

**THE  
KENTUCKY  
OCCUPATIONAL  
SAFETY AND  
HEALTH PROGRAM**



**FACTS  
AND  
SERVICES**

**(Revised 4/06)**

## **KENTUCKY LABOR CABINET MISSION STATEMENT**

*To administer Kentucky's workplace standards and workers' compensation laws through education, mediation, adjudication, and enforcement in order to promote safe, healthful, and quality working environments for employees and employers; to foster cooperative relationships between labor and management; and, to ensure fair compensation.*

## **EDUCATION AND TRAINING MISSION STATEMENT**

*To promote and provide timely expert safety and health assistance to employers and employees to assure, as far as possible, every worker in the Commonwealth safe and healthful working conditions.*

## **COMPLIANCE MISSION STATEMENT**

*Uniform and fair enforcement of Occupational Safety and Health regulations through the issuance of citations and penalties, thereby providing additional incentive for industries to provide a safe and healthful work place for their employees.*





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# **The Kentucky Occupational Safety and Health Program**

The Kentucky Occupational Safety and Health (OSH) Program, which has been fully operative since 1973, is dedicated to the goal of reducing workplace injuries and illnesses through the elimination of hazardous conditions. The program accomplishes this goal through the dual approach of enforcement and voluntary compliance assistance. This dual approach is reflected in the organization of the Program that is composed of two (2) Divisions, the Division of Compliance and the Division of Education and Training.

Kentucky Revised Statutes, Chapter 338, insures that every worker has the right to safe and healthy working conditions. The employer has the obligation to correct hazards that threaten employee safety and health. Safe and healthy workplaces can only be achieved with the full cooperation of labor, management, and government.

Further information about the Kentucky OSH Program, its functions, services, regulations, and publications may be found at [www.labor.ky.gov](http://www.labor.ky.gov). Click on Kentucky OSH Programs to see News about Kentucky OSH Standards Board, population center training, recordkeeping forms, publications, and regulations. Information about how to file a safety and health complaint, request a free consultative survey, apply for a Governor's Occupational Safety and Health Award, and many other topics, are on the Kentucky Department of Labors webpage.

## **The Division of Compliance**

The Division of Compliance is responsible for enforcement of occupational safety and health regulations in the public and private sector's and maritime in public sector operations. The Division conducts general schedule inspections of workplaces, investigates fatalities and serious accidents, and investigates employee complaints alleging violations of OSH standards. Compliance activities are conducted by a staff of safety compliance officers and industrial hygienists, located throughout the state, whose activities are directed from the central office in Frankfort.

Workplace fatalities and accidents that result in the hospitalization of three (3) or more employees must be reported to the Division within eight (8) hours. Point of operation power press injuries must be reported within thirty (30) days.

Any employee, or representative of an employee, who believe that a violation of an OSH standard exists that threatens physical harm, or that an imminent danger exists may file a complaint with the Director of Compliance. Employees also have the right to have their names withheld and be protected against discrimination for exercising their rights.

**Refer questions concerning enforcement operations to the Director of Compliance at (502) 564-3070, or write to the address on the back of this brochure.**

# **Frequently Cited General Industry Serious Violations**

The following standards have been frequently cited serious violations in general industry.

**1910.212(a)(1)**

"General Requirements for All Machinery" - Point of operation guarding for in-going nip points, rotating parts, flying chips and sparks.

**1910.212(a)(3)(ii)**

"General Requirements for All Machinery" - Special hand tools for placing and removing material from the danger zone during the operating cycle of machinery were not used to keep the operators hand out of the danger zone.

**1910.1200(h)(1)**

"Hazard Communication" - Employee information and training on hazardous chemicals.

**803 KAR 2:310 Section 4**

"Medical Services and First Aid" - Emergency eyewash and shower that meets the specifications of ANSI Z-358.1-1990.

**1910.303(g)(2)**

"Guarding of Live Electrical Parts" - Live parts of electrical equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosure.

**1910.1200(e)(1)**

"Hazard Communication"- Written hazard communication program.

**1910.304(f)(4)**

"Electrical" - Grounding paths from circuits, equipment, and enclosures shall be permanent and continuous.

**1910.23(c)(1)**

"Guarding Floor and Wall Openings and Holes" - Unguarded open-sided floor or platforms four (4) feet or more above adjacent floors or ground level.

**1910.132(d)(1)**

"Personal Protective Equipment" - Hazard assessment and equipment selection: the employer shall assess the workplace to determine if hazards are present, which necessitate the use of personal protective equipment.

**1910.38(a)(1)**

"Employee Emergency Plans and Fire Prevention Plans" - A written emergency action plan had not been developed and implemented to cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

# Frequently Cited Construction Industry Serious Violations

The following standards have been frequently cited serious violations observed in the construction industry, as adopted by 29 Code of Federal Regulations (CFR) Part 1926, adopted under the authority of Kentucky Administrative Regulations, 803 KAR 2:400 through 2:423.

## **1926.451(g)(1)**

“Fall Protection on Scaffolds” - Employees on a scaffold more than ten (10) feet above a lower level were not protected from falling to the lower level.

## **1926.501(b)(1)**

“Duty to Have Fall Protection” - Employees walking/working with an unprotected side or edge which is six (6) feet or more above a lower level were not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

## **1926.501(b)(11)**

“Duty to have fall protection” - Steep roofs: Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems.

## **1926.451(c)(2)**

“Criteria for Supported Scaffolds” - Supported scaffold poles, legs, posts, frames, and uprights did not bear on base plates and mud sills or other adequate firm foundation.

## **1926.652(a)(1)**

"Protective Systems for Excavations" - Protection of employees in excavations by sloping and benching systems or by support systems, shield systems, and other protective systems.

## **1926.501(b)(10)**

“Duty to have fall protection” - Roofing work on low-slope roofs: Each employee on low-slope roofs with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line systems and guardrail system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system.

## **1926.651(k)(1)**

"Excavations, General Requirements" - Daily inspections of excavations, adjacent areas, and protective systems by a competent person.

## **1926.451(b)(1)**

“Scaffold Platform Construction” - Each platform on all working levels of scaffolds were not fully planked or decked between the front uprights and the guardrail supports.

**KRS 338.031 Section 1.(a)**

“General Duty Clause” - The employer did not furnish a place of employment free of recognized hazards.

**1926.451(e)(1)**

“Scaffolds” - Scaffold platforms 2 feet above or below an access point must have portable ladders, hook-on ladders, attachable ladders, stair towers, ramps, walkways or direct access from another scaffold, structure, personnel hoist or similar surface. Crossbars shall not be used as a means of access.

**1926.452(c)(2)**

“Scaffolds” - Fabricated frame scaffolds: Frames and panels shall be braced by cross, horizontal, or diagonal braces, or combination thereof, which secure vertical members together laterally.

**1926.454(a)**

“Scaffolds” - Training requirements: Each employee who performs work while on a scaffold must be trained by a person qualified in the subject matter to recognize hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

**1926.453(b)(2)(v)**

“Scaffolds” - Aerial lifts: a body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

**1926.451(f)(3)**

“Scaffolds” - Criteria for suspension scaffolds: Scaffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold’s structural integrity.

**1926.503(a)(1)**

“Fall Protection” - Training program: The employer shall provide a training program to each employee who might be exposed to fall hazards.

**1926.21(b)(2)**

“General Safety and Health Provisions” - Each employee was not instructed in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her work environment to control or eliminate any hazards or other exposure to illness or injury.

