Chapter 2

COMPLAINT INTAKE AND PROCESSING

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Chapter 2

COMPLAINT INTAKE AND PROCESSING

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to inspect/investigate, and assure that places of employment are safe and healthy for employees.

Purpose: This policy is intended to outline procedures for DOSH team members to handle complaints. It ensures accurate record-keeping and that the complainant is informed of any actions taken, including the reasons for such actions or lack thereof.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 6309, 6310, and 6312
- Applicable DIR-DOSH Directives and Special Emphasis Programs, including Heat Illness Prevention Special Emphasis Program
- Applicable Federal OSHA Adopted Directives and National Emphasis Programs

Definitions:

1. **Complaint**

   A complaint is any notice of an alleged safety and/or health hazard over which DOSH has jurisdiction, or a violation of the California Occupational Safety and Health Act of 1973.

2. **Complainant**

   a. **Formal Complainant**

      Formal complainant refers to a complaint made by, including, but not limited to, a current employee, union representative of a current employee, representative of a government agency, or an employer of an employee directly involved in an unsafe place of employment.

b. **Non-Formal Complainant**

Non-formal complainant refers to a complaint made by, including but not limited to, the following:

i. A former employee,

ii. An employee – complainant who does not or cannot give his or her name to the compliance personnel,

iii. An employee representative who cannot give the compliance personnel the name of the employee whom the representative represented, or

iv. A non-employee.

See #3 of this *Definitions* Section for the definition of an employee and see #5 for the definition of an employee's representative.

3. **Employee**

An "employee" is either of the following:

a. A currently employed employee of the employer about whose establishment the complaint is being made, or

b. A currently employed employee of another employer if that employee is working at or near some other employer's workplace.

4. **Former Employee**

A former employee is an individual who was previously employed by employer but is no longer working for that employer. This status begins when the individual ceases to perform their job duties, marking the end of their service to the employer.

5. **Representative of Employee**

A representative of an employee is any of the following:

a. An attorney,

b. Health or safety professional,

c. Union representative,

d. Government agency representative,

e. An employer of an employee directly involved in an unsafe place of employment, or

f. Any person authorized to act on behalf of the employee, including but not limited to member of the employee's immediate family or worker advocacy group.

NOTE: If the compliance personnel obtain information that the complaint was not submitted with the knowledge or on behalf of the employee, the compliance personnel must bring this to the attention of the District Manager (DM), Senior Industrial Hygienist Supervisor (SIHS) and/or an authorized designee, which is herein referred to as DM/SIHS/Designee.

6. **Electronic Complaint**

   An electronic complaint refers to a complaint submitted through OSHA's public website.

7. **Cal/OSHA Form 7**

   Cal/OSHA Form 7*: Notice of Alleged Safety and Health Hazards* is a complaint form used by DOSH to record the report of alleged unsafe working conditions, unsafe work practices, and/or health and safety violations of the Title 8 of the California Code of Regulations (8 CCR) at a place of employment.

8. **Referral**

   Referrals are handled in a manner similar to complaints but are distinguished from complaints by the source providing the information. See Policy and Procedures Chapter 4: *Referral* for procedures.

9. **Permanently Disabling Injuries or Illnesses**

   Injuries or illnesses which may result in permanent disabilities or illnesses that are chronic or irreversible are examples of permanently disabling injuries or illnesses. These include but are not limited to amputation, blindness, standard threshold shift in hearing, lead or mercury poisoning, or third-degree burns.

10. **Complaint Inspection**

    A complaint inspection is an on-site inspection of an employer's workplace/place of employment that is conducted by a DOSH inspector.

11. **Complaint Investigation**

    A complaint "investigation" differs from a complaint "inspection" in that an investigation is not an on-site inspection of the employer's workplace or place of employment.

    A complaint investigation consists of DOSH advising the employer of the alleged hazards by phone, fax, email, or by letter if necessary. The employer is required to provide a written response. DOSH provides the results of the investigation to the complainant. See Chapter 6: *Off-site Letter Investigations* for conducting off-site letter investigations.

12. **Companion Complaint**

    If an inspection is scheduled or has begun at an establishment and a complaint that would generally be investigated by telephone/fax/email is received, or another complaint with the same and/or additional alleged unsafe hazards in the workplace, that complaint may be scheduled for inspection as a companion complaint and added to the existing inspection.

13. **Serious Hazard**

    A complaint shall be considered to allege a serious hazard if there **is a realistic possibility** that death or serious physical harm could result from the actual hazard created by a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in a place of employment.

14. **Nonserious Hazard**

    A complaint shall be considered to allege a nonserious hazard if there is **no realistic possibility** that death or serious physical harm could result from the actual hazard created by a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in a place of employment.

15. **Imminent Danger Complaint**

    A complaint alleging there is a hazard or danger which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through regular enforcement procedures from the actual hazard created by a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in a place of employment and for health hazards, exposure to toxic substance or other health hazard must cause harm to such a degree as to shorten life or be immediately dangerous to life and health (IDLH), or cause substantial reduction in

physical or mental efficiency or health, even though the resulting harm may not manifest itself immediately.

