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## **Chapter 2 : OSHA INSPECTION GUIDELINES**

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### **PRE-INSPECTION**

Before starting the inspection, the Compliance Officer (Inspector) will explain the nature and general scope of the inspection as well as outline the records he wants to review and the employees he wishes to question. As a representative for **CUNNINGHAM PAVING**, be polite, respectful, and cooperative. Also, be aware of and uphold **CUNNINGHAM PAVING's** right to a fair inspection.

#### **BASIC STEPS TO FOLLOW**

1. Request to see the officer's credentials.
2. Ask if this is a regularly scheduled inspection or one prompted by an employee complaint.
3. If the inspection is the result of an employee complaint, ask to be given a copy of the complaint.
4. Determine if the party filing the complaint requested that his name be withheld. If no such request was made, the inspector is allowed to disclose the name of the complainant. If the investigation involves a complaint, the Compliance Officer generally may only inspect and interview concerning matters reasonably related to the complaint.
5. Determine if the complaint was filed by a present or past employee, by an employee of a customer, subcontractor, or material supplier, or by a person not directly employed around the workplace. The answers to these questions may be extremely important to **CUNNINGHAM PAVING**. In most cases, an inspection can be disallowed if the complaint was filed by someone other than a present employee or his representative, unless the complaint involves an imminent danger.
6. Ask the inspector to wait to start the inspection until **CUNNINGHAM PAVING's** safety representative can be notified. Request permission to inform the client, other contractors and subcontractors, and the main office that an inspection is underway at the jobsite.

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7. Notify the appropriate **CUNNINGHAM PAVING** office representative of the inspection and request their attendance.
  8. In the event that the Compliance Officer is seeking to inspect without probable cause or to make an unreasonable inspection of the jobsite, consider requesting that a search warrant be obtained. After preliminary investigation, if you believe that a request is unreasonable, you must use careful judgment and good faith in handling the situation. Discuss the matter with the Compliance Officer and explain why you think his request is unreasonable. If he insists on the request, ask the inspector to wait until top management can be consulted. If you have strong convictions that the request is unreasonable and unnecessary, consult with your supervisor, the safety director, or an officer of **CUNNINGHAM PAVING** before proceeding. There probably will be other areas the Compliance Officer may inspect while a decision is being made by management regarding the requests that seem unreasonable.
  9. Carefully determine the reason for each person's presence. What is their role in this inspection? The best rule to follow is one of reasonableness and common sense. If the person is an equipment expert and an otherwise disinterested party to the investigation, you may choose to let him participate. If, on the other hand, you feel that the person's presence will be of questionable value concerning matters of safety and health in the workplace, then politely ask the outside party to wait until your supervisor, safety director or an officer of **CUNNINGHAM PAVING** can be consulted.
  10. As you wait for the proper **CUNNINGHAM PAVING** officials to arrive, get a copy of the inspector's work assignment for your site. This paper is usually a building permit, Dodge Report, or a copy of a complaint. Remember that **CUNNINGHAM PAVING** may want to contest an alleged violation, so record all pertinent information. The names, business affiliation and addresses of all persons present should be written down.

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## BE AWARE OF **CUNNINGHAM PAVING'S** RIGHTS

The OSHA Act guarantees employers the right to a reasonable, orderly, and fair inspection. The inspection must be:

- At a reasonable time.
- Within reasonable limits.
- Conducted in a reasonable manner.

If there is no authorized representative of the employees present, the Compliance Officer has the right to question a reasonable number of employees.

The Department of Labor's regulations direct the Compliance Officer to conduct his investigations so as to avoid any undue and unnecessary disruption of the normal operations of the employer. Review the day's schedule with the inspector. Assist him to conduct the inspection in the least disruptive way possible.

### ***ACTUAL INSPECTION***

#### RIGHT TO ACCOMPANY THE OFFICER

The employer has the right to accompany the officer. This is a very important right. You may be the only spokesman for **CUNNINGHAM PAVING** during the inspection and the eyes and ears of management for any contest proceedings later. If possible, have a management representative on site.

The OSHA statute gives the Compliance Officer authority to interview employees, privately if he wishes, and to examine machinery or equipment. The Compliance Officer is also permitted to take photographs, use a video camera, take samples, and to use other reasonable information gathering techniques. You should take pictures and samples as you accompany the Compliance Officer so as to have a record of the proceedings that duplicates the officer's as closely as possible.

**Remember to take notes.** It is imperative that you take as complete a set of notes as possible, identifying areas visited, equipment and material examined, employees interviewed and a written description of each **ALLEGED** hazard. There is nothing wrong with taking notes during the investigation.