# RIGHTS AND RESPONSIBILITIES

## Employer Rights

Employers have the right to:

- Request confidential voluntary compliance assistance from the Kentucky OSH Program's Division of Education and Training.
- Be publicly notified of Standards Board meeting dates, items to be discussed, and to appear and present evidence on issues under consideration by the Board. **803 KAR 2:010 Section 11(1)(a) and (3)(c).**
- Have his or her interests represented on the Kentucky Occupational Safety and Health Standards Board and the Kentucky Occupational Safety and Health Review Commission. **803 KAR 2:010 Section 11(3)(c).**
- Petition the Commissioner of Labor in writing about the promulgation, modification or revocation of any standard. **803 KAR 2:010 Section 11(2)(a).**
- Apply to the Commissioner of Labor for a variance from a specific OSH standard. **KRS Chapter 338.153(2)(a) and 803 KAR 2:170 Section 3.**
- See the credentials of a compliance officer seeking entry to a business establishment or worksite to conduct an inspection. **803 KAR 2:070 Section 4(1).**
- Voluntarily admit a compliance officer to the business establishment or request that a civil search warrant be sought. **(Kentucky Supreme Court Decision).**
- Participate in an opening conference with a compliance officer to learn the nature, purpose, and scope of the inspection. **803 KAR 2:070 Sec. 4(1).**
- Be provided a copy of any employee complaint at the time of inspection alleging a violation of the OSH standards or existence of a hazardous condition in the workplace. Participate in any conference with the Commissioner of Labor resulting from the complaint. **KRS Chapter 338.121(1) and 803 KAR 2:090 Sections 1 and 2.**
- Have a representative accompany the compliance officer during the inspection. **KRS Chapter 338.111.**
- Expect the compliance officer to comply with all employer safety and health rules and to wear and use protective clothing and equipment. **803 KAR 2:070 Section 4(3).**
- Expect an inspection which will not create an unreasonable disruption to the operations of the establishment or worksite. **803 KAR 2:070 Section 4(4).**

- Participate in a closing conference with the compliance officer and be advised of any apparent safety and health violations disclosed by the inspection. **803 KAR 2:070 Section 4(5).**
- Bring to the attention of the compliance officer any pertinent information regarding conditions in the workplace. **803 KAR 2:070 Section 4(5).**
- Be notified within a reasonable time after an inspection whether a citation will be issued and be provided with a description of the alleged violation, abatement period and any proposed penalties. **803 KAR 2:120 Section 1 and KRS 338.141.**
- Request an informal conference with the Commissioner of Labor to discuss any issues raised by an inspection, citation, notice of proposed penalty, variance, or notice of intention to contest. **803 KAR 2:130.**
- Contest a citation by notifying the Kentucky OSH Program within fifteen (15) working days of receiving the citation; receive a hearing by the Review Commission; and, appeal the ruling of the Review Commission to Franklin Circuit Court. **KRS Chapter 338.091(1), 141(1) and (3).**
- Have trade secrets kept confidential by officials of the Kentucky OSH Program. **KRS Chapter 338.171.**

## **Employer Responsibilities**

Regarding occupational safety and health in Kentucky, employers have the responsibilities to:

- Furnish to each employee a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm. **KRS Chapter 338.031(1)(a) and 803 KAR 2:060.**
- Comply with occupational safety and health standards promulgated under **KRS Chapter 338** and requirements issued as Kentucky Administrative Regulations. **KRS Chapter 338.031(b).**
- Immediately correct any condition in any place of employment which, in the opinion of the compliance officer, creates an imminent danger which reasonably could be expected to cause death or serious physical harm to employees, including the removal of employees from the location where imminent danger is said to exist. **KRS Chapter 338.131(1).**
- Display in a conspicuous location the, "Safety and Health Protection on the Job." **803 KAR 2:060 Section 2(1).**

- Maintain and make available to compliance officers their statistical records: log of occupational injuries and illnesses (OSHA No. 300) and a supplementary record of occupational injuries or illnesses (either the OSHA 301 or the Kentucky Workers' Compensation Form IA-1). **KRS Chapter 338.161(1) and 803 KAR 2:180.** Employers in certain industries may be exempt from this requirement depending on the number of employees. **803 KAR 2:180.**
- Provide data for the annual Occupational Injury and Illness Survey upon notification by the Kentucky Labor Cabinet . **803 KAR 2:180.**
- Monitor areas where employees are exposed to potentially toxic substances or harmful physical agents, provide employees an opportunity to observe this monitoring, notify employees of their exposure to such substances and maintain records of this exposure. **803 KAR 2:062.**
- Report the use of carcinogenic substances in the workplace to the Kentucky Occupational Safety and Health Program. See **29 CFR 1910, Subpart Z** for specific requirements.
- Provide employees, or their authorized representatives, access to their medical records. **29 CFR 1910.1003(g)(2)(ii).**
- Report to the Kentucky Occupational Safety and Health Program, within (30) days of the occurrence, all mechanical power press point of operation injuries to operators or other employees. **29 CFR 1910.217(g).**
- Report to the Kentucky Occupational Safety and Health Program, within eight (8) hours after the occurrence, any employment fatality, or employment accident which results in the in-patient hospitalization of three (3) or more employees. **803 KAR 2:180.**
- Permit an employee representative to accompany the compliance officer during an inspection. **KRS Chapter 338.111.**
- Pay employees who participated in compliance inspection activities (while on regular duty) at their regular rate of pay. **803 KAR 2:092.**
- Post any citation alleging a violation of the occupational safety and health standards, rules and regulations at the location of the alleged violation for three days or until the violation has been corrected, whichever is longer. **803 KAR 2:125 Section 1(1) and (2).**
- Refrain from any discriminatory act against an employee who has filed a complaint with the Kentucky Department of Labor alleging a violation of the occupational safety and health standards or the general duty clause, or has otherwise exercised his or her rights under occupational safety and health law. **KRS Chapter 338.121(3)(a).**

# Employee Rights

Regarding occupational safety and health in Kentucky, employees have the right to:

- Expect a place of employment free from recognized safety and health hazards. **KRS Chapter 338.031(1)(a)**.
- Have his or her interests represented on the Kentucky Occupational Safety and Health Review Commission (**KRS Chapter 338.071**) and the Kentucky Occupational Safety and Health Standards Board. **KRS Chapter 338.051**.
- Be publicly notified of Standards Board meeting dates and items to be discussed, as well as appear and be heard. **803 KAR 2:010 Section. 11(1)(a) and (3)(c)**.
- Be notified of a variance application wherein an employer is seeking to protect employees in a different manner than that specified in the standards. Any variance order may be revoked or modified upon application by an employee at any time after six (6) months from the order's issuance. A temporary variance may be granted only after employees are notified and have an opportunity for a hearing. **KRS Chapter 338.153(1) and (2)(a)**.
- Be informed of protection rights and obligations under **KRS Chapter 338** through posted notices such as the "Safety and Health Protection on the Job" poster. **803 KAR 2:060 Section 2(1)**.
- File a complaint against an employer alleging a violation of safety and health standards or the general duty clause and have his/her name withheld from such a complaint. **KRS 338.121(1)**.
- Have a representative, authorized by the employees, accompany the compliance officer on an inspection. "If there is no authorized employee representative available at the time of inspection, the Secretary's representative shall consult with a reasonable number of employees concerning matters of occupational safety and health in the place of employment." **KRS Chapter 338.111**.
- Be paid at the regular rate (when on regular duty) while participating in walk-around inspections and other inspection related activities such as responding to questions of compliance officers or participating in opening and closing conferences. **803 KAR 2:230**.
- Bring to the attention of a compliance officer, during an inspection, any condition which violates a standard or the general duty requirements. **803 KAR 2:110 Section 1(4)**.
- Receive (or have a representative receive) a copy of a citation based on a violation or danger set forth in a complaint which he or she has filed. **803 KAR 2:090 Section 1(4)**.
- If, after an inspection based on a complaint, the Secretary of Labor determines that a citation is not warranted with respect to a danger or violation alleged in the complaint, the complainant must be informed in writing of such determination. **803 KAR 2:090 Section 1(5)**.
- Request a review by the Commissioner of Labor, if, after an inspection based on a complaint, it is determined that a citation is not warranted. **803 KAR 2:090 Section 2(2)**.

