

OCCUPATIONAL SAFETY AND HEALTH

1. **REASON FOR ISSUE:** To update the Department of Veterans Affairs' (VA) Occupational Safety and Health (OSH) policy.

2. SUMMARY OF CONTENTS/MAJOR CHANGES

a. This directive sets forth the policies and responsibilities for managing and implementing VA's OSH program. The directive:

(1) Establishes the OSH oversight responsibilities.

(2) Identifies the roles and responsibilities associated with VA's OSH program.

(3) Establishes VA's Safety Steering Committee (SSC), composed of VA stakeholders.

(4) Identifies that the funding for the OSH initiatives, as described herein, will be paid from VA funds.

(5) Requires each Under Secretary, Assistant Secretary, and Other Key Official to establish OSH policies with responsibilities and goals in support of this general departmental OSH directive.

b. Review and update of OSH directives and handbooks is in accordance with VA Handbook 6330, Directives Management Procedures.

3. **RESPONSIBLE OFFICE:** The Office of Human Resources and Administration (03) Designated Agency Safety and Health Official, and the Office of Occupational Safety and Health (00S1).

4. **RELATED HANDBOOK:** None.

5. **RESCISSIONS:** This directive replaces VA Directive 7700, Occupational Safety and Health, dated July 8, 1998, and rescinds VA Handbook 7700.1, dated July 8, 1998.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/

STEPHEN W. WARREN
Acting Assistant Secretary for
Information and Technology

/s/

WILLIE L. HENSLEY
Acting Assistant Secretary for
Human Resources and Administration

Distribution: Electronic

OCCUPATIONAL SAFETY AND HEALTH

1. **PURPOSE.** The purpose of this directive is to:

a. Revise the Department of Veterans Affairs' (VA) Occupational Safety and Health (OSH) program policy.

b. Assign responsibility for implementation of OSH requirements contained in Federal laws, regulations, executive orders, accreditation organizations, VA directives, and labor-management OSH agreements.

c. Recognize the use of VA's Safety Steering Committee (SSC) and the Safety Strategic Plan (SSP) as providing recommendations for overall program direction.

2. **POLICY:**

a. Provide safe and healthful work environments.

b. Comply with OSH requirements contained in Federal laws, regulations, executive orders, VA directives, and labor-management OSH agreements.

c. Maintain a management infrastructure to achieve OSH program implementation.

d. Prohibit reprisals against employees who exercise their rights under the VA OSH program.

e. Recognize significant contributions to the OSH program through special awards.

3. **RESPONSIBILITIES:** Under Secretaries, Assistant Secretaries, and Other Key Officials are responsible for implementing OSH programs and coordinating efforts with VA's OSH Office, to ensure that all OSH requirements are satisfied and that a safe and healthful workplace is provided.

a. **The Secretary of Veterans Affairs:**

(1) Ensures that all VA employees are provided a safe and healthful work environment.

(2) Appoints the Designated Agency Safety and Health Official (DASHO) in accordance with applicable Federal OSH regulations and executive orders.

(3) Ensures through the DASHO that safety and health officials are designated at each appropriate level with sufficient authority and responsibility to plan for and ensure adequate funds for necessary safety and health staff, equipment, materials, and training required to ensure implementation of an effective occupational safety and health program.

(4) Ensures that appropriate financial and other resources provided to Under Secretaries, Assistant Secretaries, and Other Key Officials are adequate to support the Department's OSH program.

b. Assistant Secretary for Human Resources and Administration (HR&A):

(1) Serves as the Department's DASHO, with oversight authority for the Department's OSH program.

(2) Assists the Secretary in formulating and promulgating the Department-level OSH policy and strategic plans, and for achieving the Presidential and Department of Labor (DOL) goals for OSH.

(3) Reviews, signs and submits VA's Annual OSH Report to DOL's Occupational Safety and Health Administration (OSHA).

(4) Maintains and ensures the viability of VA's SSC and facilitates achievement of the goals contained in the SSP through the establishment of policies and procedures that guarantees the effective implementation of the Department's OSH program.

(5) Ensures evaluation of the Department's OSH program at all operational levels.

c. Principal Deputy Assistant Secretary for HR&A:

(1) Facilitates the implementation of the SSP.

(2) Reviews resources for the OSH Office to function and implement VA's OSH mission.

(3) Monitors VA's progress in meeting the President's incentives and/or DOL goals.

d. Deputy Assistant Secretary for Labor-Management Relations:

(1) Serves as the liaison between recognized employee representatives and the DASHO for OSH issues raised at the Department-level.

(2) Addresses reprisal complaints from employees who exercise their rights under the OSH program and/or associated collective bargaining agreements.

e. Deputy Assistant Secretary for Administration (O/A):

(1) Supervises VA's OSH Director.

(2) Ensures the development and implementation of the SSP.

(3) Reports on progress in meeting the presidential and DOL goals to the DASHO and other appropriate officials.

