

IOSHA DIRECTIVE

IA 99-3 - IOWA SAFER WORKPLACES 2000

- Record Type: **Notice**
 - Directive Number: **IA 99-3**
 - Subject: **SAFER WORKPLACES 2000 Intervention Program for Employers with High Injury or Illness Rates**
 - Information Date: **08/24/99**
-



IOSHA NOTICE

**Iowa Workforce Development
Administration (IOSHA)**

Iowa Occupational Safety and Health

Purpose: This Notice establishes and implements a program to select employers with high rates of work-related injuries or illnesses. This Notice provides for enforcement or consultation intervention and encouragement for employers to implement safety and health programs specifically designed to eliminate or reduce workplace hazards in order to lower injury or illness rates.

Scope: IOSHA-wide

References: OSHA Instruction CPL 2.25I, January 4, 1995, Scheduling System for Programmed Inspections; OSHA Instruction CPL 2-0.51J, May 29, 1998, Enforcement Exemptions and Limitations under the Appropriations Act; OSHA Instruction CPL 2.102, March 28, 1994, Procedures for Approval of Local Emphasis Programs and Experimental Programs; OSHA Notice 99-3 (CPL 2), April 19, 1999, Site Specific Targeting; IOSHA Instruction CPL 2.103, September 29, 1994, Field Inspection Reference Manual (FIRM); OSHA Instruction TED 3.5B, May 30, 1997, Consultation Policies and Procedures Manual; Iowa Code Chapter 88 and implementing regulations.

Expiration Date: This Notice is effective until cancelled.

Action: The Bureau Chiefs for IOSHA Consultation/Education and Enforcement shall ensure that the procedures outlined in the Notice are followed.

Originating Office: IOSHA, Des Moines, Iowa

Contact: Stephen J. Slater, Bureau Chief (515) 965-7160
IOSHA Consultation and Education
PO Box 249
Ankeny, IA 50021

- I. **Purpose.** This Notice establishes and implements a SAFER WORKPLACES 2000 program to select employers with high rates of work-related injuries or illnesses. This Notice provides for consultation or enforcement intervention and encouragement for employers to implement safety and health programs specifically designed to eliminate or reduce workplace hazards in order to lower injury or illness rates.
- II. **Scope.** This Notice applies IOSHA-wide.
- III. **Action.** The IOSHA Bureau Chiefs for Enforcement and Consultation /Education shall ensure that the procedures outlined in this Notice are followed.
- IV. **References.** OSHA Instruction CPL 2.25I, January 4, 1995, Scheduling System for Programmed Inspections; OSHA Instruction CPL 2-0.51J, May 29, 1998, Enforcement Exemptions and Limitations under the Appropriations Act; OSHA Instruction CPL 2.102, March 28, 1994, Procedures for Approval of Local Emphasis Programs and Experimental Programs; OSHA Notice 99-3 (CPL 2), April 19, 1999, Site Specific Targeting; IOSHA Instruction CPL 2.103, September 29, 1994, Field Inspection Reference Manual (FIRM); OSHA Instruction TED 3.5B, May 30, 1997, Consultation Policies and Procedures Manual; Iowa Code Chapter 88 and implementing regulations.
- V. **Expiration Date.** This Notice is effective until canceled.
- VI. **Background:** Iowa Occupational Safety and Health Administration (IOSHA) recognized the need for a more effective approach for selecting interventions. A review of several sources revealed reliable site-specific data were available from the Iowa Insurance Commissioner and Iowa Workforce Development. These data form the basis for selection of employers to be included in the program outlined in this Notice.

Each year the most recent data will be reviewed and collated to determine which employers shall be selected to participate in this program. Identified employers may either request the services offered by the Consultation and Education Bureau or may have an Enforcement Bureau intervention.
- VII. **Objectives:** IOSHA's preferred approach to addressing issues of workplace health and safety is to work with employers and employees to:
 1. Reduce statewide and site-specific injury and illness rates.
 2. Assist employers who are willing to reduce injuries and illnesses by offering consultation services.
 3. Develop a safety and health outreach program through education.
 4. Encourage employers to develop and implement effective safety and health programs.
 5. Avoid focusing enforcement resources at workplaces where records and data reflect there is a commitment to safety and health.
 6. Direct resources toward those employers who have high occupational injury or illness rates.
- VIII. **Program Description:** This IOSHA program addresses all public and private employers except those in the construction industry and those establishments excluded by the current OSHA Instruction CPL 2.25 "Scheduling System for Programmed Inspections" and OSHA Instruction CPL 2-0.51 "Enforcement Exemptions and Limitations Under the Appropriations Act".