• Participate (or be represented) in informal conferences with the Secretary of Labor to discuss any issues related to an inspection, citation, notice of proposed penalty, variance, or notice of intention to contest. **803 KAR 2:130.**

• File a written notice with the Commissioner of Labor alleging that the time period fixed for abatement in the employer's citation is unreasonable or that the citation and penalties are unreasonable. **803 KAR 2:140 Sec. 1(2).**

• Intervene as a third party to contest a citation within fifteen (15) working days from receipt of the citation by the employer. When an employer notifies the Commissioner of Labor of his intent to contest, the Secretary then notifies the Review Commission which will grant the employee a hearing. **KRS Chapter 338.141(1) and (3).**

• Be protected against discrimination as a result of filing a complaint or testifying at a hearing on the complaint. A discrimination complaint may be filed with the Kentucky Department of Labor within one-hundred and twenty (120) days (or the U.S. Department of Labor within thirty (30) days) of the alleged discriminatory act. The alleged discrimination is to be investigated by the Secretary of Labor or his authorized representative within sixty (60) days of the receipt of the complaint. If a charge of discrimination is verified, relief, including rehiring and reinstatement of former position with back pay, will be sought. **KRS Chapter 338.121(3)(a), (b) and 803 KAR 2:250.**

NOTE: Case law indicates that the employer may not discriminate against an employee for refusing to perform a specific task where the employee:

1. Reasonably **believes a condition(s) poses an imminent risk of death or serious bodily injury;**
2. Has reason to **believe** there is **not sufficient time to seek corrective action** from the employer or to apprise the Kentucky Occupational Safety and Health Program of the danger;
3. Has **acted in good faith; and**
4. **Believes no reasonable alternative** is available **other than to refuse** to perform the task.

It should be noted that the **employee has no right to order corrective action or to leave the premises** under normal circumstances. Moreover, any employee may be reprimanded or even discharged should the courts later determine that the employee acted unreasonably or in bad faith.

Based upon the above ruling, Kentucky promulgated a regulation to further protect the employee from discrimination when he or she is confronted with a choice between not performing assigned tasks and being subjected to death or serious physical injury. **803 KAR 2:220.**

# Employee Responsibilities

Regarding occupational safety and health in Kentucky, employees have the responsibilities to:

- Comply with the safety and health standards established by the Kentucky Occupational Safety and Health Program which are applicable to his or her own actions or conduct. **803 KRS 338.031(2)**.
- Comply with safety rules, practices and procedures adopted by the employer.

# **THE DIVISION OF EDUCATION AND TRAINING**

In 1972, the Kentucky General Assembly adopted KRS Chapter 338, which established the Kentucky Occupational Safety and Health Program. Within this program, the Division of Education and Training was created to assist Kentucky's employers and employees in voluntary compliance with the Kentucky OSH standards.

## **TRAINING**

The Division's cost-free training services include population center training, seminars, and requested training in both safety and health.

## **CONSULTATION**

Safety and health consultants are available free of charge to assist employers on-site in providing a safe and healthy workplace for their employees by identifying hazards in the workplace.

## **TECHNICAL ASSISTANCE**

Advice and on-site assistance regarding specific technical issues are available through the Division of Education and Training. Recommendations, options and best safety and health practice suggestions are offered to assist in the correction of hazardous conditions.

## **STATISTICAL SERVICES**

Data is collected to provide statistics on work-related lost-time injuries and illnesses in Kentucky.

## **GOVERNOR'S SAFETY AND HEALTH CONFERENCE AND EXPOSITION**

An annual event co-sponsored by the Department of Labor, is held each spring, bringing together labor, management, academia, and government to jointly focus on issues of occupational safety and health. Learn more at [www.kshn.net](http://www.kshn.net) .

## **PUBLICATIONS**

Cost free publications are available by request

## **OSH PROGRAM WEBSITE**

Learn more about all services mentioned above and more, at Kentucky OSH program website: [www.labor.ky.gov](http://www.labor.ky.gov).

## **ORGANIZATION**

In order to provide highly specialized assistance, the Division of Education and Training is organized into two (2) branches, safety and industrial hygiene.

### **SAFETY TRAINING AND CONSULTATION; AND INDUSTRIAL HYGIENE TRAINING AND CONSULTATION**

The two (2) branches provide specialized training and consultative services. Each branch maintains a staff of professionals with extensive experience in their respective field.

#### **TRAINING**

##### **Population Center Training**

Each year the division presents a series of courses at population centers throughout the state. The courses, which are designed to outline the requirements of the various subparts in the general industry and construction standards, are **cost-free** to employers and employees. Generally given over a one week period, the courses cover both safety and health issues.

##### **Requested Training**

Upon request, the Division will develop and present courses that are tailored to meet the training needs of specific groups. Requests for training should specify the topics of interest, the preferred date, and location, as well as approximate number of students.

Requests for training should be made in writing to the Director, Division of Education and Training, or by completing a request form found on page 15.

#### **CONSULTATION**

##### **Consultative Survey**

One of the many services offered by the Safety Training and Consultation Branch and the Industrial Hygiene Training and Consultation Branch, are consultative surveys. A consultative survey is a courtesy inspection (workplace evaluation) conducted at the specific request of an employer or employer representative. The purpose of a survey is to encourage and assist employers in providing a safe and healthful workplace for their employees by identifying workplace hazards and violations of the Kentucky Occupational Safety and Health Program standards. Surveys are conducted by Division of Education and Training occupational safety and health consultants who are experienced in technical areas such as electrical safety, fire protection, confined space entry, indoor air quality and industrial hygiene. The consultants are available to visit the workplace and identify safety and health hazards or to discuss specific safety and health problems and concerns.

##### **Requesting a Survey**

Employers seeking a consultative survey must submit a letter of request to:

Director  
Division of Education and Training  
Kentucky Department of Workplace Standards  
1047 U.S. 127 South, Suite 4  
Frankfort, Kentucky 40601

Requests for comprehensive safety and health surveys may be expedited by including a completed Consultation Policy Agreement and Questionnaire. This may be downloaded and printed from the Kentucky OSH Website via the Department of Labor Website at [www.labor.ky.gov](http://www.labor.ky.gov). The inclusion of injury/illness logs (OSHA 300 forms) for the prior three years, if available, would also be helpful.

The Division of Education and Training will not conduct a survey of any workplace under citation by the Division of Compliance. Also, the Division of Education and Training will not perform a consultative survey of a workplace involved in a labor dispute, because observance of normal workplace activities is essential in determining hazards.

### **Consultative Survey versus Compliance Inspection**

Although the format and objective of a compliance inspection and a consultative survey are basically the same, there are significant differences.

\*The Division of Education and Training conducts a survey only **upon request** by the employer or authorized company representative, whereas an enforcement inspection is conducted by the Division of Compliance without prior notice to the employer.

\*Monetary penalties **are not assessed** for hazards identified by a consultant or specialist during on-site consultation; however, the employer agrees **to correct all serious hazards** identified, whereas violations noted by the compliance officer result in citations which have to be corrected and may be accompanied by penalties. Failure to correct serious hazards identified during a consultative survey could result in referral to the Division of Compliance for enforcement action.

\*Results of consultative surveys are shared in confidence with the company and its employees. Compliance inspection results become public record.

\*Employers are encouraged to have employee involvement in walk-around surveys and discussion of the hazard.

**The Division of Compliance and the Division of Education and Training function independently of one another without sharing information relative to their activities. Therefore, a request for a consultative survey, or any other service from the Division of Education and Training, neither increases nor decreases the possibility of a compliance inspection.**

## **STATISTICAL SERVICES BRANCH**

As part of the occupational safety and health program, statistics play a vital role in the effort to prevent human suffering and a loss of production in the workplace. Kentucky Revised Statute 338.161 states that the "department shall develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. Each employer shall make, keep and preserve, and make available to the Secretary such records regarding his activities relating to this act as may be prescribed by regulation."

The major portion of this is accomplished through three (3) federal/state programs, the Annual Survey of Occupational Injuries and Illnesses, OSHA Data Collection, and Census of Fatal Occupational Injuries. These programs are conducted jointly by the Division of Education and Training's Statistical Services Branch and the U.S. Department of Labor.

With information gathered from approximately 4,100 Kentucky employers annually, the Statistical Services Branch is able to maintain an effective program to create the Annual Survey of Occupational Injuries and Illnesses. The data collected in the annual survey is used to produce "incidence rates," which represent the number of injuries and/or illnesses or lost workdays per 100 full-time workers.

The "incidence rates" are valuable in determining the success of Kentucky's OSH Programs.

In addition, a census of all Kentucky occupational injury fatalities is conducted each year. Using multiple sources of information, detailed data is compiled regarding workplace deaths.

Copies of the survey and the census are available annually and can be obtained by contacting the Division of Education and Training.

