



Administration and Finance

Operations Detail: **Environmental Health and Safety-03**

Cal/OSHA Notification and Investigation October 2023

1.0 PURPOSE

This Operations Detail outlines the required responses and actions from supervisors, managers, directors, and those responsible for the safety and wellness of staff and faculty per Cal/OSHA requirements. In addition, this document also outlines the critical roles of the Office of Environmental Health and Safety and Risk Management related to Cal/OSHA.

2.0 BACKGROUND

The Division of Occupational Safety and Health, better known as Cal/OSHA, sets and enforces standards that protect and improve the health and safety of workers. At Cal Poly Pomona, the Department of Environmental Health & Safety (EH&S) is responsible for ensuring campus compliance with Cal/OSHA requirements.

OVERVIEW

Cal/OSHA is organized into three major units:

- Occupational Safety and Health – Enforces worker safety and health standards and offers free training and consultation to employers and their employees to comply with workplace safety and health regulations.
- Occupational Safety and Health Standards Board – Adopts, amends, and repeals standards.
- Occupational Safety and Health Appeals Board – Hears appeals regarding Cal/OSHA enforcement actions.

Navigating within the Cal/OSHA regulatory system requires consistent and coordinated efforts, beginning with the Director of Environmental Health and Safety. In the event the Director of Environmental Health and Safety is unavailable, Risk Management should be contacted.

Cal/OSHA requirements apply when an employee (including student workers) is injured on the job, and the Workers' Compensation Coordinator deems the injury/illness severe. Injury reporting will proceed as follows:

- Employee or witness to the supervisor
- Supervisor to the Workers' Compensation Coordinator
- Workers' Compensation Coordinator to the Director of Environmental Health and Safety.

Should this process not adequately cover a particular situation or circumstance, please contact the Director of Environmental Health and Safety for clarification and directions.

Key personnel:

- Employee (if available)
- *Injured employee's supervisor
- Manager/Director of the department (if applicable)
- Dean of College (if applicable)
- Labor union shop steward (if applicable) and Employee Labor/Relations representative (notification via email at elr@cpp.edu)
- Workers' Compensation Coordinator (workerscomp@cpp.edu)
- *Director of Risk Management
- *Director of Environmental Health and Safety

*Required

The Cal/OSHA regional office responsible for incidents and investigations on the Cal Poly Pomona campus is:

Monrovia District Office

Zulfiquar Merchant, District Manager

800 Royal Oaks Drive, Suite 105

Monrovia, CA 91016

phone: (626) 239-0369

fax: (626) 239-0387

email: DOSHMRV@dir.ca.gov

Employee rights:

- Safe and healthful working conditions.
- Training from CPP on workplace hazards and workers' rights.
- Request information from CPP about Cal/ OSHA (Occupational Safety and Health Administration) standards, worker injuries and illnesses, job hazards, and workers' rights.
- Request action from CPP to correct hazards or violations of Cal/OSHA standards.

- File a complaint with Cal/OSHA regarding violations of Cal/OSHA standards or serious workplace hazards.
- Be involved in a Cal/OSHA workplace inspection by participating in the walk-around.
- Find out the results of the Cal/OSHA inspection.
- Get involved in meetings or hearings to discuss any employer objections to Cal/OSHA citations or changes to abatement deadlines.
- File a formal appeal of deadlines for hazard correction.
- File a Cal/OSHA discrimination or whistle-blower complaint with the state labor commissioner.
- Request a research investigation of workplace health hazards from the National Institute for Occupational Safety and Health.
- File a petition to the Occupational Safety and Health Standards Board for a new standard.
- Participate in the development of new standards.

Employee responsibilities:

- Follow all workplace safety and health rules and regulations and wear/use prescribed protective equipment while working.
- Read the Cal/OSHA poster Safety and Health Protection on the Job at the job site.
- Be aware of Cal/OSHA standards and call the local enforcement district office or consultation area office for information if necessary.
- Report hazardous conditions to the appropriate supervisor, Office of Environmental Health and Safety, or Risk Management.
- Report any job-related injury or illness to the Supervisor and the Workers' Compensation Coordinator and seek prompt medical treatment if necessary.
- Cooperate with Cal/OSHA enforcement personnel during an inspection of safety and health conditions in the workplace.
- Exercise worker rights under the California Occupational Safety and Health Act.

