



Building a positive relationship with ConnOSHA will help you increase workplace safety and help make an inspection a successful one.

# What to Do When ConnOSHA Knocks: Understanding the Inspection Process



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December 2013

# Compliance, housekeeping, and documentation are all areas that can—and should be—made ready well in advance of any inspection.

“The purpose of the Occupational Safety Health Act is to not to issue fines to employers, but to protect the worker.”

## When OSHA knocks

Fear often surrounds a ConnOSHA inspection. But the fear more often stems from a lack of understanding of the process and how to prepare for and manage a surprise inspection, rather than the possibility of an actual citation.

The Connecticut Department of Labor’s Division of Occupational Safety and Health, more commonly known as ConnOSHA, regulates workplace safety regulations as they apply to state and municipal workers. Its regulations mirror the Federal government’s OSHA standards. ConnOSHA’s Compliance Safety and Health Officers conduct workplace inspections to determine if municipalities are in compliance with workplace safety and health standards. These officers are trained in OSHA Standards, as well as in identifying safety and health hazards.

## Will we receive notice if ConnOSHA is coming?

ConnOSHA inspections are typically conducted without advance notice. Alerting an employer without proper authorization in advance of a ConnOSHA inspection can result in a fine or jail time for both OSHA Compliance Officers and state inspectors. There are special circumstances under which OSHA may give notice to the employer, but the notice is less than 24 hours. These circumstances include, but are not limited to:

- Imminent danger situations that require correction as soon as possible;
- Inspection that must take place after regular business hours or which require special preparation;
- Cases where notice is required to assure 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 ConnOSHA area director determines that advance notice would produce a more thorough or effective inspection.

## Can we refuse to let the compliance officer in?

You have the right to refuse to let the Compliance Officer inspect your premises. However, this is not recommended as the inspector will report such refusals to the ConnOSHA Area Director, who may then obtain a search warrant to inspect your facility.

## Will ConnOSHA tell us why they are inspecting our operations?

When ConnOSHA comes to your facility, they’ll conduct an Opening Conference in which they will explain the reason for the inspection. Reasons for inspections may include an employee complaint, a work site that falls into a high-hazard category, or because the work site falls into an enhanced enforcement plan.

## What types of materials and records will the compliance officer likely ask to see?

You should always assume that the compliance officer will ask to review work site injury and illness records and posting of the official OSHA poster. Other records, appropriate to the inquiry, may also be requested, such as written plans and programs, training records, equipment inspection records, or any other records that pertain to the inspection. The Compliance Officer will most likely want to see all or parts of the workplace along with storage areas.

“The Inspector is a highly trained professional who can help you recognize and evaluate hazards, as well as suggest appropriate methods of correcting violations.”

*U.S. Department of Labor  
Occupational Health & Safety Administration*

# Informal Conferences provide an opportunity to reduce fines.

## What are the steps to the inspection?

1. When the ConnOSHA compliance officer arrives at your workplace, (s)he will display official credentials and ask to meet an appropriate employer representative. Always ask to see the Compliance Officer's credentials.
2. The compliance officer will conduct an opening conference to explain the purpose of the visit, the scope of the inspection, and the standards that apply. You will be given a copy of an employee complaint that may be involved (with the employee's name deleted, if he has requested anonymity).
3. After the opening conference, the compliance officer will proceed through your establishment to inspect work areas for safety or health hazards.
4. At the conclusion of the inspection, the compliance officer will conduct a closing conference to discuss all unsafe or unhealthful conditions observed. The inspector will also indicate apparent violations for which citations and proposed penalties may be issued or recommended.
5. After the compliance officer reports the findings, the ConnOSHA director will determine whether citations will be issued and propose penalties.
6. A written notice of citations and proposed penalties will be sent to you by certified mail.

## How can you make the inspection process easier?

Always remember the Compliance Officer's goal is to ensure the workplace is as safe as possible. In order to answer their questions, a person knowledgeable in safety and health should accompany the compliance officer to take notes regarding the alleged violations. Since no citations or penalties are issued at the time of an inspection, notes taken during the inspection will prove useful to start the abatement process even before the citations are received by mail.

Whenever obvious fixes are available for noted violations, they should be implemented immediately. Compliance officers will note these corrections, which will help establish good faith efforts by the municipality to correct hazards. Additionally, during the closing conference, it may be beneficial to show records of compliance efforts and to provide information to ConnOSHA to determine the time needed to abate hazards.