## **ANNUAL GOVERNOR'S SAFETY AND HEALTH CONFERENCE AND EXPOSITION**

Annually, the Governor's Safety and Health Conference and Exposition is co-sponsored by the Kentucky Safety and Health Network, Inc., and the Kentucky Department of Labor. The Conference and Exposition brings together labor, management, academia, and government to focus on safety and health in the workplace. In conjunction with the Safety and Health Network's Board of Directors, the Division of Education and Training offers administrative support in the planning for the Conference.

Since the Conference's beginning in 1985, labor, management, academia, and government have successfully gathered at this event to learn as a team in making workplaces as safe and healthy as possible.

For more information concerning this event, write to the Director, Division of Education at the address on the back of this publication.

### **PUBLICATIONS**

The Division offers a variety of publications to assist Kentucky employers and employees in their accident-prevention efforts, training techniques, and safety and health programs. Copies may be obtained through the Division by filling out the Publication Request Form found in the back of this brochure.

Among the brochures and booklets, which are available to Kentucky employers and employees, the Division maintains an updated library filled with information concerning occupational safety and health. Information from the library may be duplicated upon request, subject to applicable copyright law. If the Division's library does not have the information requested, the staff will try to locate it.

REQUEST FOR OCCUPATIONAL SAFETY AND HEALTH TRAINING

1. Requesting Party:

Name and Title: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

2. Requested Course Subject(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Requested Date(s), including alternates: \_\_\_\_\_

\_\_\_\_\_

4. Anticipated Location of Course Including Address: \_\_\_\_\_

\_\_\_\_\_

5. Approximate Number of Students: \_\_\_\_\_

6. Other Pertinent Information: \_\_\_\_\_

\_\_\_\_\_

7. Requests may be Mailed to:

Director  
OSH Division of Education & Training  
Kentucky Department of Workplace Standards  
1047 U.S. 127 South, Suite 4  
Frankfort, Kentucky 40601

Or Faxed to:

(502) 564-4769

# DESCRIPTION OF TRAINING COURSES AVAILABLE

## SAFETY COURSES

Abrasive Wheel Machinery  
Accident Investigation  
Crane Safety for Construction Industry  
Crane Safety for General Industry  
Cumulative Trauma Disorders  
Electrical Hazards  
Electrical Safety for Construction  
Excavations  
Fire Safety and Protection  
Flammable and Combustible Liquids  
Handling and Storage of Explosives  
Injury and Illness Recordkeeping  
Kitchen Safety  
Lockout / Tagout  
Mechanical Power Press Safety  
Mowing Machine Safety  
Office Safety  
Personal Protective Equipment in General Industry  
Portable Hand and Powered Tool Safety  
Powered Industrial Truck Safety  
Scaffolds and Ladders  
Slips, Trips, and Falls  
Traffic Control Safety  
Welding, Cutting, and Brazing  
Woodworking Machinery Safety

## HEALTH COURSES

Air Contaminants and Respiratory Protection  
Asbestos  
Back Care and Manual Lifting Techniques  
Bloodborne Pathogens  
Confined Space  
Emergency Response  
Employee Hearing Conservation Training  
Hazard Communication  
Health Hazard Recognition  
Indoor Air Quality  
Introduction to Ergonomics  
Introduction to Safety and Health  
Laboratory Safety and Health  
Material Safety Data Sheets  
Noise and Hearing Conservation  
Respiratory Protective Equipment  
Tuberculosis Guidelines

## **ABRASIVE WHEEL MACHINERY**

This course covers the safe handling, storage and mounting of abrasive wheels. Topics include operational hazards and guarding requirements.

**Length of Course:** One and one-half to two hours.

## **ACCIDENT INVESTIGATION**

This course provides information on accident investigation techniques and methods. Topics include identifying, examining, evaluating, and preserving evidence, developing supportive documentation, and understanding costs incurred from accidents. A case study is conducted at the end of the presentation.

**Length of Course:** Three to four hours.

## **AIR CONTAMINANTS AND RESPIRATORY PROTECTION**

This course explains the occupational exposure limits and the methodology of controlling employee exposure to airborne chemicals. Also included is a discussion of the various types of respiratory protection, the capabilities and limitations of the various types of respiratory protection, and the elements of a minimally acceptable respiratory protection program.

**Length of Course:** Three to four hours.

## **ASBESTOS**

This course discusses the health hazards associated with exposure to asbestos fibers and emphasizes the Kentucky occupational safety and health standards related to the recognition, evaluation, and control of occupational exposure to asbestos. Topics of discussion include air sampling, personal protective equipment, engineering controls, work practices, training, and medical surveillance of employees.

**Length of Course:** Two to four hours.

## **BACK CARE and MANUAL LIFTING TECHNIQUES**

This program focuses on the prevention of back injuries through the use of proper lifting techniques, ergonomics, and exercise. Topics of discussion include anatomy and physiology of the back, risks, causes, and consequences of back injuries, ergonomics, proper lifting and moving skills, and exercise. A hands-on workshop demonstrating proper lifting and moving skills, as well as, preventative exercises will be offered. Participants should wear appropriate clothing.

**Length of Course:** Two to three hours.

## **BLOODBORNE PATHOGENS**

This course explains the measures that must be implemented to protect employees from the hazards of occupational exposure to blood and other potentially infectious materials containing bloodborne pathogens, such as hepatitis B virus, and human immunodeficiency virus. Topics of discussion include applicable definitions, infection control, engineering and work practice controls, including universal precautions, personal protective equipment, housekeeping; medical evaluations, warning signs and labels, and training of employees.

**Length of Course:** Two to three hours.

### **CONFINED SPACE ENTRY**

This course explains the regulations regarding entry into and working in confined spaces. Topics of discussion include assessment of the confined space environment, entry into continuous system confined spaces, such as sewers, entry into closed system confined spaces, such as tanks and pits, emergency entry into all confined spaces, and training of employees.

**Length of Course:** Two to four hours.

### **CRANE SAFETY FOR CONSTRUCTION**

This course introduces the various types of mobile and tower cranes used in construction operations. Basic information concerning crane operations, crane inspection and maintenance, wire rope, chain slings, sheaves, drums, hooks, and load charts are discussed. Appropriate OSHA and ANSI standards and other related requirements specific to each type of crane are also discussed.

**Length of Course:** One and one-half hours.

### **CRANE SAFETY FOR GENERAL INDUSTRY**

This course introduces various types of overhead cranes, mobile cranes, and hoists. Basic information concerning overhead and gantry cranes, wire ropes and slings, crane inspection, and maintenance procedures are discussed. Appropriate OSHA and ANSI standards and related requirements are also discussed.

**Length of Course:** Two hours.

### **CUMULATIVE TRAUMA DISORDERS**

This course is designed to familiarize participants with the basic structure of the hand and how repetitive motion injuries affect them. It will help identify the industrial and personal factors that are often associated with repetitive motion injuries. In addition, the course will identify and understand the key components of a program to control repetitive motion injuries.

**Length of Course:** Two to three hours.

### **ELECTRICAL HAZARDS**

This course is designed to familiarize participants with Kentucky OSH's electrical standards and the potential hazards associated with electrical installations and equipment. Topics include cord-and plug-connected and fixed equipment, grounding, ground fault circuit interrupters, and portable generators.

**Length of Course:** One and one-half to two hours.

### **ELECTRICAL SAFETY FOR CONSTRUCTION**

This course is designed to explain Kentucky OSH's electrical standards specifically relating to the construction industry. Topics include cord-and plug-connected equipment, assured equipment grounding program, ground fault circuit interrupters, and portable generators.

**Length of Course:** One to two hours.

## **EMERGENCY RESPONSE**

This course explains the requirements applicable to those employees responding to an uncontrolled release of a hazardous substance. Topics of discussion include pre-emergency response planning, emergency response procedures, training of responders, medical surveillance, personal protective equipment, and post-emergency response operations.

**Length of Course:** One and one-half to three hours.

## **EMPLOYEE HEARING CONSERVATION TRAINING**

Topics of discussion in this course include the effects of noise on hearing; the purpose of hearing protectors and the advantages, disadvantages, and attenuation of types of hearing protectors. In addition, instruction will be offered on selection, fitting, use, and care of hearing protectors as well as on the purpose of audiometric testing and an explanation of the test procedure.

