



Division of Occupational Safety and Health POLICY AND PROCEDURES MANUAL

P & P C-15

FOLLOW-UP INSPECTION

TABLE OF CONTENTS

A.	DISTRICT OFFICE ADMINISTRATIVE PERSONNEL.....	2
B.	DISTRICT MANAGER.....	3
C.	DISTRICT OFFICE COMPLIANCE PERSONNEL	3



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Issue Date: 2/1/90

Revised: 8/1/94,

2/1/95, 1/1/00

9/26/16

FOLLOW-UP INSPECTION

AUTHORITY: California Labor Code Sections 6320, 6319, 6423 and Title 8, Section 340.4

APPLICATION: Applies only to Follow-up inspections for previously inspected workplaces where compliance with orders issued by the Division or abatement of violations did not take place during the inspection ([see 8CCR Section 340.4\(b\)](#)). It does not apply to any other type of inspection performed by district office compliance investigators/inspectors.

POLICY: The Division of Occupational Safety and Health (Division) shall conduct follow-up inspections of previously inspected workplaces in accordance with applicable provisions of the California Labor Code.

Mandatory Follow-Up Inspection:

- A. The Division shall conduct a mandatory follow-up inspection of a previously inspected workplace when an order issued by the Division has not been complied with or when a violation has not been abated at the end of the period fixed for compliance with the order or abatement of the violation ([see 8CCR Section 340.4\(b\)\(4\)](#)). The mandatory follow-up inspections shall be undertaken in the circumstances and within the time frames set forth in items 1 through 3 below:
1. A mandatory follow-up inspection shall be conducted within 30 days after the end of the period fixed for compliance with a Special Order or Order to Take Special Action;
 2. A mandatory follow-up inspection shall be conducted within 30 days after the end of the period fixed for abatement when the hazardous workplace condition to be abated was cited as either:
 - A serious violation of the Injury Illness Prevention Program (see Labor Code Section 6401.7; 8CCR Sections 3203 and 1509)
 - A willful/serious or repeat/serious violation
 - A serious violation where the period fixed for abatement is less than six (6) days
 - A serious violation of a special order or order to take special action.
 3. A mandatory follow-up inspection shall be conducted within 45 days after the end of the period fixed for abatement of a serious violation or order when (1) the Division has not received evidence of abatement or a signed statement of abatement compliance from the employer within 10 days after the end of the fixed period of abatement, and (2) the Division has notified the employer that an additional civil penalty for failure to abate could be assessed retroactively per Labor Code Section 6319.

- B. The Division shall conduct a mandatory follow-up inspection for a Citation alleging a serious violation not abated during the original inspection, and not otherwise subject to a follow-up inspection, in at least twenty percent (20%) of workplaces with such Citations and at the end of time fixed for abatement or within a reasonable time thereafter, even though the Division has received the Employer's Signed Statement of Abatement of Serious Violation (Cal/OSHA Form 161).

Discretionary Follow-Up Inspection:

The Division may conduct a discretionary follow-up inspection when the Division has previously issued to an employer any of the following:

- An Order Prohibiting Use (OPU);
- A Temporary Restraining Order (TRO);
- A Citation that alleges a Willful or Repeat Regulatory or General violation;
- A Citation that alleges a Regulatory or General violation and the employer has failed to return the Employer's Signed Statement of Abatement of Regulatory and/or General Violations (Cal/OSHA Form 160); or
- Whenever the district manager determines the Follow-up inspection is an appropriate use of compliance resources.

Effect of an Appeal on Follow-Up Inspection(s)

- District office compliance personnel conducting the Follow-Up Inspection shall limit the scope to the non-appealed Order, Citation or Citation Item.
- A follow-up inspection of an appealed Order, Citation or Citation Item shall only be conducted after the appeals process has been completed.

NOTE: In most cases, the appeals process for a contested violation is complete when the Administrative Law Judge's (ALJ) Decision is filed, and the time for a party to petition for reconsideration of the ALJ's Decision has elapsed, (i.e., 35 days).

PROCEDURES:

A. DISTRICT OFFICE ADMINISTRATIVE PERSONNEL

1. The district office management services technician(s) (MSTs) shall run the "Open Inspection" report from the OSHA Information System (OIS) data base on and monthly basis and whenever directed/requested by management.
2. The MST shall analyze the data on the "Abatement Not Complete" tab of the "Open Inspection" report and prepare a report identifying those inspections that meet the criteria for a mandatory follow-up inspection. The report shall be titled "Mandatory Follow-up Inspection(s)".

3. The MST shall submit the mandatory follow-up inspection report to the district manager each month.

NOTE: For those district offices who do not have an MST, the regional office administrative personnel shall perform the tasks listed above in items 1 – 3.

B. DISTRICT MANAGER

1. The district manager shall evaluate the mandatory follow-up inspection report for accuracy.
2. The district manager shall promptly assign all inspection(s) listed in the report that he/she determines require a mandatory follow-up inspection to district office compliance inspectors for onsite inspections.
3. The district manager may select and assign a discretionary follow-up inspection to district office compliance investigators/inspectors on a case-by-case basis.

NOTE: In making the determination, if a follow-up inspection of a cited violation is appropriate, the district manager shall consider the employer's desire to comply with the California Occupational Safety and Health Act ("Act"), the number and type of cited violations, and any recommendations made by compliance personnel about the need for a follow-up inspection.

4. The district manager shall promptly refer all matters of employer submittal of fraudulent statement of abatement to the Bureau of Investigations (BOI) for investigation.

C. DISTRICT OFFICE COMPLIANCE PERSONNEL

1. Compliance inspectors assigned a follow-up inspection shall open the inspection based on the priority given to the assignment by the district manager.
2. Compliance inspectors shall prior to conducting a follow-up inspection, obtain the previous inspection file and at a minimum review the following documents:
 - a. Cal/OSHA Form 2 (alleged violation description);
 - b. Employer submittals of Cal/OSHA Form 160 and 161; and
 - c. Notice of Verification of Abatement of Serious Violations Form 161A.
3. Compliance inspectors shall follow the inspection protocols contained in P&P C-1A.
4. Compliance inspectors, during the walkaround, shall inspect all areas of the workplace in which violations were cited during the original inspection to ascertain if the cited violations have been abated by the employer.

NOTE: If the compliance inspector identifies new violative conditions during the walkaround which were not present during the original inspection, these new violations shall be cited.

5. Compliance inspectors shall document in their case file that the employer did not comply with the cited standard or regulation or eliminated the hazard identified by the Division during the original inspection. Documents demonstrating that abatement was not completed may include, but not be limited to, evidence in the form of photographs, video(s), audio and/or written records, etc.
6. Compliance inspectors shall inform the district manager immediately upon discovery that an employer has submitted a fraudulent statement of abatement.

NOTE: Any employer who submits a signed statement affirming compliance with the abatement terms of the citation, and is found by the district during a follow-up inspection not to have abated the violation(s), is guilty of a public offense punishable by imprisonment for not more than one year, a fine of \$30,000 for an individual or \$300,000 for a corporation or a limited liability company, or both.