Institutional responsibilities:

Departments/Colleges:

Per Executive Order 1039 section 3, All employees who assign and/oversee work are responsible for ensuring that compliant work controls and procedures consistent with Federal, State and Local regulations and University policies are implemented and maintained to provide for the action of individuals and to safeguard the environment. Each individual is expected to comply with applicable EH&S regulations and University policies, programs and procedures.

- Make sure employees have, use, and adequately maintain safe tools and equipment.
- Use color codes, posters, labels, or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow health and safety requirements.

- Post at a prominent location within the workplace the Cal/OSHA poster Safety and Health Protection on the Job informing employees of their rights and responsibilities.
- Maintain a culture and environment free of discrimination against employees who exercise their rights under the California Occupational Safety and Health Act.
- Apply corrective action measures as communicated by CPP EH&S or upon CalOSHA notification.
- Provide to Cal/OSHA enforcement personnel the names of authorized employee representatives who may be asked to accompany them during an inspection.

Risk Management & EHS responsibilities

In the event of a CalOSHA notification of an alleged violation or issuance of a Citation of Penalty, Risk Management & EHS have the responsibility to do the following:

- Establish, implement, and maintain an Injury and Illness Prevention Program (IIPP).
- Evaluate IIPP periodically to keep it current and effective for the protection of employees.
- Investigate and review existing policy or procedures pertaining to the violation in question.
- Obtain any necessary records and documentation pertaining to the investigation.
- Eliminate imminent hazards observed during the investigation that may include, but are not limited to, embargoing, demarcation to prohibit the use, or restricting access to the work area hazard.
- Ensure violations are corrected by citation deadline.
- Review historical events that which led to the violation in question.
- Determine which department is responsible for the violation in question.
- In the event an employee fails to carry out responsibilities, Risk and EHS must collaborate with Employee Labor Relations to determine the appropriate course of action ensuring institutional policies and corrective actions are implemented to address CalOSHA findings.
- Work with the budget office to collect CalOSHA fees from the responsible department and ensure any citation payments are made promptly in accordance with CalOSHA mandates (e.g., typically 15 working days from the receipt of Citation of Penalty)
- Coordinate with the CalOSHA District office for any informal conferences or scheduling of a formal appeal with the Appeals Board
- Provide formal correspondence by letter to the CalOSHA district office of the corrective measures implemented to address the findings communicated within the Citation and Notification of Penalty.
- Provide medical examinations and training when required by Cal/OSHA standards.
- Report immediately by telephone to the nearest Division of Occupational Safety and Health (DOSH) district office any severe injury, serious illness, or death of an employee in a place of employment or connection with any employment.

- Post Cal/OSHA citations at or near the work area involved. Each citation must remain posted until the violation is corrected or for three working days, whichever is longer.
- Post abatement verification documents or tags.
- Correct violations by the Cal/OSHA citation deadline and submit the required proof of evidence for verification purposes.

Workers Compensation Responsibilities:

- Keep records of work-related injuries/illnesses on the Cal/OSHA Log 300 (or equivalent) and post an annual summary (Form 300A) from February 1 through April 30 each year if you employ 11 or more employees and are not exempt.
- Provide employees, former employees, and their representatives copies of Forms 300 and 300A by the end of the next business day when requested.

3.0 CITATIONS

Several CSU policies guide programs, procedures, overall accountability of safe practices, and corrective actions. The following are within the CSU and subsequently Cal Poly Pomona:

[CSU Risk Management and Public Safety \(Policy Stat ID: 6590643\)](#)

[CSU Environmental Health and Safety Policy \(Policy Stat ID: 8588538\)](#)

The State of California offers numerous resources as well:

