

VETERANS BENEFITS ADMINISTRATION
OCCUPATIONAL SAFETY AND HEALTH PROGRAM

1. **REASON FOR ISSUE:** This directive updates policies and responsibilities of the Veterans Benefits Administration (VBA) comprehensive Occupational Safety and Health program, established to assure safe and healthful working conditions.
2. **SUMMARY OF MAJOR CHANGES:** This directive:
 - a. Adds new and clarifies existing program responsibilities; and
 - b. Updates references.
3. **RESPONSIBLE OFFICE:** VBA, Office of Management and the Office of Administration & Facilities, 1800 G. Street, NW, Washington, DC 20006
4. **RELATED PUBLICATIONS:** VA Directive 7700 – Occupational Safety and Health (February 11, 2009)
5. **RESCISSIONS:** This directive replaces VBA Directive 7700 – Veterans Benefits Administration Occupational Safety and Health (March 15, 2010).

/s/

Thomas J. Murphy
Executive in Charge

Distribution: Electronic

VETERANS BENEFITS ADMINISTRATION
OCCUPATIONAL SAFETY AND HEALTH PROGRAM

1. PURPOSE/AUTHORITY

- a. This directive states the policies and responsibilities of the Veterans Benefits Administration (VBA) comprehensive Occupational Safety and Health (OSH) program.
- b. Statutory authority for this program is taken from the Occupational Safety and Health Act of 1970 (as amended), implemented by Executive Order 12196 (as amended), and Title 29, Code of Federal Regulations (CFR), Parts 1904,1910, 1926 and 1960.

2. BACKGROUND

- a. The Occupational Safety and Health Act of 1970 created the Occupational Safety and Health Administration (OSHA) within the Department of Labor, requiring employers and employees to reduce workplace hazards and to implement Occupational Safety and Health programs. Under the Act, employers shall furnish to each employee a place of employment free from recognized hazards causing or likely to cause death or serious physical harm, and employees shall comply with OSHA standards and all rules, regulations, and orders issued under the Act (OSHA maintains a website at <http://www.osha.gov>). The Act gives employees the right to have an OSHA representative conduct an inspection if they believe hazardous conditions are present in the workplace and it also gives employees the right to file a complaint if they believe they have been penalized for exercising any right afforded under the Act.
- b. VBA Directive 7700 Occupational Safety and Health provides policy on VBA safety procedures, with particular emphasis on responsibilities. The guidance implements the requirements of the Occupational Safety and Health Act, and mandates VBA policy and responsibilities to protect and preserve personnel and property against safety hazards.

3. POLICY

NOTE: VBA Occupational Safety and Health publications, such as this directive, are meant to supplement (not replace) VA policies and regulatory guidance.

- a. For the purposes of this directive, the term “facility” includes all Department of Veterans Affairs (VA) regional offices and any other VBA facility located outside of the VA Central Office (station 101) campus area.
- b. VBA will maintain comprehensive and effective occupational safety and health programs meeting statutory requirements.
- c. VBA management will ensure that employees and volunteers are protected from retaliation when reporting safety violations or deficiencies, and that every place of employment is free of restraint, interference, coercion, or reprisal involving reporting of unsafe or unhealthy working conditions.
- d. VBA management will support the VBA-wide OSH program by providing staff and resources to implement occupational safety and health program requirements.
- e. VBA employees, contractors, and volunteers should be familiar with existing VA and VBA OSH policies, directives, handbooks, and program-specific guidance and updates that apply to that individual’s specific work environment, and complete all accident report forms and accident-related documentation as required. Information about safety policies and procedures will be included in all new employee orientations and updated through annual or refresher training.
- f. VBA will implement all requirements specified in this directive in compliance with the terms of applicable collective bargaining agreements.

4. RESPONSIBILITIES

- a. **Under Secretary for Benefits (USB)** is responsible for overall administration of a VBA-wide OSH program that ensures:
 - 1) VBA compliance with VA and regulatory agency requirements;
 - 2) A safe and healthful work environment at all VBA facilities;
 - 3) A management infrastructure to achieve OSH program objectives;
- b. **Designated Safety and Health Official (DSHO).** The USB has designated the Director, Office of Management, to serve as the **DSHO** for VBA. The DSHO will:
 - 1) Represent the Under Secretary for Benefits on the VA Safety Steering Committee (SSC); DSHO may appoint an alternate to represent VBA and appoint additional members to serve on the SSC;
 - 2) Approving acquisition actions (either directly or through official

delegation) of all required or recommended Personal Protective Equipment (PPE) and Equipment Operator Training; and

