



INSPECTION POLICY

1.0 PURPOSE

To provide appropriate guidelines for use in the event of an inspection by a compliance officer of any regulatory agency caused by an employee complaint, accident, or a scheduled general inspection.

2.0 SCOPE

This standard applies to all GAC operating units.

3.0 POLICY

It is the policy of GAC to voluntarily comply with all aspects of the Occupational Safety and Health Act of 1970 (the Act) and all other regulatory agency codes, ordinances or standards for which GAC could be held accountable.

It is the policy of GAC to admit any lawfully delegated inspector of health compliance officer who, upon presentation of proper credentials from a Local, State or Federal regulatory agency, requests entry to conduct a site inspection.

This Policy however, is not intended to abridge the constitutional rights of our individual divisions or our subcontractors, who have the right to request a warrant prior to allowing entry for an inspection of their work site.

Each division and /or subcontractor must determine their desire for a warrant prior to an inspection, and if they wish one, the inspector must be so informed upon his arrival at the work site.

GAC will not, under any circumstance, discharge or otherwise discriminate against any employee who has exercised any right under the Act or any other regulatory standard, including the right to make safety and health complaints or to request a compliance inspection.

4.0 NOTIFICATION

Any recipient of a contact by a compliance officer or inspector representing a regulatory agency must immediately notify a GAC Manager and advise him of the details concerning the contact. Regardless of the type of contact, be it at site *visit*, a site inspection, a telephone contact or even letter contact, the GAC Manager must be notified of the contact as quickly as possible and informed of all the particulars concerning the contact.

Upon receiving any information concerning a contact by a compliance officer or inspector representing a regulatory agency, the GAC Manager will immediately notify Corporate Safety and apprise him of the details concerning the contact.

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5.0 CONDUCT OF THE INSPECTION

The inspecting officer will present identification to the supervisor in charge of the project, state the purpose of the visit, and request an opening conference to be held with representatives of all subcontractors and workers.

When required personnel have been assembled, the Inspecting Officer will then begin the opening conference with the following:

- State nature of the inspection, that is, general or specific complaint, target industry, scheduled inspection, industrial hygiene, etc.;
- Indicate the approximate length of time the inspection will take;
- If the Inspecting Officer is from OSHA, he may request copies of the OSHA 200 form, safety programs, accident reports, inspecting surveys, etc. The Inspecting Officer may not review any contract documents other than general conditions and similar front-end documents. If contract documents are requested, refer the Inspecting Officer,
- Approve members of the inspection party. Each employer has the right to representation, however the Inspecting Officer has the right to choose the representative. Disruptive conduct by the employer/employee representatives may cause for dismissal from the inspection party;
- If from OSHA, the Inspecting Officer may generally discuss the purpose of the OSHA Act, its sanctions and the authority vested in the Inspecting Officer by the act; and
- Indicate that at the conclusion of the inspection, a closing conference will be held to advise of any alleged violations noted, to determine corrective dates, and to answer questions.

6.0 INSPECTING OFFICER

The function of the Inspecting Officer is to identify conditions and / or acts which he considers unsafe and in violation of the regulatory agency standards promulgated by the regulatory agency he represents. In the case of an OSHA Inspecting Officer, this would mean the OSHA safety and Health Standards, 29 CFR 1926 and 1910.

In the pursuit of his duties, he may go wherever he wishes on the job site. He may take any amount of samples or measurements he feels are of importance, photograph objects or personnel and conduct interviews with employees. He can request copies of any literature, documents or those parts of the contract, which relates to safety or industrial hygiene.

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The Inspecting Officer may not however, violate any known safety regulations. The Inspecting Officer is responsible for providing and wearing whatever personal protective equipment is required for the job site. (In the event the Inspecting Officer does not have this equipment with him and there is appropriate equipment available on the job site, it will be offered to the Inspecting Officer at no expense.)

Should the Inspecting Officer request to view copies of employee medical records, the Inspecting Officer should be advised that these records will be made available for him to review. However, these records are not maintained at the job site and will have to be obtained from the location in which they are kept. Should the Inspecting Officer request copies of medical records, the Inspecting Officer should be advised to submit a formal request in writing for the specific documents required.

Failure to comply with the job site safety program is cause for not permitting the Inspecting Officer on the job site, or stopping an inspection already under way. Should it become necessary to do this, the supervisor of the project immediately institute the following procedures:

1. Advise the Inspecting Officer that he is in violation of the job site safety program and that he cannot conduct the inspection under these conditions. Ask that he comply with the safety program so that the inspection may begin or continue.
2. Should the Inspecting Officer fail to do so, discontinue participation in the inspection, immediately contact the following persons, advise them of the situation and request instructions:
 - The Safety Manager
 - The Operations Manager
 - The Area Director to whom the Inspecting Officer reports

The Inspecting Officer may consult with employees regarding matters of safety and health to the extent that it is necessary for the conduct of an effective and thorough inspections. The conduct of the inspection should be such as to preclude unreasonable disruption of the operations of the project.

7.0 SUPERVISOR'S INSPECTION GUIDELINES

During the course of the inspection, the supervisor in charge of the project should accompany the inspection party and adhere to the following guidelines:

- If the inspection is the result of an official complaint, request a copy of the complaint before commencing the inspection.
- Begin a chronological record of the entire inspection. This record should include where the Inspecting Officer goes, which employees he talks to and for how long, whether he returns to a specific location previously inspected, any specific comments the safety program or suspected violations and in general, a running documentary of the entire inspection.