Employers identified each year will be offered the opportunity to enter into a partnership with the IOSHA Consultation and Education Bureau to work toward the common goal of a safer and healthier workplace. Those employers that elect not to work with Consultation and Education will be referred to the Enforcement Bureau for comprehensive safety and health interventions.

 - 1) **SELECTION.** The Commissioner of Labor will request from the Iowa Insurance Commissioner each calendar year a list of Iowa employers with the highest Experience Modification Factor (EMF) and Assigned Risk Adjustment Program (ARAP) ratings. This list will be processed pursuant to Appendix A.

2) **CONTACT WITH EMPLOYER/NOTIFICATION.** Each year the Commissioner of Labor will send a letter by first class mail to selected employers on the SAFER WORKPLACES 2000 list informing them of the SAFER WORKPLACES 2000 program. A packet of appropriate information and an agreement for signature by the employer will be sent with the letter. The employer will be given twenty (20) calendar days to respond. Letters will be simultaneously sent to employees' representative(s) if appropriate. Employers will be requested to post the employee notification letter in an area customarily used for employee notices for twenty (20) calendar days. A follow-up letter will be sent by certified mail thirty (30) calendar days after the date of the first letter to all employers who have not responded. The employer signature form will be included with the second letter. If phone numbers are available, employers who have not responded will be called by the SAFER WORKPLACES 2000 Coordinator beginning approximately fifteen- (15) calendar days from the date of the second letter. All contacts will be documented in the file. Based on the employer's response or non-response, the SAFER WORKPLACES 2000 Coordinator will then route the employer's request for consultative services to the Consultation Bureau or refer the employer to the Enforcement Bureau as appropriate. The SAFER WORKPLACES 2000 Coordinator will note the action taken in the IOSHA Activity card file, and/or make a card if necessary.

3) **CONSULTATION ACTIVITIES.** When an employer requests consultative services, a full service on-site visit shall be initiated as soon as possible. SAFER WORKPLACES 2000 Consultation Teams will consist of one safety consultant and one health consultant if possible.

Employee rights under the Iowa Occupational Safety and Health (IOSH) Act will be maintained during the course of the consultation activity. The SAFER WORKPLACES 2000 Consultant Team will identify all hazards observed and may use "General Duty" hazard identification to address problems not covered by specific IOSH standards. Existing safety and health programs will be evaluated for compliance with standards, effectiveness, management commitment, employee involvement, hazard analysis, hazard control, and training. Employers without safety and health

programs will be encouraged to develop and implement programs meeting the same criteria. Referrals for education and training will be made if necessary.

Abatement verification will be accomplished by a follow-up intervention. The Consultation/Education Bureau Chief shall refer all employers who fail to correct identified hazards to the Enforcement section. At the discretion of the Consultants, a casefile may be closed after all hazards have been abated. However, a three-year period may be used to evaluate the effect of the intervention on injury and illness rates.

4) **EDUCATION.** Employers who are excluded from the SAFER WORKPLACES 2000 intervention list as defined in Appendix A may be offered the services of Consultation and Education.

5) **ENFORCEMENT ACTIVITIES.** Employers appearing on the SAFER WORKPLACES 2000 list that do not respond or elect to forego on-site Consultation/Education Bureau assistance, or those referred by the Consultation and Education Bureau Chief, will be scheduled for a comprehensive, wall-to-wall enforcement safety and health intervention. Intervention activities will be conducted by enforcement teams, which will consist of at least one safety inspector and one health inspector, if possible. Enforcement activities will be in accordance with the procedures outlined in the Field Inspection Reference Manual (FIRM). The legal staff will prepare warrant application packages for each SAFER WORKPLACES 2000 enforcement intervention prior to entry.