(4) Ensures there are adequate resources for VA's OSH Office to function effectively and implement the Department's OSH mission.

(5) Ensures all organizations defined under VA Central Office (VACO) are provided a comprehensive OSH program.

f. Director, Occupational Safety and Health:

(1) Develops recommended OSH policy, programs, and procedures for the Department.

(2) Recommends VA strategies and measures for the SSP designed for reducing or eliminating occupational injuries/illnesses and meeting the Presidential and DOL OSH goals.

(3) Provides guidance on the acquisition, maintenance, and required use of approved personal protective equipment, approved safety equipment, and other devices necessary to protect employees as required by regulation 29 CFR §1960.8 and negotiated collective bargaining agreements.

(4) Analyzes safety data to identify areas where prevention priorities may be warranted or new strategies developed (in accordance with OSHA and workers' compensation (WC) regulations).

(5) Distributes Information Letter(s) that have been issued concerning OSH that may affect DASHO oversight or VA's SSP to the SSC within 10 days of receipt to allow review of the policy's impact on the Department in achieving VA's OSH programs priorities as described in VA's SSP. The OSH Office or a member of the SSC may request a presentation of proposed documents before the SSC.

(6) Evaluates the effectiveness of OSH programs and reports analysis to the DASHO, SSC, and VA's Senior Management Council (SMC).

(7) Compiles and prepares VA's Annual OSH Report to OSHA, as required by DOL, for the DASHO's review and signature. A copy of VA's OSH Report shall be provided to the SSC.

(8) Through the SSC Educational Subcommittee, prepares a Departmental OSH training initiative needs analysis document for the VA Learning University (VALU) safety training.

(9) Serves as the liaison to the Austin Information Technology Center (AITC), the WC Occupational Safety and Health Management Information System (WC-OSH MIS) and the SSC.

(10) Facilitates VA's OSH awards. The SSC may be called on to assist with selection of award recipients.

(11) Provides management direction and support for VA's SSC.

g. Under Secretaries, Assistant Secretaries, and Other Key Officials:

(1) Promotes and encourages the implementation of the SSP.

(2) Ensures compliance with the Department's OSH directives and handbooks.

(3) Ensures review of each Administration's existing safety program policy, makes revisions necessary to ensure compliance with VA Directive 7700, Occupational Safety and Health, and submits a draft of their respective safety program policy to the SSC within six months of the issuance of VA Directive 7700. A copy of the final safety program policy will be submitted to the SSC within one year of the issuance of VA Directive 7700 or request for an extension will be submitted to the SSC for consideration.

(4) Develops and implements written OSH program that ensures:

(a) Safe and healthful work environments.

(b) Regulatory compliance.

(c) Implementation of the VA safety strategic strategies.

(d) Implementation of the following OSH programs in the absence of promulgated Federal standards and in accordance with professional consensus standards and other expert guidelines:

1. An ergonomics program.

2. A violence prevention program.

3. A biological and communicable disease prevention for non-bloodborne pathogens.

(5) Appoints a Designated Safety and Health Office (DSHO) to be responsible for:

(a) Implementing an Administration OSH program.

(b) Representing the Administration on the VA SSC. The DSHO should appoint an alternate to represent the Administration and may appoint additional members to serve on the SSC.

(c) Ensuring field safety programs respect WC Program privacy restrictions and Federal Employees Compensation Act (FECA) data, shared with safety staff, is in accordance with all governing laws, rules and regulations.

(6) Supporting VA's DASHO and OSH Office in performing their oversight function. The OSH Office will be notified of directives (policies), handbooks (procedures), documents requiring coordination with another Federal agency, and/or national Memoranda of Understanding (MOU) that significantly changes an Administration's safety policy or its implementation (excluding labor-management MOU's).

(a) The OSH Office shall review such documents and provide preliminary comments/recommendations in a timely manner.

(b) Upon the decision to coordinate policy, procedural development, or an MOU with external organizations impacting OSH, such as OSHA, the respective Under Secretaries, Assistant Secretaries, or Other Key Officials and the DASHO or OSH Office will determine appropriate participation in these meetings and discussions. An example would be an emergency temporary and/or a permanent supplemental standard being drafted for application to working conditions of agency employees for which there exists no appropriate OSHA standards. *NOTE: Coordination does not include contacts with external organizations for purposes of obtaining interpretations, background information, and other information gathering, including research.*

(c) The OSH Office will be notified of Information Letter(s) that have been issued concerning OSH and will be provided copies of these letters.

(d) The OSH Office will be notified of any OSHA-required written accident report(s) for a fatality or hospitalization of three or more employees from a single accident, i.e., the SSC would have the opportunity to discuss such a report at an SSC meeting.

