should carefully contemplate cooperating with an OSHA inspector without the assistance of counsel if the inspection involves a catastrophe, fatal accident or an employee complaint.

IV. HANDLING AN OSHA INSPECTION

Once you overcome the surprise of being notified of an OSHA inspection, you will have to prepare for the inspection itself. The following material is designed to acquaint you with the process of a typical government inspection and will not apply to every situation. Any questions you have that cannot be answered by the government inspector should immediately be directed to legal counsel before you commit to a course of conduct during the inspection.

1. Preparing For The Inspection.

You should be aware that an inspector/compliance officer represents OSHA and is expected to demonstrate his or her knowledge and expertise in the safety and health field in a courteous and professional manner. Prior to the inspection, the inspector will familiarize himself or herself with the relevant facts about your workplace, such as the inspection history of the establishment, the nature of the business and the particular inspection standards which may apply. This preparation will provide the inspector with knowledge of the potential hazards and industrial processes that may be encountered, and will aid him or her in the selection of personal protective equipment for use against these hazards during the inspection.

2. First Contact/Opening Conference.

In most cases, for OSHA to perform an inspection it must either obtain the employer's consent or a valid warrant authorizing the inspection. The inspector, upon arriving at an employer's workplace, is not required to inform the employer of his or her right to request a warrant. Therefore, it is imperative that the employer be knowledgeable of his or her right to refuse to allow the inspector without a warrant. If denied entry to perform an inspection without a warrant, OSHA has the authority to obtain a warrant.

The initial contact with the OSHA inspector can be crucial. If you have a business policy for dealing with an OSHA inspector, be sure to implement that policy and "stick to it." Do not be unnerved by the OSHA inspector's presence or by the inspection itself. Stay calm and be professional at all times.

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If you do not have a business policy for dealing with OSHA inspectors, make a decision early in the process whether to cooperate or oppose the inspection. No matter what you decide, be sure to follow the ten steps in Section II to insure that all of the necessary employees are notified (including upper management) and to insure that the inspection goes smoothly.

In the opening conference, the inspector should explain how your establishment was selected for the safety inspection, and the type of inspection that will be conducted. At this time the inspector will also ascertain from the company representative whether an OSHA-funded consultation program is in progress or whether the facility is pursuing or has received an inspection exemption; if so, the inspection may be terminated.

The inspector will explain the purpose of his or her visit, the scope of the inspection, and the standards that apply. At this point, the company representative should request a copy of applicable safety and health standards as well as a copy of any employee complaint that may be involved. The complaint will not contain the employee's name, if the employee has requested anonymity.

The employer's representative should accompany the inspector during the inspection. You should be aware if your company's employees are represented by a recognized bargaining agent the agent ordinarily will designate the employee representative to accompany the inspector. Similarly, if a plant safety committee exists, the employee members of the committee will generally designate the employee representative (in the absence of a recognized bargaining agent). Where neither employee group exists, the employee representative may be selected by the employees themselves, or the inspector might determine if any employee suitably represents the interest of the employees. Under no circumstances will the employer be permitted to select the employee representative for the walk-around. The employee representative may also participate in the opening conference, if they so desire.

Note, the Act does not require that there be an employee representative for each inspection. Where there is no authorized employee representative, however, the inspector must consult with a reasonable number of employees concerning safety and health matters in the workplace.

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3. The Inspection Process.

Following the opening conference, the inspector and accompanying representatives will proceed through the establishment to inspect work areas for safety or health hazards.

The route and duration of the inspection will be determined by the inspector. While talking with employees, the inspector should make every effort to minimize any work interruptions. The inspector will:

- Observe the safety and health conditions and practices;
- Consult with the employees privately, if necessary.
- Take photos and instrument readings;
- Examine records;
- Collect air samples;
- Measure noise levels;
- Survey existing engineering controls; and
- Monitor employee exposure to toxic fumes, gases and dusts.

The inspection tour may cover part or all of the establishment, even if the inspection resulted from a specific complaint, fatality or catastrophe.

OSHA places special importance on posting and record keeping requirements. The inspector will examine records of deaths, injuries, and illnesses which the employer is required to keep. The inspector will verify that a copy of the totals on the last page of the OSHA Form 300 has been posted and that the OSHA workplace poster, which explains employees' safety and health rights, is conspicuously displayed. Records of employee exposure to toxic substances and harmful physical agents will also be examined for compliance with the record keeping requirements.

The inspector will also ask for a copy of the employer's Hazardous Communications ("HAZCOM") Program and will explain the requirements of the Hazards Communication Standard. Under that rule, certain employers are required to establish a written, comprehensive hazard communication program that includes provisions for container labeling, material safety data sheets, and an employee training program. The program must also contain a list of the hazardous chemicals in each work area and the means used to inform employees of the hazards associated with these chemicals.