- 3) Ensuring adequate funds are available to develop and implement a comprehensive, compliant safety program;

c. **Director, VBA Office of Administration & Facilities (OA&F)** will:

- 1) Ensure written VA Safety Strategic Plan strategies pertaining to VBA are implemented;
- 2) Implement the following OSH programs in the absence of promulgated Federal standards and in accordance with professional consensus standards and other expert VBA guidelines:
 - a) An ergonomic program;
 - b) A workplace violence prevention program; and
 - c) A biological and communicable disease prevention program for non-blood borne pathogens;
- 3) Implement all VBA OSH policies, standards, and programs;
- 4) Assist in developing business and operations process strategies to achieve OSH program goals and objectives.
- 5) Ensure that staff responsibilities related to occupational safety and health programs are carried out appropriately.
- 6) Ensure that all applicable OSHA standards are inserted into awarded contracts.
- 7) Recognize significant contributions to the VBA OSH program through special awards.

d. **VBA Safety and Occupational Health Manager** is responsible for all VBA occupational safety and health matters and reports to the Director, Office of Administration & Facilities. The VBA Safety and Occupational Health Manager will:

- 1) Manage the VBA-wide OSH program, ensuring that appropriate activities are implemented consistently at all VBA facilities;
- 2) Develops VBA OSH policy and procedures with input from VBA Facility Collateral Duty Safety Officers, and the National Union Safety and

Health Representatives;

- 3) Ensures appropriate inspections of all VBA facilities by a competent person (can be a non-VBA employee or Contractor) at least once per calendar year, with notice to the union safety representative at all bargaining unit facilities;
- 4) Determines if he/she or a representative should be present during an official safety inspection or audit of any VBA facility by VA or VBA staff, or by Federal or State enforcement agency staff;
- 5) Provides the information required by the Annual OSH Report to the Department of Labor;
- 6) Provides OSH program guidance through the appropriate authority Facility Collateral Duty Safety Officers to ensure that all VBA employees, contractors, and volunteers are aware of OSH policies, requirements, and responsibilities;
- 7) Ensures VBA-wide compliance with OSH program reporting requirements;
- 8) Analyzes all VBA occupational safety and health performance data, identifies areas of poor performance or non-compliance, and monitors corrective actions;
- 9) Informs the OAF Director immediately after being notified of an injury or illness resulting from a documented on-the-job injury that results in a fatality, hospitalization of three days or longer, or property damage that affects the safe working conditions of employees and contractors, or the general safety of visitors while on VBA premises;
- 10) Works with Facility Collateral Duty Safety Officers to respond to occupational safety and health-related complaints or suggestions, and, where applicable, informs and involves the OAF Director with notice to the appropriate union safety representative;
- 11) Serves as the liaison between VBA and other organizations concerning occupational safety and health issues;
- 12) Ensures appropriate recordkeeping of training and certification programs;
- 13) Recommends DSHO approval of acquisition actions of appropriate employee PPE designated in the VBA PPE matrix or upon learning of new OSHA requirements, as well as proper Equipment Operator

- Training that includes safe operation instruction;
- 14) Manages the VBA Safety Recognition and Awards Program to recognize significant OSH program contributions;
 - 15) Provides management direction and support for VBA's Safety Steering Committee (SSC).
 - 16) Serves as member on the Intermediate Labor Management Forum;
 - 17) Conducts OSH program training sessions for all employees; facilitates quarterly conference calls with Facility Collateral Duty Safety Officers with union safety representation; and ensures required training for employees, contractors, union safety representatives, and volunteers is provided and documented;
 - 18) Documents occupational safety and health program goals, objectives, current milestones, and projected outcomes through the VBA Long Range Plan, and subordinate Operational Plans at the Central Office, District Offices, and facility levels;
 - 19) Incorporate, as appropriate, OSH program requirements in the Organizational Assessment Improvement (OAI) program and Statements of Work;
 - 20) Notifying the VA OSH office of directives and handbooks or other documents requiring coordination with another Federal agency, and/or national memoranda of agreement significantly changing safety policy or implementation (excluding labor-management memoranda of understanding);
 - 21) Ensures that program data collected is accurate, valid, and reliable, and Agency data is provided to the VA OSH office for completion of the Department of Labor annual OSH report;
 - 22) Consults with the VA OSH office prior to contacting OSHA about negotiating notices of OSHA violations involving the death of any VBA employee from a work-related accident, the inpatient hospitalization of three or more VBA employees resulting from a work-related accident, or where a notice of an OSHA violation would have a penalty in excess of \$100,000 dollars or where the violation(s) is/are classified as "Willful" or "Repeat."
 - 23) Ensures that VBA construction project designs and specifications comply with applicable OSH requirements.