- [Cal/OSHA User Guide](#)
- Division of Occupational Safety and Health website and access to information related to DOSH units and programs, Labor Code sections, policy and procedure references, Title 8 regulations, regulatory agencies, technical information, and compliance data (www.dir.ca.gov/dosh)
- Title 8 of the California Code of Regulations – the regulations Cal/OSHA enforces and provides assistance with (www.dir.ca.gov/title8/index/T8index.asp)
- Accidents and Complaints – to report a workplace accident or file a complaint with the nearest Cal/OSHA Enforcement Unit District Office (www.dir.ca.gov/dosh/Enforcementpage.htm)
- Publications – to download Cal/OSHA guidance documents, fact sheets, and posters (www.dir.ca.gov/dosh/PubOrder.asp)
- Consultation Assistance – to obtain help from the Cal/OSHA Consultation Services Branch (www.dir.ca.gov/dosh/consultation.html)
- Permits/Licenses/Certifications/Registrations – to obtain information about the permits, licenses, certifications, and registrations required by DIR (www.dir.ca.gov/permits-licenses-certifications.html)
- Notifications – for a list of notifications required by Cal/OSHA (www.dir.ca.gov/dosh/Required-Notifications.html)

- Records of Occupational Injury and Illness – to help you understand the provisions of the recordkeeping regulations (www.dir.ca.gov/dosh/etools/recordkeeping/index.html)
- The Workers Page – explains how to file Cal/OSHA and whistleblower complaints. The site also describes workers’ rights and responsibilities (www.dir.ca.gov/dosh/WorkersPage.htm)
- Cal/OSHA’s policy and procedures manual for enforcement is available online at (www.dir.ca.gov/samples/search/querypnp.htm)

4.0 PROCEDURES

1. If the injury/illness is severe, call 911 from any campus phone or UPD at (909) 869-3070 and request help.
2. The injured employee shall notify their respective supervisor immediately.
3. If the supervisor is unavailable or the incident is emergent, notify University Police immediately.
4. During regular business hours of the University, the supervisor shall notify the Workers’ Compensation Coordinator; after hours, the supervisor shall notify the University Police Department, followed by the Director of Environmental Health and Safety.
5. Once the Workers’ Compensation Coordinator is informed of the incident and determines it meets the OSHA reporting requirement, they shall forward the doctor’s first report to the EHS Director and Risk Management.
6. Depending on the severity of the injury/illness, the Director of Environmental Health and Safety will notify Cal/OSHA immediately with the following information.
 - a. Time and date of the accident.
 - b. Employer’s name, address, and telephone number.
 - c. Name, job title, or badge number of the person reporting the accident.
 - d. Address of site of accident or event.
 - e. Name of person to contact at the site of the accident.
 - f. Name and address of injured employee(s).
 - g. Nature of injury.
 - h. Location where injured employee(s) was (were) moved to.
 - i. List and identity of other law enforcement agencies at the site of accident
 - j. Description of accident and whether the accident scene or instrumentality has been altered
7. Risk Management will be briefed on the reporting to Cal/OSHA.

Campus Inspections

Initial Contact

Cal/OSHA enforcement staff obtain permission to conduct an inspection from the Director of Environmental Health and Safety or Risk Management at Cal Poly Pomona. If the Directors are

unavailable, Cal/OSHA may seek permission from the Office of the Vice President of Administration & Finance.

There is generally no justifiable reason for CPP to refuse a Cal/OSHA inspection. If it is denied, Cal/OSHA maintains the ability to obtain an inspection warrant in order to proceed with their investigation.

A Cal/OSHA inspection is based on one or more criteria and may focus on part or the entire workplace or operation area. Inspection priorities are as follows:

- Imminent hazard
- Fatality or catastrophe
- Investigation of severe injury or exposure
- Formal complaints
- Scheduled inspection, usually of businesses in industries with higher-than-average potential risk

Presentation of Credentials

Cal/OSHA inspectors shall identify themselves to the CPP employee and again with the Director of Environmental Health and Safety by showing their State of California photo identification card and Division of Occupational Safety and Health business card before inspecting the worksite.

In the event an inspector fails to provide proper identification and credentials, CPP maintains the right to contact the local Cal/OSHA district office for verification.

Imminent hazards – If an inspection is conducted because of an imminent threat, Cal/OSHA enforcement inspectors, after identifying themselves to the nearest available CPP representative, will ask to be taken to the imminent hazard immediately. After employees have been removed from exposure to the imminent threat, the inspectors will conduct an opening conference.

Advance notice – By law, advance notice of an inspection is not given to an employer before the actual entry of Cal/OSHA enforcement staff on the property, except by specific permission of the DOSH chief or authorized representative.