**Length of Course:** One hour.

## **EXCAVATIONS**

This course is designed for those persons engaged in excavation work. It covers OSHA's new requirements in Subpart P of the 1926 standards. Topics include soil classification and instrumentation, shoring techniques, trench boxes, a discussion of competent person, and associated hazards.

**Length of Course:** Three hours.

## **FIRE SAFETY AND PROTECTION**

This course introduces the participant to the recognition of potential fire hazards and emergency procedures. Topics include the chemistry of fire, types and effectiveness of extinguishing agents, means of egress, detection and alarm systems, fire brigades, fire prevention plans. 29 CFR 1910, Subparts E and L, and references to NFPA codes provide the basis for the course.

**Length of Course:** Two to three hours.

## **FLAMMABLE AND COMBUSTIBLE LIQUIDS**

This course assists employers and employees in recognizing the hazards involved with flammable and combustible liquids and helps them understand the OSHA requirements for proper storage and handling. It is also designed to inform personnel of safe work practices.

**Length of Course:** One to two and one-half hours.

## **HANDLING AND STORAGE OF EXPLOSIVES**

This course is designed to cover the requirements set forth in OSHA's 1926, specifically Subpart U. Topics include magazines, transportation, and actuation devices.

**Length of Course:** Two to three hours.

## **HAZARD COMMUNICATION**

This course explains the requirements related to an employee's "right-to-know" about the hazards of chemicals to which he/she is exposed on the job and is designed for those persons responsible for development and implementation of the in-plant hazard communication programs, container labeling, material safety data sheets (MSDS), trade secrets, and employee training.

**Length of Course:** Three to six hours.

## **HEALTH HAZARD RECOGNITION**

This course provides basic procedures to identify potential health hazards for those persons responsible for safety and health in the workplace that lack expertise in the industrial hygiene field.

Topics of discussion include safety and health audits to anticipate, recognize, evaluate, and control health hazards in the workplace, types of health hazards common to the workplace, and, an overview of hazard monitoring methodology. While this course will not teach the attendee how to practice industrial hygiene, it will provide information as to the role of the industrial hygienist in industry and assist in determining when it may be necessary to utilize the services of an industrial hygienist.

**Length of Course:** One and one-half to two hours.

## **INDOOR AIR QUALITY**

This course provides an overview of indoor air quality (IAQ) problems in the office environment. Topics of discussion include sources of IAQ problems, investigation and monitoring strategies utilized to identify common IAQ problems, as well as IAQ research and product development.

**Length of Course:** Two to three hours.

## **INJURY/ILLNESS RECORDKEEPING**

This course is designed for the person who maintains the injury and illness records as well as detailed instructions for completing the necessary forms.

**Length of Course:** Two to three hours.

## **INTRODUCTION TO ERGONOMICS**

This session will provide participants with an introduction to ergonomics and Cumulative Trauma Disorders (CTDs). Topics of discussion include disorders associated with ergonomic risk factors, the costs of CTDs to employers and employees, the proposed ergonomics standard, and the elements of an effective ergonomics program. Additionally, case studies will be utilized to demonstrate current methods to recognize, evaluate, and control ergonomic problems.

**Length of Course:** Three to six hours.

## **INTRODUCTION TO SAFETY AND HEALTH**

This session addresses basic safety and health issues relative to the programs administered by the Kentucky Department of Labor's OSH program. Topics of discussion include an overview of the services of the Division of Education and Training, the sources, development, rationale, and the promulgation process for safety and health regulations, the rationale and methodology for establishing industrial safety and health programs, and, a brief overview of health hazard recognition.

**Length of Course:** One to two and one-half hours.

### **KITCHEN SAFETY**

This course addresses hazards associated within industrial kitchen work areas. Topics include ergonomics, appliances, fire protection, and storage of materials.

**Length of Course:** One to two hours.

### **LABORATORY SAFETY AND HEALTH**

This course explains the requirements for occupational exposure to hazardous chemicals in laboratories. Topics of discussion include an explanation of applicable definitions, employee exposure determinations, chemical hygiene planning, employee training, medical surveillance, hazard identification, use of respirators, and recordkeeping requirements.

**Length of Course:** Two to three hours.

### **LOCKOUT/TAGOUT**

This course familiarizes the participant with Kentucky's lockout/tagout standard. It demonstrates the LOCKOUT and TAGOUT methods relating to the various hazardous energy sources associated with machinery, equipment, and processes used in industry. Topics addressed include training requirements, documentation required, hardware, and group lockout procedures.

**Length of Course:** Three hours.

### **MATERIAL SAFETY DATA SHEETS (MSDS)**

This course discusses the material safety data sheets (MSDS) which are required for all hazardous chemicals. Topics of discussion include information required on the MSDS, definitions of physical and health hazards, accessibility of the MSDS, and retention of the MSDS.

**Length of Course:** One to two hours.

### **MECHANICAL POWER PRESS SAFETY**

This course was designed to help participants understand KOSH's interpretation of 1910.217, 1910.219, 1910.212, and ANSI Standards B11.1 for mechanical power presses.

**Length of Course:** Four to eight hours.

### **MOWING MACHINE SAFETY**

This course is designed to familiarize the participant with Kentucky occupational safety and health requirements in Subpart P of the 1910 standards.

**Length of Course:** One and one-half to two hours.

### **NOISE AND HEARING CONSERVATION**

This course explains the composition of sound, the instrumentation and criteria used to determine excessive noise levels, the effects of noise on the hearing mechanism, personal protective equipment, and basic noise control methodology. Also included is a discussion of the hearing conservation requirements. These requirements include employee exposure monitoring, audiometric testing, hearing protection, employee training, and related recordkeeping.

**Length of Course:** Three to four hours.

### **OFFICE SAFETY**

This course addresses hazards associated within the office environment. Topics include tripping hazards, effects of video display terminals, ergonomics, and general safety awareness.

**Length of Course:** One and one-half to two and one-half hours.

### **PERSONAL PROTECTIVE EQUIPMENT IN GENERAL INDUSTRY**

This course provides guidance for selection and use of personal protective equipment (PPE) and how to perform a hazard assessment of the workplace to determine if any hazards are present that would necessitate the need for PPE. This includes protection for the head, face, eyes, and feet.

**Length of Course:** One to two hours.

### **PORTABLE HAND AND POWERED TOOL SAFETY**

This course covers the hazards and regulations associated with small tools including electric, pneumatic, hydraulic, and explosive actuated applications. The basis of this course is Subpart P of the 1910 standards.

**Length of Course:** One and one-half hours.

### **POWERED INDUSTRIAL TRUCK SAFETY**

This course has been designed to explain the requirements for the selection and use of gasoline, electric, and LPG powered industrial trucks. Topics of discussion include battery charging, dock boards, safety provisions, traffic rules, safe operating procedures, inspection of powered industrial trucks, and equipment to be found on the industrial truck.

**Length of Course:** Two to three hours.

### **RESPIRATORY PROTECTIVE EQUIPMENT**

This course discusses the various types of respiratory equipment available, the limitations and capabilities of the various types of equipment, and the elements of a minimally acceptable respiratory program. Also included is an outline of permissible circumstances where respiratory protection may be utilized and the regulations regarding its use.

**Length of Course:** One to three hours.

### **SCAFFOLDS AND LADDERS**

This course is designed to promote recognition and prevention of hazards associated with scaffolds and ladders. Topics include the use, maintenance, and inspection of various types of scaffolds and ladders.

**Length of Course:** Two to three hours.

### **SLIPS, TRIPS, AND FALLS**

This course is designed to increase the participant's awareness of hazards that could result in a slip, trip, or fall. The course also discusses methods of control to reduce the probability of a slip or fall occurring.

**Length of Course:** One hour.

### **TRAFFIC CONTROL SAFETY**

This course is designed to provide participants with OSH regulations concerning traffic control in construction, maintenance, and utility work zones. The course is designed for separate presentations to contractors, Transportation Cabinet maintenance workers, and utility operations in local government or private sector.

**Length of Course:** One to two hours.

### **TUBERCULOSIS GUIDELINES**

This course explains the requirements from the Center for Disease Control that have been adopted to protect workers from occupational exposure to tuberculosis. Topics of discussion include those areas of industry designated as at risk for exposure, high-risk procedures, medical surveillance, training of employees, engineering controls methodology, respiratory protection, signs and labels, and recordkeeping requirements.