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At the conclusion of the inspection, all of the information on this record should be entered into the Supervisor's Daily Journal and the original record forwarded to the GAC Manager;

- Allow to the Inspecting Officer to lead. He will generally look only in those areas in which he has a feeling of expertise and will avoid those areas in which he is not too sure of himself;
- Do not permit unneeded personnel to linger near the inspection party;
- Do not harass, threaten, or otherwise intimidate the Inspecting Officer;
- GAC has a right to protect trade secrets and may deny inspection where such is in use. If the Inspecting Officer insists on conducting the inspection in the vicinity of the trade secrets, the supervisor will identify the fact that trade secrets are in use and that the Inspecting Officer must take whatever measures necessary to protect them against disclosure;
- When photographs are taken, ask the nature of the suspended violation and record this information. Make every effort to obtain similar photographs for the company, ensuring that your photographs are taken in such a manner so as to duplicate the Inspecting Officer's photographs.
- If air samples or any other type of samples are taken, try to have duplicate samples taken during the same time period and the same location or on the same individual;
- At no time should the supervisor admit responsibility for any alleged hazards or violations, nor should be offer to "correct" these alleged hazards or violations during the inspection
- Answer to questions posed by the Inspecting officer regarding job site internal safety policy, should be responded to per GAC 's Corporate Safety Program. Ensure that each question posed by the Inspecting Officer is fully understood. If not, do not hesitate to ask that these questions be clarified; and
- Do not hesitate to refer the Inspecting Officer to the GAC Manager for clarification of issues or answers to questions that present a problem for the supervisor.

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8.0 HARASSMENT

Local, State and Federal compliance officers, inspectors or similar personnel are not to be harassed, intimidated or abused. Problems, which arise during inspection, which cannot be resolved, are to be referred to the GAC manager. Federal and state agencies may impose severe penalties against persons and or complies who fail to abide with this section. Penalties may include monetary fines and jail terms.

9.0 CONCLUSION

At the conclusion of the inspection or contact, the Project Manager must immediately complete the Regulatory Agency Inspection Report form found in Exhibit 1 of this section. Each item on the form should be filled out in detail, with additional pages attached if necessary. In the event GAC intends to contest and citation or notice of 'violation, a detailed account to the inspection will be essential. This report must be completed within two hours of the conclusion of the inspection or contact and a copy faxed immediately to the Corporate Safety.

10.0 CITATIONS AND PENALTIES

In the event a Citation, Penalty Action or Notice of Violation is received from a regulatory agency, the site superintendent shall immediately notify by telephone the GAC Manager.

The Site Superintendent shall make sufficient copies of the citation, Penalty Action or Notice of Violation to retain one copy at the job site and to fax a copy to the GAC Manager. The original of the Citation, Penalty Action, or Notice of Violation must be forwarded to the Home Office by next-day delivery.

Copies of that portion of the Supervisor's Daily Journal, which contains any information pertinent to the inspection, copies of air samples taken during the inspection, photographs taken, or copies of documents requested by the Inspecting Officer, should be forwarded to Corporate Safety.

The site management shall post a copy of the citation at or near the place where each alleged violation occurred. The citation must be posted for three working days or until the citation is corrected, whichever is longer. Failure to comply with posting requirements, even if the citation is contested, is punishable by a fine.

NOTE: The assessed penalty portion of the fine does not have to be visible while the citation is posted.

Upon completion of the inspection, the submission of a written inspection report and the notification for the regulatory agency of any citations and or proposed penalties, all further communications and related matters will be handles through the Corporate Safety Office.

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Once the citation, Penalty Action or Notice of Violation has been received by Corporate Safety, all further communication with the regulatory agency will be handle through the Corporate Office.

11.0 LETTER CONTACT

In the event a letter is received from a regulatory agency concerning alleged violations of applicable standards, the site superintendent shall immediately notify by telephone the GAC Manager. Copies of the letter shall be forwarded to the GAC Manager, with the original being forwarded to Corporate Safety for comment prior to response.

A response letter should then be drafted by the GAC Manager after conferring with the Site Superintendent. A copy of the response letter must be reviewed by Corporate Safety prior to forwarding it to the agency concerned.

12.0 TELEPHONE CONTACT

All telephone calls form regulatory agency officials must be discussed with the GAC Manager and Corporate Safety prior to making any response of commitment.

13.0 LEGAL REVIEW

Corporate Safety is responsible for informing the GAC President of any regulatory agency contact, inspection, citation, notice of violation, etc. and advising him of any intended action and its outcome.

Corporate Safety is also responsible for providing the Corporate General Counsel with copies of all correspondence from a regulatory agency, reviewing the circumstances involved and discussing future actions to resolve the problems.

14.0 DISCIPLINARY ACTION

Any supervisor failing to notify a GAC Manager of any contact by a compliance officer of inspector representing a regulatory agency, or falling to forward the original copy of a regulatory agency Citation, Notice of Violation, Letter of Complaint, etc., to the Corporate Safety Office within twenty-four hours of receipt of these documents, will be subject to severe disciplinary action, which may include discharge from employment.