Unauthorized notice is a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to six months, or both.

Opening Conference

An opening conference will be conducted with the Director of Environmental Health and Safety, the injured employee's supervisor, or the employer's highest ranking representative available at the inspected worksite. The Cal/OSHA inspector will explain to all parties the purpose and scope of the inspection, the inspection walk-around procedures, workers' rights regarding Cal/OSHA, and other information. If Cal/OSHA is conducting a complaint investigation, the inspector may not reveal the identity of the complainant(s) nor discuss any items of the complaint(s). Joint opening conferences are held with the Director of Environmental Health and Safety, the employee's supervisor, and the bargaining unit representative of the employees. If the joint conference is not possible, separate opening conferences will be held.

Enforcement staff will review CPP's permits, registrations, workers' compensation coverage documentation, occupational safety and health records, the written IIPP, and any other required program documentation.

Walk-around

The Director of Environmental Health and Safety and the injured employee's supervisor will accompany Cal/OSHA personnel during the walk-around. The Cal/OSHA inspector conducts employee interviews and photographs the work site. The inspector may also perform other activities, including taking measurements, conducting safety and industrial hygiene monitoring and sampling, taking videos, and collecting pertinent documentary and physical evidence. Citations will be issued, and monetary penalties will be proposed if hazards observed during the walk-around violate the title 8 safety orders.

Order to Preserve (www.dir.ca.gov/DOSHPol/P&PC-25A.htm)

During the investigation of an accident or occupational illness, it is necessary to ensure that the worksite—or physical evidence located at it—is preserved until the inspection can be completed. In that case, enforcement personnel will issue an Order to Preserve.

Order Prohibiting Use (www.dir.ca.gov/DOSHPol/P&PC-8.htm)

If, in the course of an inspection the Cal/OSHA enforcement engineer or industrial hygienist concludes that a condition or practice exists that creates an imminent hazard to the safety and health of workers, the affected workers are informed, and an Order Prohibiting Use is issued to the employer. This order prohibits employee use of the area, machine, or equipment that presents the hazard. A yellow tag is placed conspicuously in the area where the imminent threat exists.

CPP's Director of Environmental Health and Safety, in cooperation with the affected area's supervisor, director, or dean of schools, may request a hearing by Cal/OSHA after

being issued an Order Prohibiting Use. The hearing is held within 24 hours of the request. The supervisor responsible for the affected equipment or area must notify employees or an employee representative of the hearing to ensure they are informed of their right to attend. The Cal/OSHA district manager tells an employee representative of the right to participate and the hearing time and location.

The yellow tag may not be removed until the hazardous condition no longer exists, or the required safeguards and safety devices are installed. Only an authorized Cal/OSHA engineer or industrial hygienist may remove a yellow tag.

Trade Secrets

Information obtained by the Division of Occupational Safety and Health as a result of an inspection that contains or might reveal a trade secret is kept confidential except when such information must be disclosed to Cal/OSHA staff or when it is relevant to any Cal/OSHA proceeding. In such a proceeding, the Appeals Board, Standards Board, Director of Industrial Relations, and the court will issue orders to protect the confidentiality of trade secrets.

Exit Conference

Cal/OSHA inspectors will conduct an exit conference with CPP representatives before leaving the worksite. The inspector will inform CPP of any preliminary findings of violations, the anticipated date when the closing conference may be held, and information regarding hazards that require corrective action. The inspector will provide CPP with a document request form for records and documents needed to complete the inspection.

Citations

Suppose during or immediately following an investigation; Cal/OSHA believes that CPP has violated any title 8 standard, order, or regulation. In that case, a citation is issued with a reasonable time for abatement (correction).

Before closing the inspection and issuing a citation for a severe violation, Cal/OSHA will provide CPP with a Notice of Intent to Classify as Serious. The notice is intended to allow the employer to show why a severe violation does not exist. The employer will have 15 days to respond to the notice before issuing the citation.