**Length of Course:** One to one and one-half hours.

### **WELDING, CUTTING, AND BRAZING**

This course is designed to increase the participant's knowledge of the processes and hazards associated with welding operations in the construction industry. Topics include the various types of welding processes such as oxy-acetylene, TIG, MIG, and open arc, personal protective equipment, safety and health hazard recognition and control, and Kentucky occupational safety and health requirements.

**Length of Course:** Two to three hours.

### **WOODWORKING MACHINERY SAFETY**

This course places emphasis on the use of personal protective equipment and safe work practices for various types of woodworking equipment. The basis of the course is Subpart O, specifically 1910.213 of the OSHA standards.

**Length of Course:** Two to three hours.

# Governor's Occupational Safety and Health Award

In an effort to promote and recognize safety and health awareness, along with good sound work practices and the resulting reduction in injuries and illnesses in the workplace, the Kentucky Department of Labor has developed an award program for the state's employers and employees. These requirements provide special recognition for outstanding safety and health performance and encourage development of programs designed to reduce and even eliminate occupational injuries and illnesses. The award is known as the Governor's Safety and Health Award.

The award is given to employers and their employees, who together, have achieved the required number of hours worked without experiencing a lost time injury or illness at their establishment as follows:

0	-	125 employees	-	250,000 hours
126	-	250 employees	-	500,000 hours
251	-	375 employees	-	750,000 hours
376	-	500 or more employees	-	1 million hours

In addition, an establishment may qualify for the award if there were no recordable injuries and illnesses during the previous calendar year(s).

The award is a certificate mounted on an attractive wooden plaque and signed by the Governor and the Commissioner of Labor and is presented to the recipient's establishment or at the Annual Governor's Safety and Health Conference and Exposition.

## Special Award

Employers irrespective of size NAICS (North American Industry Classification System) who have achieved **5,000,000** or more hours worked without a lost time injury or illness will be awarded an elegant trophy.

### Eligibility

Every establishment within the geographical boundaries of the state of Kentucky is eligible for this award even if the establishment won the award the previous year. The establishment must be free of any **egregious** safety or health violations for a period of **24 months** beginning with the date of issuance of the citation and **any** pending **discrimination** complaint or **any uncorrected or contested serious** violation(s). Eligibility is limited to one (1) award during a twelve (12) month period of time.

**Multi-establishments.** To qualify as a separate element in a multi-establishment organization, an establishment or operation must be organizationally and geographically distinct from other establishments of the organization. They are defined as follows:

**Organizationally distinct.** To be organizationally distinct, an establishment of a multi-operations organization must be under separate operating management that reports directly to the head of the organization.

**Geographically distinct.** To be geographically distinct, an establishment must be physically separated from other elements by distance or a definable boundary. Establishments in different cities and counties **cannot be combined** to create more hours earned for the award. **Each individual establishment** must stand on its' own record.

**Multi-establishments.** These organizations are entitled to receive recognition for the organization wide record, as well as for the records of individual establishment as long as the competing organizations are located in Kentucky.

**Size limitation.** There is no size limitation. The smallest establishment reporting its experience is entitled to recognition for having a perfect safety and health record that otherwise meets the criteria for the award. It is well known that it is difficult for a small establishment to compile a perfect record of over one million work hours without a lost time injury or illness. Therefore, special consideration has been given to small establishments.

## **Application Procedures**

In order to ensure that the requirements are fair and equal to all applicants, approval of the award must be based on information contained in the **employer's injury and illness records maintained** and verified in accordance with the recordkeeping requirements of the OSH Program, Kentucky Department of Labor. Any employer or individual who knowingly makes a **false statement** regarding their safety and health **record(s)** shall upon conviction be **punished** by a **penalty** of not more than **\$10,000** or not more than **six months imprisonment** or both. **KRS Chapter 338.991(8).**

## **Presentation of Award**

Winners of the award will be notified when their application and records have been **evaluated** and **verified**. Typically, an award ceremony will be scheduled at the employer's worksite or during the Annual Governor's Safety and Health Conference. If the employer chooses to have the award presented at the Governor's Safety and Health Conference, the application must be postmarked prior to March 1 of each year and transmitted by mail to the address at the end of these requirements and be received at least six (6) weeks before the award is to be presented.

For those employers who wish to have a presentation made at their establishment, the ceremony should be highlighted by and greetings from prominent officials representing the employer, employees, and government. This will contribute a great deal to the occasion and publicly demonstrate the employers' and employees' pride in their joint accomplishment. Winners of the award are urged to call upon their local civic and labor leaders along with their top officials to attend these important functions.

Presentation of the award should be publicized to the greatest extent possible, both for the public relations value and as a stimulus to safe and healthy conduct on the part of the employees. Award recipients will be responsible for making arrangements for media and internal publicity if the event is handled by the employer at the establishment.

## **More Information**

Detailed information concerning eligibility criteria for the award or specific questions and correspondence should be directed to:

**Governor's Safety and Health Awards  
Director  
Division of Education and Training Division  
Kentucky Department of Workplace Standards  
1047 U.S. Highway 127 South, Suite 4  
Frankfort, Kentucky 40601-4381  
(502) 564-3070 Ext. 251**

# APPLICATION FOR THE GOVERNOR'S SAFETY AND HEALTH AWARD

Name of Establishment: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Contact Person: \_\_\_\_\_ Email Address: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Extension: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Number of Employees as of January 1: \_\_\_\_\_ Collective Bargaining Agent(s) \_\_\_\_\_

North American Industrial Classification System: \_\_\_\_\_ (6 digits)

Product or Service: \_\_\_\_\_

Hours worked without experiencing lost time: \_\_\_\_\_ Date of last Lost Time Incident: \_\_\_\_\_

Series citations issued in the last 24 months: \_\_\_\_\_

Annual 300 Log(s) and 300A signed summary attached for: \_\_\_\_\_

***Upon approval, the following information will be utilized to plan your award presentation:***

Company name to be printed on certificate: \_\_\_\_\_  
(Please Print)

Union(s) if applicable: \_\_\_\_\_  
(Please Print)

Preferred location of the award presentation: (check one)  
 At your establishment:  At the Governor's Safety and Health Conference:

If at the establishment, please indicate the preferred date(s):  
\_\_\_\_\_ or \_\_\_\_\_ or \_\_\_\_\_

Preferred time of day to begin award ceremony: \_\_\_\_\_

Will there be a tour of the facility:  Yes  No Estimated ending time: \_\_\_\_\_

I \_\_\_\_\_ as top on-site  
(Print name) (Print title)

**official certify the above information to be true and correct to the best of my knowledge.**

\_\_\_\_\_  
Signature Date

## Documentation of Total Hours Worked Since Last Lost Time Incident

Date of last Lost Time Incident: \_\_\_\_\_

Enter the number of total-hours worked each month starting from your last Lost Time Incident

Calendar Year	200__	200__	200__	200__	200__
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>Annual Total</b>					

I \_\_\_\_\_ as **top on-site**  
(Print name) (Print title)

**official certify the above information to be true and correct to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Voluntary Protection Partnership of Kentucky (VPP)



## **PURPOSE**

The Kentucky OSH program has long recognized that compliance with occupational safety and health standards alone cannot accomplish all the goals of the OSH Act. The standards, no matter how carefully conceived and developed, will never cover all unsafe and unhealthful activities and conditions. Furthermore, limited resources will never permit regular or exhaustive inspections of all of the state's workplaces. Most importantly, no amount of standard setting and enforcement can replace the understanding of work processes, materials, and hazards that come with employers' and employees' day-to-day, on-the-job experience. This knowledge, combined with the ability to evaluate and address hazards rapidly and to reward positive action places employers in a unique position to improve workplace safety and health in ways simply not available to the Kentucky OSH program.

The purpose of the VPP is to emphasize the importance of, encourage the improvement of, and recognize excellence in employer-provided, employee-participative, site-specific occupational safety and health programs. These programs are comprised of management systems for preventing or controlling occupational hazards. The systems not only ensure that Kentucky OSH standards are met, but, using flexibility and creativity in striving for excellence, go beyond the standards to provide the best feasible protection for workers at that site. In the process, these work sites serve as models of and mentors to effective safety and health programs in their industries.