Citations will be issued for violations observed. Existing safety and health programs will be evaluated for compliance with standards, effectiveness, management commitment, employee involvement, hazard analysis, hazard control, and training. Employers will be encouraged to make appropriate improvements. Employers without safety and health programs will be

encouraged to develop and implement programs meeting the same criteria. (Enforcement teams will refer employers for training and other assistance as needed.)

A case file may be closed after payment of penalties and hazard abatement. However, a three-year period may be used to evaluate the effect of the intervention on injury and illness rates.

- IX. Coordination with Mandated IOSHA Activities:** SAFER WORKPLACES 2000 will not affect the procedures or scheduling priorities for unprogrammed interventions. If a complaint is filed against an employer that is working with a SAFER WORKPLACES 2000 Consultation Team (i.e., Consultation on-site visit is in progress), the complainant will have the choice of having the complaint handled by the SAFER WORKPLACES 2000 Consultation Team or by the Enforcement Bureau according to normal enforcement procedures. If the complainant cannot be contacted, the Enforcement Bureau will handle the complaint.
- X. SAFER WORKPLACES 2000 Team Training:** In addition to the regularly scheduled training for consultation and enforcement staff, SAFER WORKPLACES 2000 Team members will receive in-house training which will include this Notice, safety and health programs, and ergonomics. Appropriate training will be provided to support staff, the SAFER WORKPLACES 2000 Coordinator and other Division of Labor staff.
- XI. SAFER WORKPLACES 2000 Program Evaluation:** The program will last a minimum of three years, with annual evaluations by the designated SAFER WORKPLACES 2000 Performance Committee. These evaluations will assess factors such as:
- * Aggregate change in ARAP scores and EMF's for employers selected on a SAFER WORKPLACES 2000 cycle to the aggregate change in ARAP scores and EMF's for all employers on the SAFER WORKPLACES 2000 annual list;
 - * The percent of employers who elect to participate in a Consultation SAFER WORKPLACES 2000 intervention after being notified of selection;
 - * The number of employers that received an Enforcement SAFER WORKPLACES 2000 intervention;
 - * The number and type of hazards found on both Consultation and Enforcement SAFER WORKPLACES 2000 interventions;
 - * Verification of abatement for hazards observed during Consultation or Enforcement SAFER WORKPLACES 2000 interventions;
 - * Number and type of general duty violations found;
 - * Number of employers referred from Consultation SAFER WORKPLACES 2000 to Enforcement SAFER WORKPLACES 2000;
 - * The number of employers which required warrants;
 - * The number of IOSHA training sessions done, the number of employers trained, and the number of employees trained;
 - * Comparison of results of SAFER WORKPLACES 2000 safety and health program evaluation forms (IOSHA 33.1) completed during intervention;
 - * Number of "no interventions" occurring in each annual list; compared to prior programmed activities for enforcement safety and health sections;
 - * Time spent by IOSHA staff assigned to each intervention (total intervention time per employer/project and time spent by each health and safety inspector);
 - * Stakeholder acceptance of SAFER WORKPLACES 2000 (employers, business associations);
 - * Increase in number of employers with effective safety and health programs.
- XII. Advance Notice:** Pursuant to Iowa Code Section 88.14(6) the Labor Commissioner has approved the limited advance notice to employers described in this CPL. In no event shall this CPL be interpreted to give implied or expressed approval for any other advance notice, such as notice to an employer of the day or time an enforcement intervention under this program will occur or advance notice in any form to non-employers.

XIII. Open Records: Any release of SAFER WORKPLACES 2000 records must comply with Iowa Code Chapter 88, Section 515A.13(5), Division of Labor rules and any other applicable provisions.

I. Recording in IMIS. The Office of Management Data Systems shall provide requested IMIS codes to the IOSHA Consultation and Education and Enforcement Bureau Chiefs as soon as after receipt of the request.

Appendix A. Procedure for Preparing the SAFER WORKPLACES 2000 List.

Appendix B. SAFER WORKPLACES 2000 Form Letters

Appendix A: Procedure to Develop Safer Workplaces 2000 List of Employers

The Safer Workplaces 2000 program list of employers is developed from the following three sources:

- worker compensation permanent total and permanent partial disability data,
- insurance commission Experience Modification Factor (EMF) and Assigned Risk Adjustment Program (ARAP) ratings, and
- OSHA Data Initiative (ODI) total rate of injuries and illnesses.