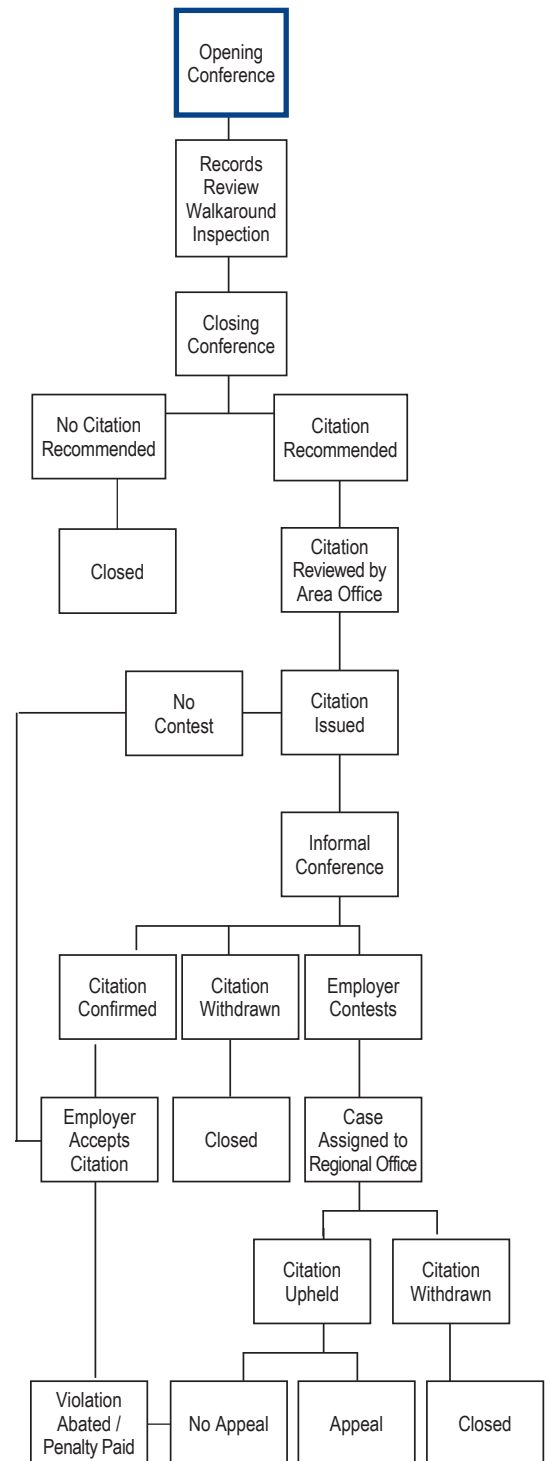
## What options does a municipality have after an inspection?

After an inspection in which violations are found, there are a range of options available to the town. These options include an informal hearing, abate and payment, or formal conference. CIRMA recommends that you contact your Risk Management Consultant to assist you in determining the best course of action, to assist with abatement, and to prepare for response.

CIRMA always recommends beginning the Abatement Process with an Informal Conference. You must request this conference with the ConnOSHA director within 15 days of the date you receive a written notice of citations and proposed penalties in order to establish an informal contest.

The Informal Conference is an opportunity to review the corrective measure made by the municipality. This is also a time to discuss corrective options that have not yet been completed. As part of the Informal Conference, you will have the opportunity to ask for a penalty reduction, resolve disputed citations, and ask for additional time for abatement of hazards.

## ConnOSHA Inspection Process



# ConnOSHA's consulting branch is a valuable resource for technical assistance in workplace safety

For additional information on this topic, please contact your CIRMA Risk Management Consultant.

CIRMA has established a strategic alliance with ConnOSHA that has many benefits for members. Along with the technical assistance CIRMA Risk Management provides for hazard abatement, CIRMA has also developed a response process that has been effective in assisting members receive a 30%-50% reduction in the proposed violations.

Although the Informal Conference is the preferred first response to an OSHA citation, there are other options. The municipality may choose to abate the hazards and pay the fines, or it may request a formal contest. Neither of these is recommended. The first does not allow the opportunity to reduce the fines. As for the second, municipalities often find that most matters can be managed adequately during the informal process—without incurring the court costs of an formal contest.

## **Are there ways to avoid an OSHA Inspection?**

Use of ConnOSHA's Consulting branch can reduce the likelihood of an OSHA Inspection by your demonstration of a good faith effort to comply with the standards. Use of their consulting services is free of charge and they do not have the ability to cite violations that they find. There are other important benefits. The ConnOSHA Consultants specialize in Safety & Health or Industrial Hygiene. Those that specialize in industrial hygiene have the ability to complete noise monitoring, air sampling, and other industrial hygiene processes that CIRMA Risk Management cannot.

## **CIRMA Assistance**

If you are considering the use of ConnOSHA's Consulting Services or have been visited by a Compliance Officer, please contact your CIRMA Risk Management Consultant. CIRMA will be able to assist you determine your course of action.

*The Connecticut Interlocal Risk Management Agency, CIRMA, is Connecticut's leading provider of municipal risk financing and risk management services. A member-owned and governed agency, CIRMA provides high quality insurance for municipalities, school districts, and local public agencies. CIRMA operates two risk pools, the Workers' Compensation and the Liability-Auto-Property pool. It also provides Heart & Hypertension claims services and claims administration and risk management services to self-insured municipalities. CIRMA's financial strength enables it to provide assured rate stability, open availability, and expert risk management and claims services.*

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