Work sites in the VPP are removed from programmed inspection lists for the duration of their participation. This frees Kentucky OSH inspection resources for visits to establishments that are less likely to meet the requirements of the Kentucky OSH standards. VPP participants enter into a new relationship with Kentucky OSH, one in which safety and health problems can be approached cooperatively when and if they arise.

Participation does not diminish existing employer and employee rights and responsibilities under the Act. In particular, the KY OSH program does not intend to increase the liability of any party in an approved VPP site. Employees or any representative of employees taking part in a Kentucky OSH-approved VPP safety and health program are not assuming the employer's statutory or common law responsibilities for providing safe and healthful workplaces or undertaking in any way to guarantee a safe and healthful work environment.

The program is voluntary in the sense that no employer is required to participate and any employer in Standard Industrial Code (SIC) 20-39 may choose to apply. Compliance with Kentucky OSH standards and applicable laws remains mandatory. Achievement and maintenance of the requirements of the program are continuing conditions of participation.

Approval for participation is determined by the VPP Program Manager and the Director, Division of Education and Training.

## **CRITERIA**

Management agrees to operate an effective program that meets an established set of criteria.

Employees (labor) agree to participate in the program and work with management to assure a safe and healthful workplace.

The KYOSH program initially verifies that the program meets VPP criteria. It then publicly recognizes the site's exemplary program, and removes the site from routine scheduled inspection lists. The KYOSH program will investigate major accidents, valid formal employee complaints, and fatalities at these sites however.

The KYOSH program also reassesses the site every three (3) years to confirm that the site continues to meet VPP criteria.

Average injury and lost workday incidence rates must be below the national industry average.

The rates must average below the industry rates for a consecutive three (3) year period.

All elements of a functional safety and health program must be in place and implemented for no less than twelve (12) months prior to application submission.

Employers must be in compliance with all OSH laws.

## **HOW TO APPLY**

The Kentucky VPP Program has developed guidelines for the application.

You must submit a written request for application to the VPP Administrator in the Division of Education and Training. After you have requested the Application Kit, an initial visit (Application Assessment Visit) will be scheduled to answer and clarify any questions. After your written application has been reviewed by the VPP Administrator at the KYOSH, on-site reviews will be scheduled.

A self assessment checklist will be made available to measure if your program will meet or exceed the VPP criteria.

The application process is designed to be rigorous, to assure that only the best programs qualify. VPP reviewers do not look for a single correct way to meet VPP requirements. They want to see a system that works for you. Some successful programs involve a great deal of written documentation, while others utilize automated systems.

For application information or additional questions, contact:

**VPP Program Administrator  
Division of Education and Training  
Kentucky Department of Workplace Standards  
1047 U.S. 127 South, Suite 4  
Frankfort, Kentucky 40601(502) 564-3070 Voice (502) 564-4769 Fax**

# Safety Partnership Program

## WHAT IS SPP?

SPP (Safety Partnership Program) is a fresh, innovative effort in Kentucky's OSH Program. It is an outgrowth of federal OSHA's Regional Pilot Project, the Comprehensive Assistance for Safety and Health (CASH) program. It is designed to offer long-term assistance to the smaller employer who has a history of high injury/illness rates and high workers' compensation costs. This long-term assistance is provided by the Kentucky Department of Workplace Standards' Division of Occupational Safety and Health Education and Training.

Workers' Compensation costs can have a devastating effect on a company's profit margin. Most small employers, especially those in high hazard industries, feel the impact every day with workplace injuries, but many are at a loss for a permanent solution to resolving injuries in the workplace. They may feel that they can't afford the time, effort and cost to implement and manage an effective, comprehensive safety and health program in their facility. Budgets are tight; therefore production must remain a top priority, because profit is what business is all about. The Kentucky OSH Program recognizes and understands these issues and through SPP, we want to help improve production, increase morale, and significantly reduce workers' compensation costs. This is an attainable goal for the smaller employer who is willing to work "smarter and harder."

In reviewing its long history of attempting to reduce injuries and illnesses in the workplace, the Kentucky OSH Program has realized that elimination of injuries and illnesses is not something that the government can "effectively" force an employer to do; therefore, it must be a priority for the employer. Through SPP, the employer will be shown how to develop a proactive approach to safety and health through a safety and health program management system. Potentially, there is a tremendous payback for the employer who embraces this plan, through higher productivity, lower costs, higher morale, and better working relationships with employees.

This program is a long term relationship between the employer and the Kentucky Department of Workplace Standards' Division of Education and Training for Occupational Safety and Health. It will require a long term, possibly multi-year commitment in order to participate. The Division will provide a team of experienced staff to evaluate, train, and assist the employer and employees, until they have the tools to provide an ongoing safe and healthy work environment. While this program is not for everyone, those employers who are serious about reducing the costs associated with injuries and illnesses in their workplace are encouraged to participate.

## CRITERIA

Currently, employees must fall within the following criteria for entrance into the SPP:

- Employers should be in a standard industrial classification code (SIC) 2000 - 8999, and the employer should have a high injury incidence rate.
- The number of employees in the establishment should range from 100 - 250 employees.
- The employer's workers' compensation insurance Experience Modifier should be 1.0 or higher.

- Management, as well as employees, must be willing to fully participate in this endeavor.

Exceptions for eligibility requirements will be considered on a case by case basis.

## **WHAT TO EXPECT**

Participation in the SPP is a long-term relationship with the Kentucky Department of Workplace Standards' Division of Occupational Safety and Health Education and Training. It is designed to assist an employer in becoming proactive in the safety and health arena, and providing them with the proper tools, education and knowledge to address current and future safety and health problems, as they occur.

A team of safety and health consultants from the Division of Education and Training will be assigned to provide services to the employer. A "team" leader will direct all SPP operations in the facility. The "team" will consist of experienced safety and health professionals with a wide array of fields of expertise specially selected to meet the needs identified in the facility. This "team" will address current hazards in the facility and assist in correction methods; review current recordkeeping efforts and offer recommendations; assist in the development of a proactive safety and health program; assist in setting up safety committees; assist in training staff; and provide other assistance as necessary. The Department of Labors Division of Education and Training obligations to SPP participants are as follows:

- SPP Participants will receive "top priority" over all other services provided by the Division of Education and Training;
- Provide, as needed, expert consultative staff, to help resolve safety and health issues in the establishment;
- Provide assistance in the development of a proactive safety and health management program, including committees and long-term planning; and
- Provide assistance in the development of a safety and health program tailored to meet the specific needs and abilities of the participant.

The SPP participant's obligations are as follows:

- Strong management commitment to participate in the program.
- Willingness to work with the special "team" assigned by the Kentucky Department of Workplace Standards' Division of Occupational Safety and Health Education and Training for the KY OSH program;
- Employee commitment and involvement;
- Willingness to make necessary corrections and to implement recommendations made by the SPP team; and
- Provide historical and future injury/illness data, workers compensation experience

modifiers, and progress reports of the participant's safety and health program.

Either party, the employer or the Kentucky Department of Workplace Standards' Division of Occupational Safety and Health Education and Training may terminate the SPP at any time, although it is expected that termination of the SPP would occur only if absolutely necessary.

Once participation requirements for SPP have been fulfilled, the next step could be participation in the Voluntary Protection Partnership (VPP) of Kentucky. The VPP emphasizes the importance of worksite safety and health management systems and recognizes exemplary performance. VPP sites are the "best of the best" in safety and health, and must undergo rigorous scrutiny to qualify for the program.

### **HOW TO APPLY**

For application information or additional questions, contact:

**SPP Program Administrator  
Division of Education and Training  
Kentucky Department of Workplace Standards  
1047 U.S. 127 South, Suite 4  
Frankfort, Kentucky 40601  
(502) 564-3070 Voice  
(502) 564-4769 Fax**

# **Construction Partnership Program of Kentucky**

The Construction Partnership Program (CPP) is a program offered by the Kentucky Department of Workplace Standards' Division of Occupational Safety and Health Education and Training to enter into formal agreements with general contractors, construction managers, construction associations and construction companies to promote health and safety in the construction industry. The goal of CPP is to partner with construction companies that have existing safety and health management systems in place. Such companies promote safety and health and have a positive impact on sub-contractors coming onto the worksite and joining the partnership.