- 24) Ensures Safety training needs are met in accordance with Executive Order 12196 and standards in 29 CFR Parts Title 29, Code of Federal Regulations (CFR), Parts 1904, 1910, 1926 and 1960 and any OSH Articles of collective bargaining agreements that are in place at the time this directive becomes effective;

e. Regional Office Director at facilities will:

- 1) Designate an employee to serve as Facility Collateral Duty Safety Officer;
- 2) Support VBA and/or Collateral Safety Duty Officer in the implementation of occupational safety and health programs and initiatives designed to prevent employee/volunteer injury or illness, or reduce the likelihood of employee/volunteer injury or illness by:
 - a) Supporting establishment of facility safety and occupational health programs and committees that enable employees/volunteers to work in a safe environment free from recognized hazards;
 - b) Ensuring professional development education and training is provided for full-time and collateral-duty safety/health staff and committee members;
 - c) Encouraging employee participation in safety and/or health organizations; and
 - d) Ensuring that performance standards include occupational safety and health program participation and compliance, as appropriate;
- 3) Ensures appropriate inspections of all facilities by a competent person (can be non-VBA employee or Contractor) at least once per calendar year, with notice to the union safety representative at all bargaining unit facilities; and
- 4) Ensure that the VBA Safety and Occupational Health Manager is notified of and given the opportunity to be present at any official safety inspection or audit by VA or VBA staff, or by Federal or State enforcement agency staff, and that employee representative(s) are given the opportunity to be present.

f. Collateral Duty Safety Officer (CDSO) will:

- 1) Notify the appropriate Safety Manager (District or VBA) immediately of any occupational accident that:

- a) Is fatal to any individual;
 - b) Results in the hospitalization of any individual; or
 - c) Involves property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on VBA premises;
- 2) Recognize basic safety and health hazards and assist with Annual Workplace Evaluation (AWE) inspection and abatement efforts;
 - 3) Investigate the circumstances of any accident or incident on VBA premises that results in injury or illness, mission interruption, or property damage affecting employee safety, and ensure documentation is completed (Form VA2162 - Report of Accident, and OSHA 300/301 Log Form) before discussion of the accident at a facility safety meeting.
 - 4) Ensure that accident investigations are done and any follow-up corrective actions are implemented for accidents on VBA premises that result in injury or illness, mission interruption, or property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on VBA premises;
 - 5) When notified of OSHA violation(s), document the circumstances, determine appropriate action, and report to the VBA Safety and Occupational Health Manager as soon as possible with a recommendation for corrective action(s);
 - 6) Notify the VBA Safety and Occupational Health Manager of any official safety inspection or audit by VA or VBA staff, or by Federal or State enforcement agency staff;
 - 7) Respond to requests from the VBA Safety and Occupational Health Manager for data about safety-related losses and costs, injury/illness causes, corrective actions and initiatives taken;
 - 8) Ensure occupational safety and health notices are displayed as required by OSHA, Environmental Protection Agency, Federal Emergency Management Agency, and other regulatory agencies;
 - 9) Ensure facilities in their area of responsibility are notified of the appropriate occupational safety and health related notices that are to be posted at each facility as required by OSHA, the Environmental Protection Agency, the Federal Emergency Management Agency, and other regulatory agencies;

- 10) Ensure that facilities in their area of responsibility receive timely notification of the requirement to accurately complete and post the OSHA 300A Summary Form in the employee's lounge or break room from February 1st through April 30th of each year;
- 11) Enlist support from the appropriate authority for establishment of occupational safety and health committees or groups at the facility, as necessary, to assist in executing OSH program responsibilities;
- 12) Participate in meetings, conference calls and training conducted by the VBA Safety and Occupational Health Manager and hold facility meetings and training as appropriate to ensure facility staff are aware of OSH policies, requirements, and responsibilities;
- 13) Work with the appropriate authority to respond to suggestions or concerns submitted by employees, contractors, or volunteers, or, if the issue is VBA-wide or further action is necessary, forward suggestions/concerns to the VBA Safety and Occupational Health Manager and the National Union Safety and Health Representatives for action.
- 14) Attend VBA training sessions for CDSOs and quarterly conference calls by the VBA Safety and Occupational Health Manager, and ensure required training for employees, contractors, union safety representatives, and volunteers is provided and documented.