Since the ODI and insurance commission lists already have rates, only the worker compensation data requires a rate to be calculated. The final list is collated from the ten facilities with the highest rates found on each of the three source lists.

The total number of employees and Standard Industrial Classification (SIC) codes are researched for each company listed. Employers with fewer than ten- (10) employees and/or a construction SIC code are eliminated from all the lists. Any other employers exempted by CPL 2-0.51 are also removed. The names and addresses for eliminated facilities are given to other appropriate IOSHA Strategic Planning Committees, such as the small business (IL3) and construction (I.1) committees. Facilities that have had comprehensive enforcement safety or health programmed inspections or comprehensive consultation safety or health visits within the last five years are also eliminated. Any employers appearing on a list that are already participating in the SAFER WORKPLACES 2000 program are removed.

The first source list is developed using worker compensation data. IOSHA Research and Statistics obtains a list of permanent partial disabilities (PPD) and permanent total disabilities (PTD) for the previous calendar year. Early March is the best time to request this information since data entry for the previous year is usually completed by the end of the first quarter. The total number of worker compensation claims is researched for each employer remaining on the list. A rate is then calculated for each facility by dividing the total number of worker compensation claims by the total number of employees times one hundred. Employers are ranked in descending order by this rate. The ten- (10) employers with the highest percentage of worker compensation claims to employees are then separated out for the SAFER WORKPLACES 2000 list.

The second source list is developed using insurance commission data. A list of the two hundred employers with the highest EMF and ARAP ratings is obtained from the insurance commission. The Commissioner of Labor requests this list early in January each year. The insurance commission assigns EMF and ARAP ratings based on an employer's performance for the previous three- (3) years. The employers on this list are ranked in descending order of EMF. The ten- (10) employers with the highest EMF ratings are then separated out for the SAFER WORKPLACES 2000 list.

The third source list is developed using data from the OSHA Bureau of Labor Statistics (BLS) OSHA Data Initiative (ODI). An establishment listing report is run using BLS software that ranks employers in descending order of total injury rate. The ten- (10) employers with the highest total injury rates are then separated out for the SAFER WORKPLACES 2000 list.

After all three source lists are completed; the final "master" list for the SAFER WORKPLACES 2000 program may then be compiled. The first ten- (10) employers from each source list are collated into one master list of thirty- (30) employers that are then sorted in random order. Employers are selected to participate in the program following the random order. This process is repeated if more than thirty- (30) SAFER WORKPLACES 2000 interventions are scheduled in one year. Information for the employers not selected for SAFER WORKPLACES 2000 is forwarded to IOSHA Consultation and Education so that consultative services may be promoted at these facilities.

Procedure for Data Research Using Iowa Workforce Development (IWD) Databases:

The following instructions are intended for anyone that has to use the IWD databases on a sporadic basis. The databases used here are WCSO, WAGE, ES2C and ALPH. WCSO contains worker compensation claims data for Iowa, WAGE contains employment data for each worker in Iowa, ES2C contains information such as the number of employees for each employer in Iowa and ALPH contains information such as the Unemployment Insurance (UI) number for each employer in Iowa. There are several possible approaches to using these databases, so these procedures are simply one way to get started.

Directions for Claimant Information on WCSO:

Sign onto SESMGR and tab down to CISPI, the second choice on the main menu. Hit return. Type WCSO. From the "Claims Processing System" Menu - LOC should appear in the upper left corner. Hit return. In the "Locate Claim by Name and Address" screen, next to Name Type: type E. Tab over to Name: and type Employer's Name. Tab over to Zip: and type the first three- (3) digits of the employer's zip code. Hit return. This should bring up a numbered list of employers. Find the number(s) for the employer that matches the address for the claimant's employer. Look for any variations in the employer's name and write them down. Type the first number for the employer next to CTL where the red dash is flashing in the upper left corner of the screen. Hit return. Type the claimant's last name next to "Name:" and hit return. If no name is available, hit return to see a list of claimants. This should bring up a numbered list of claimants. Type the number for the claimant next to CTL. Hit return. This should bring up the "Claim Information" screen. Write down the claimant's social security number, and look at the COMMENT section for a description of the injury. Write down any fatalities or amputations. Use PF1 to page down. Hit PF12 to exit back to the "Claims Processing System" screen. Hit Pause to exit back to the first blank screen after CISPI.