Partnerships may be developed to monitor safety and health issues on specific worksite, or may be developed to recognize the safety and health achievements of construction companies and their employees.

As a site-partner, the Division of Education and Training will provide periodic consultation visits to the worksite to review written safety programs and perform hazard identification. If corrections need to be made to written programs or policies, recommendations will be given. If safety and health hazards exist at the worksite, the partnering contractors and subcontractors will be responsible for abatement. All general contractors and sub-contractors officially entered into a partnership agreement are exempt from general schedule inspections at the partnership site.

Several construction association partnerships have also been developed in which the Division of Education and Training recognizes member company achievements through such programs as the Associated Builders and Contractors' Construction Health and Safety Excellence, (CHASE) program and the Associated Builders and Contractors' Safety Training and Evaluation Process (STEP) program.

# **Safety and Health Achievement Recognition Program (SHARP)**

## **WHAT IS THE KENTUCKY SHARP?**

The Kentucky OSH Safety and Health Achievement Recognition Program (SHARP) is a recognition and exemption program intended to encourage small, high hazard employers to operate exemplary safety and health management systems.

## **WHO IS ELIGIBLE FOR SHARP RECOGNITION?**

In order to be considered for SHARP recognition, an employer must meet the following criteria:

- 1) Be within small employer with no more than 250 employees at the site and no more than 500 employees corporate-wide.
- 2) Be within an industry on Kentucky's or OSHA's high hazard list or on a special emphasis program list.
- 3) Be a single, fixed worksite. (Multiple worksites under common control must be evaluated and approved separately. Employers at mobile worksites such as logging and construction are not eligible for SHARP.)
- 4) Have at least one (1) year of operating history in order to establish a Days Away from Work, Restricted Activity or Job Transfer (DART) rate and a Total Case Rate (TCR).
- 5) Have reduced the Lost Work Day Injury and Illness rate and the Total Recordable Case Rate at the worksite to below the national industry average.
- 6) Have no open case files with the Division of Compliance.

## **WHAT IS REQUIRED FOR SHARP PARTICIPATION?**

Employers requesting consideration for SHARP must meet the following requirements:

- 1) Have requested and received a full service, comprehensive visit from the Division of Education and Training and corrected all hazards identified by the consultants.
- 2) Have implemented and maintained a safety and health management system addressing, at minimum, the major elements of the 1989 Safety and Health Management Guidelines. Although a formal, written safety and health management system is not required for participation in SHARP, it is strongly recommended.
- 3) Have scored at least two (2) on all fifty (50) basic attributes of the Safety and Health Program Assessment Worksheet (Revised OSHA Form 33) as assessed by Division of Education and Training

safety and health consultants.

4) Have agreed to notify the Director of the Division of Education and Training prior to making any changes in working conditions or work processes that might introduce new hazards into the workplace.

### **ARE THERE EXCEPTIONS TO THESE REQUIREMENTS?**

Although not an exception, there is a provision that allows the Director of the Division of Education and Training to recommend a site for final approval that has already satisfied all SHARP participation criteria and met SHARP requirements.

### **ARE THERE ANY SPECIAL PROVISIONS FOR EMPLOYERS, WHO ARE WORKING TOWARD SHARP APPROVAL, BUT WHO HAVE YET TO REACHED ALL OF THE MILESTONES AND TIMEFRAMES?**

Yes, Pre-SHARP. An employer, who meets all of the eligibility requirements for the SHARP, corrects all hazards identified during the consultative visit, and shows reasonable promise of achieving milestones and deadlines agreed upon with the consultant, may be granted an inspection deferral. The deferral time frame, including extensions, will not exceed a total of 18 months from the expiration of the correction due date. All of the following criteria must be met prior to granting a Pre-SHARP inspection deferral. The employer must:

- 1) Post the List of Hazards identified by the consultants;
- 2) Provide information on all serious hazards identified by the consultants to employees and inform employees when hazards are corrected;
- 3) Correct all hazards identified by the consultants;
- 4) Show evidence of having the foundation of a safety and health management system;
- 5) Implement the written Action Plan developed by the consultant outlining the necessary achievements and time frames required for the employer to achieve SHARP status. The employer must provide progress reports to the Director of OSH Education and Training and meet other state-specific requirements;
- 6) Post a letter from the Commissioner of Labor and the Directors of the OSH Program approving inspection deferral status. At sites having recognized employee representatives, the employer must notify the employee representative(s) of the employer's intention to participate in SHARP and involve the recognized employee representative(s) in the process;
- 7) Agree to full service comprehensive visits at the end of the deferral period, which initiate the SHARP application process;
- 8) Agree to notify the Director of the Division of Education and Training prior to making any changes in working conditions or work processes that might introduce new hazards into the workplace;

9) Involve employees in the safety and health management system, including the implementation of the Action Plan; and

10) Be capable of reducing the site's Days Away from Work, Restricted Activity or Job Transfer Rate and Total Case Rate to below the industry national average within the deferral period.

### **HOW IS AN EMPLOYER RECOGNIZED SUCCESSFULLY ACHIEVING SHARP APPROVAL?**

Upon successfully achieving SHARP approval, an employer will receive a SHARP Certificate of Recognition from the Commissioner of Labor. In addition, the employer will be exempted by the Commissioner of Labor from the Division of Compliance general inspection schedule for a period of one year from the date of issuance of the certificate of recognition. The initial exemption period may be renewed for one or two years based upon the recommendation of the Division of Education and Training Program Managers.

### **ARE SHARP SITES EXEMPTED FROM ALL OSH COMPLIANCE INSPECTIONS?**

No. Although exempt from all general schedule inspections, SHARP sites are subject to inspections triggered by the following incidents:

- 1) An imminent danger report;
- 2) A fatality or catastrophe; and
- 3) A formal employee complaint or referral from another agency, etc.

### **HOW DO I LEARN MORE ABOUT SHARP?**

If you have questions about SHARP or would like further information prior to beginning the process, please call the OSH Division of Education and Training at (502) 564-3070.

# Standards and Publication CD Request Form

NAME \_\_\_\_\_

TITLE \_\_\_\_\_ EMAIL \_\_\_\_\_

ESTABLISHMENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

## ***Instructional & Informational Publications***

Bloodborne Pathogens\*

Machine Safeguarding\*

Electrical Safety\*

Powered Industrial Trucks\*

Fire Protection & Means of Egress\*

Voluntary Protection Program

General Industry Checklist\*

Welding, Cutting and Brazing\*

Hazard Communication\*

Your Back and Your Job\*

Lockout/Tagout\*

The Kentucky Occupational Safety & Health Program - Facts and Services\*

## ***Publications and Forms***

Employee's First Report of Injury (IA-1)

Log & summary of Occupational Injuries & Illnesses (Form 300 & 300A) \*\*

Poster: Kentucky Child Labor

Poster: Kentucky Wage & Hour

Poster: Kentucky Wage Discrimination Because of Sex

Poster: Safety & Health on the Job

*Posters are also available in Spanish*

## ***Standard Books***

1910 General Industry Standards\*\*

1926 Construction Standards\*\*

*Submit request to:*

**Kentucky Department of Workplace Standards  
Division of Education & Training  
1047 US 127 South, Suite 4  
Frankfort, KY 40601**

\*These publications can be downloaded from the internet at:

<http://www.labor.ky.gov/osh/pubs/index.htm>

\*\*These publications and Federal posters can be downloaded from Federal OSHA's internet site: [www.osha.gov](http://www.osha.gov)

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For information concerning the Occupational safety and health standards, regulations interpretations and actions of the Kentucky Occupational Safety and Health Standards Board, contact:

**Department of Workplace Standards  
Office of Occupational Safety and Health  
Frankfort, Kentucky 40601  
(502) 564-3070**

For information concerning Occupational Safety and Health training, consultation, technical assistance, publications and OSH recordkeeping forms, contact:

**Department of Workplace Standards  
Division of Education and Training  
Frankfort, Kentucky 40601  
(502) 564-3070**  
Kimberlee C. Perry  
Director

For information concerning occupational safety and health enforcement, contact:

**Department of Workplace Standards  
Division of Compliance  
Frankfort, Kentucky 40601  
(502) 564-3070**

**Kentucky Labor Cabinet  
Department of Workplace Standards  
<http://labor.ky.gov>**

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