Closing Conference

At the inspection's conclusion, the Cal/OSHA inspector will hold a closing conference with CPP representatives to discuss any enforcement actions, including citations of alleged violations of standards observed and penalties. The closing conference discussion also includes, but is not limited to the following:

- Posting requirements – EH&S must prominently post the citation at or near each place of violation referred to and, in an area, where all affected employees readily see it—and must remain posted for three working days or until the condition is abated, whichever is longer.
- Abatement requirements –EH&S must submit proof of abatement to the Cal/OSHA district office that issued the citation. Proof of abatement of severe violations must be received on time for the employer to receive abatement credit. Enforcement staff assigns an abatement date for each cited violation. Abatement is usually required within 30 calendar days for general violations and seven days for serious violations. The date set for abatement depends on:
 - the probability that a fatality, injury, or illness could occur due to the violative condition during the abatement period.
 - the amount of time needed by CPP to accomplish abatement; design the correction; or obtain materials, equipment, or personnel.
 - the availability of temporary safety and health measures, such as personal protective equipment or training.
 - the occurrence of weekends or holidays; and
 - the existence of sufficient time for the employer to receive the citation.
- Follow-up inspections – These may be conducted to confirm that CPP completes the abatement of violative conditions.
- Informal conference – CPP may request an informal meeting with the Cal/OSHA district office to discuss the employer’s health and safety program, citations, penalties, and abatement.
- Formal appeal – CPP has a right to contest any citation or penalty, the reasonableness of the abatement, or the abatement due date set by Cal/OSHA.

Informal Conference

Following receipt of a citation or notice, CPP may request an informal conference with the Cal/OSHA district manager. The meeting may be conducted within ten working days of citation issuance or any time before the scheduled date of an appeal hearing if a formal appeal is filed with and accepted by the Appeals Board.

At the informal conference, CPP may discuss requests for extension of abatement dates, evidence that no violation exists, proposed penalty amounts, violation classifications, or any other matter relating to the health and safety investigation.

Occupational Safety & Health Appeals Board

Upon receipt of a citation, CPP may appeal to the Occupational Safety and Health Appeals Board regarding the existence or nature of the violation, proposed penalty, or abatement requirement.

Any appeal must be initiated within 15 working days of receipt of the citation by phone (www.dir.ca.gov/oshab/contact_us.html) to the appeals board office or via the website (www.dir.ca.gov/oshab/oshab.html) through the OASIS online appeal system. The Appeals Board website also includes forms and instructions for completing the online appeal initiation process. If CPP fails to notify the Appeals Board of their appeal within the 15-working-day limit and submit appeals paperwork as required, and if no notice is filed by an employee or employee representative within that time, then the citation becomes a final order not subject to review by any court or other agency, including Cal/OSHA, regardless of the date of a scheduled informal conference with the district office. The Appeals Board may extend the 15 days for a good cause.

Appeals can be resolved during the prehearing conference by telephone without the necessity of an in-person hearing. For appeals requiring a hearing, the hearing is held in the Cal/OSHA district office or at the appeals board office as near as practicable to the site where the violation is alleged.

Although the appeal procedures are designed so that employers may represent themselves, some employers choose attorneys or health and safety consultants to represent them during the appeals process. In the case of CPP, the Director of Risk Management and the Director of Environmental Health and Safety will represent the University.

The hearing is conducted by an Administrative Law Judge, who issues a decision. Parties affected by the decision may file a petition for reconsideration within 30 days if they disagree with the judgment. Appeals Board reconsideration decisions may be appealed in Superior Court.

5.0 DEFINITIONS

“Serious injury or illness” means any injury or illness occurring in a place of employment or in connection with any work that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any severe degree of permanent disfigurement, but does not include any injury or illness or death caused by accident on a public street or highway unless the accident occurred in a construction zone.(California Occupational Safety and Health Regulations, Title 8, section 330).

“Immediately” means as soon as possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or severe injury or illness. Suppose the employer can demonstrate that exigent circumstances exist. In that case, the time limit for the report may be made no longer than 24 hours after the incident (California Occupational Safety and Health Regulation, Title 8, section 342).

6.0 CONTACTS

Director of Environmental Health & Safety

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Workers' Compensation Coordinator

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Director of Risk Management

Mike Yu

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8. REVISION TRACKING

Revision History

Revision Date	Revised by	Summary of Revision	Section(s) Revised

Review/Approval History

Revision Date	Revised/Approved by	Summary of Revision	Section(s) Revised
10/11/23	Erick Guandique	Initial Draft	