Directions for WAGE:

This database is used to find the UI number for each employer. Type WAGE. Type claimant's social security number and hit return. Find the employer's UI account number and write it down. Hit PF3 to exit back to the first blank screen after CICP1. Any notes or scrap paper containing social security numbers must be shredded after using the wage database.

Directions for Soundex Numbers on WCSO:

The PPD and PTD claim numbers are used to obtain data for the employer. The Employer section of this database lists the name, address, SIC, and soundex numbers for each employer. Type WCSO. From the "Claims Processing System" Menu - LOC should appear in the upper left corner. Hit return. Type NAM over the LOC and hit return. Type "E" on the flashing red line. This should move you over to the Name: area, type the Employer's Name, then tab over to the ZIP: area and type the first three digits of the zip code. Hit return. You should see a numbered list of employers. Note the number for the appropriate employer and type it where the red dash is flashing in the upper left corner of the screen. Hit return. This should put you into the NAME AND ADDRESS MAINTENANCE screen. You should now see the employer's name, address, Soundex, and possibly FEIN#, and SIC. Click on the Pint Icon to record the information for this employer. Hit PF12 to return to the "Claims Processing System" menu. This sequence may now be repeated for all the variations of the employer's name and address, or the next employer and claimant on the list. Hit PF12 then Pause after the last entry to return to the CISPROD1 blank screen. Research and Statistics uses these pages to compile a list of total claims for each employer.

Directions for Number of Employees Found on ES2C:

This database uses the employer's UI number to obtain the SIC and number of employees at each establishment. Sign onto SESMGR and tab down to CISPI, the second choice on the main menu. Hit return. Type ES2C and hit return. Type the employer's UI number and hit return. Check the SIC code, write it down on the WCSO sheet for the employer if necessary, or print the page using the print icon. Use a calculator to average the number of employees listed on the screen for the last calendar year. Hit PF5 to reset and type another UI number or hit PF3 to exit out to the blank screen after CISPI.

Directions for ALPH:

Sign onto SESMGR and tab down to CISPI, the second choice on the main menu. Hit return. Type ALPH and hit return. Type # and the employers name followed by ?,,, (For example: type #McDonald's?,,,). Page through the list of employers by tabbing down to the line before Page Forward, then hit the "End" key, then hit return.

Once in the blank screen after CISPI, type LOFF to exit back to the SESMGR main menu.

Appendix B: SAFER WORKPLACES 2000 Letters to Employers

I. First Letter for the Employer

[Date]
Facility Name
Facility Address
Facility Address
Town, State Zip

Dear Employer:

To reduce occupational injury and illness rates in Iowa's workplaces, the Iowa Occupational Safety and Health Administration (IOSHA) has implemented a SAFER WORKPLACES 2000 Program. This program is designed to target resources at employers and workplaces with the highest injury and illness rates. Using carefully selected targeting criteria, your company has been identified to participate in this program.

I am offering your company the opportunity to enter into a partnership with the Iowa Division of Labor's Consultation and Education Bureau to work toward the common goal of a safer and healthier workplace. Your company can receive on-site, technical assistance at no-cost from highly trained safety and health professionals, who will assist you in identifying workplace safety and health hazards and help you develop effective safety and health programs. Such programs require active employee participation. No citations or penalties are issued by the Consultation and Education Bureau. You will, however, be required to correct all hazards identified within a specified correction period.

If you choose not to request on-site technical assistance, you will receive at least one comprehensive safety and health inspection from IOSHA enforcement in the immediate future. If violation(s) are found, citations will be issued and appropriate penalties assessed.

I encourage you to take advantage of the services provided by the Consultation and Education Bureau. Improving workplace safety and health can reduce workers' compensation expenses, insurance premiums, production downtime, clean-up costs, and equipment replacement costs by preventing injuries and illnesses. In addition, a safe and healthy workplace may lead to better worker morale. Employers who choose to request technical assistance will be removed from IOSHA Enforcement's general inspection list while participating in the SAFER WORKPLACES 2000 Program.