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During the course of the inspection, the inspector will point out any unsafe or unhealthy working conditions he or she observes. At the same time, the inspector will discuss a possible corrective action, if the employer so desires.

Some apparent violations detected by the inspector can be corrected immediately. When they are corrected on the spot, the inspector records such corrections to help in judging the employer's good faith and compliance. Even though corrected, the apparent violation may still serve as the basis for a citation and, if appropriate, a notice of proposed penalty.

A Special Note On Trade Secrets

Trade secrets observed by the inspector will be kept confidential. An inspector who releases confidential information without authorization is subject to sanctions. Employers may also require that the employee representative have confidential clearance for any area in question. Irrespective of the contents of any confidentiality agreements with an employee or third party, trade secret information may be disclosed to OSHA if the person receiving the information believes that such a disclosure is necessary to workplace safety. At the start of an inspection, the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the inspector has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential-trade secret" and shall not be disclosed by OSHA.

4. Closing Conference.

At the conclusion of an inspection, the inspector will conduct a closing conference with the employer and the employee representative. At this point, the employer representative should carefully discuss the identified problems and needs; the closing conference provides an opportunity for a frank question and answer session concerning potential penalties and corrective action.

During the closing conference, the inspector should provide the employer representative with a copy of *Employer Rights and Responsibilities Following an OSHA Inspection* (OSHA 3000). After reviewing the informational booklet, the inspector will discuss all unsafe or unhealthful conditions observed during the inspection and indicate all apparent violations for which a citation or a proposed penalty may be issued or recommended. The inspector will not indicate any specific proposed penalty; however, the employer will also be informed of its appeal rights at this time. During the closing conference, the employer may wish to produce records to show compliance efforts and provide information that can help OSHA determine how much time may be needed to abate any alleged violation. OSHA has up to six months following the closing of an inspection to issue citations and penalties.

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When appropriate, more than one closing conference may be held. This is usually necessary when health hazards are being evaluated or when the laboratory reports are required.

If an employee representative does not participate in either the opening or the closing conference held with the employer representative, a separate meeting with OSHA can be held at the employee representative's request.

5. Do Not Retaliate Against The Employee.

It is critical that you not overreact to the filing of a complaint. It is a violation for an employer to retaliate against an employee for having filed or initiated a complaint. Even if the underlying complaint is without merit, taking any adverse action against an employee for having initiated an OSHA inspection would be unlawful.

Additionally, keep in mind that the inspector may consult employees during the inspection tour. The inspector will likely stop and question workers in private about safety and health conditions and practices in the workplace. Each employee is protected under the Act from discrimination by the employer for speaking with the investigator. Unlike non-supervisory employees, the statements and admissions of a supervisor or member of management may legally bind the company. OSHA inspectors should not be permitted to speak with members of management without proper preparation and/or legal counsel present.

Therefore, if the employee is still employed by the company, you **should not** terminate the employee, or otherwise discipline him or her, for initiating or participating in an inspection. On the other hand, if the company had contemplated disciplining the particular employee before receiving notification of the inspection, and the company's records support such discipline, you should not permit the inspection to interfere with your business decision.

6. Inspection Results.

After the inspector reports findings, the Area Director determines whether citations will be issued and whether penalties will be proposed.

a. Citations

Any citations received will inform the employer and employees of the regulations and standards alleged to have been violated and the proposed length of time set for their abatement. The employer will receive citations and notices of proposed penalties by certified mail. The employer must post a copy of each citation at or near the place where the violation occurred for three days or until the violation is abated, whichever is longer.

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b. Penalties

These are the types of violations that may be cited and the penalties that may be proposed:

- **De Minimis Violation** – A violation of standards that have no direct or immediate relationship to safety and health. Compliance officers are directed to document de minimus violations; however, while such violations may be included on OSHA citations they are normally not associated with a monetary penalty.
- **Other-than-Serious Violation** – A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A penalty of up to \$12,471 for each violation may be assessed. A penalty for an other-than-serious violation may be adjusted downward, depending on the employer's good faith (demonstrated efforts to comply with the Act), history of previous violations and size of business. When the adjusted penalty amounts to less than \$100, usually no penalty is proposed.
- **Serious Violation** – A violation where there is a substantial probability that death or serious physical harm could result. The penalty for a serious violation could be assessed up to a maximum of \$12,471. A penalty for a serious violation may be adjusted downward based on the employer's good faith, history of previous violations, and size of business.
- **Willful Violation** – A violation that the employer intentionally and knowingly commits. The employer is aware that a hazardous condition exists, knows that the condition violates a standard or other obligation of the Act, and makes no reasonable effort to eliminate it. Penalties of up to \$124,709 may be proposed for each willful violation. The minimum willful serious penalty is \$5,000.
- **Criminal Willful Violation** – Where an employer is convicted in a criminal proceeding of a willful violation of a standard that has resulted in the death of an employee may be fined up to \$250,000 (or \$500,000 if the employer is a corporation) or imprisoned for up to six months, or both. A second conviction doubles the possible term of imprisonment.
- **Repeat of Violation** – A violation of any standard, regulation, rule or order where, upon a reinspection, a substantially similar violation is found and the original citation has become a final order. Repeated violations can bring a fine of up to \$124,709 for each such violation.