(7) Consult with VA's OSH Office prior to contacting OSHA concerning negotiating notices of violations involving the death of any employee from a work-related incident, the in-patient hospitalization of three or more employees as a result of a work-related incident, a notice of violations having a penalty that would have exceeded \$100,000, violations classified as "Willful" or "Repeat," or OSH news event (i.e., newspaper or TV) involving VA.

(8) Review and update their OSH directives and handbooks in accordance with VA Handbook 6330, Directives Management Procedures, and Directive 7700 (and corresponding Handbook 7700 when issued).

- (9) Annually review before the SSC the performance of their OSH program.
- (10) Provide information needed for the annual OSHA report to VA's OSH Office using the template provided by the DASHO.
- (11) Recognize significant contributions to the OSH program through special awards.
- (12) Ensure that adequate funds are available to develop and implement a comprehensive, compliant safety program.
- (13) Assess safety training needs of all staff and develop and provide appropriate training.

h. **Assistant Secretary for Information and Technology.** The Director, Corporate Franchise Data Center (CFD), Austin Campus, manages and maintains the WC-OSH/MIS software and databases and coordinates any OSH-related changes or updates with VA's OSH Director.

i. **Executive Director for Acquisition, Logistics, and Construction.** The Office of Acquisition, Logistics, and Construction is additionally responsible for maintaining policy regarding recalls for VA's Hazardous Products/Equipment Safety Program.

j. **The VA Learning University (VALU).** VALU provides consultation to determine performance needs and aids in creation of educational programs and products to ensure a competent workforce. Education is distributed through multiple modalities and is tracked through the Learning Management System.

k. **General Counsel.** The General Counsel provides legal assistance to the DASHO, as necessary, for conducting VA's OSH program.

4. DEFINITIONS

a. Designated Agency Safety and Health Official (DASHO) means an Assistant Secretary designated by the Secretary of Veterans Affairs to represent the interest and support of the Secretary in the management and administration of Department's OSH program. Currently, this is the Assistant Secretary for Human Resources and Administration.

b. Other Key Officials refers to the chairman or Director of the following offices: Board of Veterans' Appeals; General Counsel; Inspector General; Small and Disadvantaged Business Utilization; Center for Minority Veterans; Center for Women Veterans; Veterans Service Organization Liaison; Center for Faith-Based and Community Initiatives; Employment Discrimination Complaint Adjudication; Advisory Committee Management Office; and Acquisition, Logistics and Construction.

c. Designated Safety and Health Official (DSHO) refers to an individual appointed for the Administrations or Staff Offices by an Under Secretary, Assistant Secretary, or Other Key Official with sufficient authority and responsibility to plan for and assure adequate funds for necessary safety and health staff, equipment, materials, and training required to ensure implementation of an effective occupational safety and health program for their respective Administration.

d. Departmental SSC refers to VA's safety advisory representatives from each Administration, the five VA unions, VACO Safety Officer, and the OSH Office. The committee's mission is to provide strategies, published within VA's SSP, for improving the Department's OSH program and meeting the Presidential and DOL goals for preventing injuries/illnesses.

5. REFERENCES:

- a. Code of Federal Regulations (CFR) 29, Part 1960
- b. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees
- c. Master Agreement, American Federation of Government Employees (AFGE)
- d. Master Agreement, National Association of Government Employees (NAGE)
- e. Master Agreement, National Federation of Federal Employees (NFFE)
- f. Master Agreement, Service Employees International Union (SEIU)
- g. Master Agreement, United American Nurses (UAN)
- h. Public Law 91-596, Occupational Safety and Health Act, 1970
- i. Rehabilitation Act, Title 38 Code of Federal Regulations (CFR) 15.101- 15.170
- j. VA Directive 6330, Records Information Management
- k. VA Handbook 6300.1, Records Management Procedures

Safety Steering Committee Charter

1. Objectives and Purposes:

- a. To encourage and promote methods and procedures leading to increased safety, protection, and health management.
- b. Provide advice to VA's Assistant Secretary for Human Resources and Administration on goals, objectives, strategies, and performance measures to improve VA's safety program.
- c. Provide opportunity for VA OSH Director to provide feedback on goals, discuss new initiatives and program performance indicators.
- d. Provide a forum for DSHO's to request assistance for program development and implementation, data collection and technical assistance.

2. Powers:

- a. Comment on safety activities within the Department.
- b. Recommend changes to and promote the Department's SSP.

3. Support for the Committee:

- a. VA's OSH Office will arrange for meeting space, equipment, maintenance of minutes, and development of agendas.
- b. Members that travel will obtain funds from their organizations.
- c. Committee membership:
 - (1) Representation from each Administration.
 - (2) Representation from each National Union.
 - (3) Representation from VA Central Office:
 - (a) Deputy Assistant Secretary for Administration.
 - (b) Director, Occupational Safety and Health.
 - (4) Representation from Austin Information Technology Center.
 - (a) Workers' Compensation/Occupational Safety and Health-Management Information System (WC/OHS-MIS).