g. Managers/supervisors will ensure that:

- 1) Employees, contractors, and volunteers comply with VBA OSH standards, regulations, and applicable guidance;
- 2) Proper actions are taken to correct occupational safety and health hazards and ensure compliance with safe work policies and practices;
- 3) In the event of an injury or illness, any individual on VBA premises will receive prompt medical attention when necessary;
- 4) Accident reports and other documentation are completed, submitted to the appropriate authority, and maintained as required for injury, illness, mission interruption, or property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on VBA premises;
- 5) All accidents involving employees, contractors, or volunteers are reported in the Workers Compensation Occupational Safety and Health

Management Information System (WC-OSH/MIS) and complete VA Form 2162 (Report of Accident) within 24 hours of the accident, and, if the accident involved an employee who sustained an OSHA recordable injury or illness (see 29 CFR 1904), also ensure that OSHA 300 and OSHA 301 Log Forms are accurately completed within seven days of the occurrence; and

- 6) PPE is provided to employees and volunteers in accordance with OSHA and VBA OSH program requirements, individuals receive proper training on the equipment, and mandatory requirements of the VBA PPE Matrix are followed.

h. Employees and volunteers will:

- 1) Follow all relevant Executive Orders (EOs) and OSHA, VA, and VBA safety requirements (including EO 13513 regarding text messaging while driving);
- 2) Report unsafe or unhealthy working conditions to their immediate supervisor (NOTE: If corrective actions or abatement plans are not completed in a reasonable period of time, report to the second-line supervisor and/or Facility Safety Officer. If no actions are taken, report to the VBA Safety Officer, as appropriate);
- 3) Report the following incidents to their supervisor immediately, and provide all known information within 24 hours of the occurrence:
 - all property damage that results in unsafe working conditions for employees and contractors, or that affects the general safety of visitors on VBA premises, and/or
 - all workplace accidents or injuries of employees, contractors, or visitors;
- 4) Participate in meetings, conference calls and training conducted by the VBA Safety and Occupational Health Manager or Facility Collateral Duty Safety Officer, as required by the Regional Office Director or other management official;
- 5) Communicate any suggestions or concerns regarding OSH to the Facility Collateral Duty Safety Officer; and
- 6) Have the right to:
 - a) Anonymously disclose occupational safety or health information to the VA Office of the Inspector General and/or to the closest OSHA Regional Office; and

- b) Be protected from any reprisal arising from notification of unsafe and/or unhealthful working conditions and operations.

5. REFERENCES

a. Relevant Publications:

- 1) Executive Order 12196 “Occupational safety and health programs for Federal employees” (February 26, 1980, as amended) <http://www.gsa.gov/portal/content/103012>
- 2) Executive Order 13043 “Increasing Seat Belt Use in the United States” (April 16, 1997) <https://www.gpo.gov/fdsys/pkg/FR-1997-04-18/pdf/97-10331.pdf>
- 3) Executive Order 13513 “Federal Leadership on Reducing Text Messaging While Driving” (October 1, 2009) <https://www.federalregister.gov/articles/2009/10/06/E9-24203/federal-leadership-on-reducing-text-messaging-while-driving>
- 4) Federal Employees’ Compensation Act (Title 5, United States Code, Sections 8101- 8193) <https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm>
- 5) Occupational Safety and Health Act of 1970 (Public Law 91-596), as amended through January 1, 2004 https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=OSHACT&p_id=2743
- 6) "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; Subpart I for Recordkeeping and Reporting Requirements” – 29 CFR Part 1960 (DOL – OSHA) https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=23861
- 7) Title 5 (Government Organization and Employees), United States Code (U.S.C.), Part III (Employees), Chapter 79 (Services to Employees) <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title5/pdf/USCODE-2011-title5-partIII-subpartF-chap79-sec7901.pdf>
- 8) Title 29 (Labor) U.S.C., Chapter 15 (Occupational Safety and Health) <https://www.gpo.gov/fdsys/granule/USCODE-2011-title29/USCODE-2011-title29-chap15/content-detail.html>
- 9) Title 29 Code of Federal Regulations (CFR), Part 1900 et seq. https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=

[STANDARDS&p_toc_level=1&p_keyvalue=1910](#)

10) VA Directive 7700 – Occupational Safety and Health (February 11, 2009)

http://www.va.gov/vapubs/Search_action.cfm?formno=&tkey=&dType=1&SortBy=rpch&sort=asc&oid=0

11) Negotiated Collective Bargaining Unit Agreements