If you have any questions about the SAFER WORKPLACES 2000 Program, please call the Consultation and Education Bureau at (515) 965-7162. For your convenience, a Technical Assistance Request Form is enclosed. Please complete, sign and date the enclosed form, and return it to me within twenty (20) calendar days. Please note that once your company name has been referred to enforcement, consultation services will no longer be offered under this program.

If you choose Technical Assistance then the enclosed letter for employees should be posted in a conspicuous place in an area customarily used for employee notices. Again, I would encourage your use of the Consultation and Education Bureau's services. I look forward to working with you to provide a safe and healthy work environment for you and your employees.

Sincerely,

Byron K. Orton
Labor Commissioner

II. Second Letter to the Employer

CERTIFIED MAIL

[Date}

**Employer Name
Employer Address
Employer Address
Town, State Zip**

Dear Employer:

Please find enclosed a copy of a letter previously sent. This notice requires your immediate attention. Please complete, sign and date the enclosed form and return it to me within ten- (10) days.

Sincerely,

**Byron K. Orton
Labor Commissioner**

III. Letter for the Employee Representative/Employees

[Date]

Dear Employee:

To reduce workplace injury and illness rates in Iowa's workplaces, the Iowa Occupational Safety and Health Administration (IOSHA) has implemented a SAFER WORKPLACES 2000 Program. This program is designed to target resources at employers and workplaces with the highest injury and illness rates. Using carefully selected targeting criteria, your company has been identified to participate in this program.

Your company has accepted the opportunity to enter into a partnership with the Iowa Division of Labor's Consultation and Education Bureau to work toward the common goal of a safer and healthier workplace. Your company can receive on-site, technical assistance at no-cost from highly trained, safety and health professionals, who will assist your employer in identifying workplace safety and health hazards and help your company develop effective safety and health programs. Such programs require active employee participation. No citations or penalties are issued by the Consultation and Education Bureau. Your employer will, however, be required to correct all hazards identified within a specified correction period.

In the event an employee files a complaint with IOSHA against an employer that is working with a SAFER WORKPLACES 2000 Consultation Team (i.e., Consultation on-site visit is in progress), the complainant will have the choice of having the complaint handled by enforcement, or by correcting the complaint item(s) with the SAFER WORKPLACES 2000 Consultation Team.

It is my sincere hope that you will embrace the spirit of this program and actively participate in all phases of it. Without your involvement, the likelihood of success in improving occupational safety and health conditions in your workplace will be significantly decreased.

Improving workplace safety and health can reduce worker compensation expenses, insurance premiums, production downtime, clean-up costs, and equipment replacement costs by preventing injuries and illnesses.

I look forward to working with you to provide a safe and healthy work environment. If you have any questions about the SAFER WORKPLACES 2000 Program, please call the Consultation and Education Bureau at (515) 965-7162.

Sincerely,

**Byron K. Orton
Labor Commissioner**

IV. SAFER WORKPLACES 2000 FORM for the Employer

IOWA DIVISION OF LABOR
Bureau of Consultation and Education

IOWA SAFER WORKPLACES 2000
REQUEST FOR TECHNICAL ASSISTANCE

Company Name

Address

Town, State Zip

(If any of this information is incorrect, please make the necessary corrections)

Type of activity preferred:

_____ free, on-site technical assistance.

The Bureau of Consultation and Education of the Iowa Division of Labor is hereby authorized to conduct an on-site survey of my establishment located at _____.

I agree management must be committed to safety and health programs, with active employee participation and to health and safety training for all employees.

I agree to correct all hazards which are identified, and to allow the Iowa Division of Labor representative to confer with individual employees, as necessary during the course of the visit, in order to identify and judge the nature and extent of particular hazards.

I understand that, following the on-site survey, I will receive a written report for my place of business. The advice and written report of the Iowa Occupational Safety and Health Administration (IOSHA) Consultant will not be binding on an IOSHA Compliance Officer in the event of an inspection, nor shall the failure of the IOSHA Consultant to identify a specific hazard affect the regular conduct of an IOSHA Compliance Officer.

I have read and understand the above, and I am an authorized representative.

Signature

Phone Number

Print or Type Name

Title

Date

_____ IOSHA enforcement inspection

The IOSHA Enforcement Bureau will conduct an on-site inspection of the establishment. If violations are identified, then citations will be issued and penalties may be assessed.

Signature

Phone Number

Print or Type Name

Title

Date