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To calculate repeated violations, the initial penalty is adjusted for the size and then multiplied by a factor of 2, 5 or 10, depending upon the size of the employer.

- **Failure to Abate** – Failure to correct a prior violation. A civil penalty of up to \$12,471 for each day that the violation continues beyond the prescribed abatement date may be imposed.

Additional violations for which citations and proposed penalties may be issued are as follows:

- Falsifying records, reports or applications can, upon conviction, bring a criminal fine of \$10,000 or up to six months imprisonment, or both.

- Violations of posting requirements can bring a civil penalty of \$12,471.

- Assaulting an inspection officer, or otherwise resisting, opposing, intimidating, or interfering with an inspection officer in the performance of his or her duties is a criminal offense and is subject to a fine of not more than \$5,000 and imprisonment for not more than three years.



V. APPEALS PROCESS

1. Appeals By Employees.

If an inspection was initiated because of an employee complaint, the employee or authorized employee representative may request an informal review of any decision not to issue a citation.

Employees may not contest citations, amendments to citations, proposed penalties, or lack of penalties. They may, however, contest the time allowed for abatement of the hazardous condition. They may also contest an employer's "Petition for Modification of Abatement," which requests an extension of the proposed abatement period. Employees must contest the petition within ten working days of its posting or within working ten days after an authorized employee representative has received a copy.

Employees may request an informal conference with OSHA to discuss any issue raised by an inspection, citation, notice of proposed penalty, or employer's notice of intention to contest.

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2. Appeals by Employers.

When issued a citation and notice of proposed penalty, an employer may request an informal meeting with OSHA's Area Director to discuss the case. The Area Director is authorized to enter into settlement agreements that revise citations and penalties to avoid prolonged legal disputes and that result in a speedier hazard abatement (alleged violations contested before the Occupational Safety and Health Review Commission ("OSHRC") do not need to be corrected until the contest is ruled upon by OSHRC).

Within fifteen working days of the employer's receipt of the citation, the employer who wishes to contest **must** submit a written objection ("Notice of Contest") to OSHA. The OSHA Area Director forwards the Notice of Contest to the OSHRC, which operates independently of OSHA.

Please note that requests for informal conferences with the OSHA Area Director **do not** extend the fifteen working day period to file a Notice of Contest.

3. Petition For Modification Of Abatement.

Upon receiving a citation, the employer must correct the cited hazard by the abatement date unless he or she contests the citation or abatement date. Factors beyond the employer's control, however, may prevent the completion of the corrections by that date. In such a situation, the employer who has made a good faith effort to comply may file a petition to modify the abatement date.

The written petition must specify the steps taken to achieve compliance, the additional time needed to comply, the reasons additional time is needed, and interim steps being taken to safeguard employees against the cited hazards during the intervening period. The employer must certify that a copy of the petition was posted in a conspicuous place at or near each place where a violation occurred and that the employee representative received a copy of the petition.

4. Notice Of Contest.

If the employer decides to contest either the citation, the abatement period, and/or the proposed penalty, it will have fifteen working days from the time the citation and proposed penalty are received to notify the OSHA Area Director in writing. Failure to do so will result in the citation and proposed penalty becoming a final order of the OSHRC without further appeal. An orally expressed disagreement will not suffice. This written notification is called a "Notice of Contest." Although there is no specific format for the "Notice of Contest," it must clearly identify the employer's basis for filing – an objection to a citation, a penalty, an abatement period, or any combination thereof.

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A copy of the “Notice of Contest” must be given to the employees’ authorized representative. If any affected employees are not represented by a recognized bargaining agent, a copy of the notice must be posted in a prominent location in the workplace or given personally to each unrepresented employee.

5. Review Procedure.

If the written “Notice of Contest” has been filed within the required fifteen working days, the OSHA Area Director forwards the case to OSHRC. The commission is an independent agency not associated with OSHA or the Department of Labor. The commission assigns the case to an Administrative Law Judge.

A hearing may be scheduled for a public place near the employer’s work place. The employer and the employees’ representative have the right to participate in the hearing; the OSHRC does not require that they be represented by attorneys.

Once the Administrative Law Judge has issued a decision, any party to the case may request a further review by the OSHRC. Any of the OSHRC commissioners may also, at his or her own motion, bring a case before the commission for review. Commission rulings may be appealed to the appropriate U.S. Court of Appeals.

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This publication is based on the most current information at the time it was written. Since it is possible that the laws or other circumstances may have changed since publication, please call us to discuss any action you may be considering as a result of reading this publication.

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