EXAMPLE: Employees in an excavation five (5) feet or deeper without shoring or sloping, employees working at a trigger height without personal fall protection, employees working in close proximity to overhead electrical lines, employees working in confined spaces with oxygen levels below 19.5%.

16. **Valid Complaint**

    A complaint that alleges a workplace hazard or a violation of a Title 8 Safety Order which has a reasonable basis in fact(s) and does not represent willful harassment of the employer.

17. **Duty Officer for the Day**

    A trained employee within DOSH's Enforcement Branch assigned to carry out the tasks of conducting complaint intakes for the day.

18. **Designee**

    An employee authorized to act on behalf of the DM/SIHS in their absence.

Procedures:

I. Complaint Processing

A. General

The procedures herein apply to complaints alleging employee exposure to occupational safety and health hazards received and processed at the District Offices before an inspection is initiated rather than to complaints received by the Compliance Safety and Health Officers (CSHOs) during an inspection. Complaints shall then be evaluated by the DM/SIHS/Designee in accordance with this policy and Section (§) 6309 of the California Labor Code (Lab.).

B. Confidentiality: Identity of Complainant

Section 6309(c) of the Labor Code mandates that "the name of a person who submits the division a complaint regarding the unsafe condition of an employment or place of employment shall be kept confidential by the division, unless that person requests otherwise."

Unless the complainant requests otherwise, DOSH must follow these steps to protect the confidentiality of the complainant's identity:

1. DOSH must not provide employers or any other person with any information that would allow them to identify the complainant.

2. DOSH must keep confidential any documents that contain the name of the complainant (e.g., Cal/OSHA Form 7 and letters to the complainant).

3. DOSH must not send correspondence to the complainant's work address.

C. **Response to Complaints**

DOSH's response to a complaint takes a variety of forms, ranging from an inspection to a response by letter, depending upon the complaint, the nature of the hazard and the abatement response of the employer. Complaints received must be evaluated promptly by the DM/SIHS/Designee to determine whether an on-site inspection or off-site letter investigation will be conducted. See Chapter 6 for conducting off-site letter investigation.

DOSH must prioritize investigations of reports of accidents involving death or serious injury or illness and complaints that allege a serious violation over investigations of complaints that allege a nonserious violation.

D. **Untimely Allegations of Hazards**

DOSH shall not initiate a complaint inspection or phone inquiry when the alleged hazard last occurred more than six (6) months ago. However, if mitigating circumstances exist such as the employer had concealed the violation, and if in the opinion of the DM/SIHS/Designee an inspection or phone inquiry is warranted, the time limitation may be suspended.

This does not apply when an inspection is already being conducted and the information about the alleged hazard is received during the inspection.

E. **DOSH's Jurisdiction**

DOSH has jurisdiction over almost every workplace in California. This means DOSH is the main government agency authorized to inspect California workplaces for occupational safety and health violations. DOSH is authorized to conduct workplace inspections to enforce occupational safety and health standards. Every workplace covered by DOSH may be subject to inspection by enforcement safety and health staff.

II. Complaint Intake

The primary goal of the complaint intake process is to collect detailed, accurate information of a complaint to facilitate triage, inspection, investigation, and/or referral to the appropriate agency.

A. Completion of the Cal/OSHA Form 7: *Notice of Alleged Safety and Health Hazards*

The assigned Duty Officer for the day must:

1. Complete a Cal/OSHA Form 7 for each complaint received on their assigned day.

2. Submit each Cal/OSHA Form 7 upon completion to the DM/SIHS/Designee for evaluation and assignment.

3. Inform the DM/SIHS/Designee by the end of day about any unresolved/incomplete complaint intakes that need to be handed over to the next Duty Officer.

4. When taking a complaint by phone or in-person, write down all complaint hazard information provided by the complainant onto the Cal/OSHA Form 7.

5. Attach any documents, photographs, emails and/or recordings received from a complainant via email, letter, fax, hand delivery, etc. to the Cal/OSHA Form 7.

6. Review the alleged health and safety hazards and record the potentially applicable Labor Code and/or Title 8 sections on the Cal/OSHA Form 7 for management review and evaluation.

7. Contact the complainant if contact information is available when essential information is not contained in the complaint, or the complaint is too vague for clarification or additional available information.

8. Research, review and print the employer's DOSH history for management review from the Federal OSHA website. Print out and attach the employer's DOSH history to the Cal/OSHA Form 7.

9. Check OSHA Information System (OIS) for any closed, and active/open on-site inspections and/or off-site letter investigations. Print out and attach any of these inspections and/or investigations to the Cal/OSHA Form 7.

NOTE: Analyst personnel can conduct the intake of complaints, but only after they have been trained on how to accurately perform such tasks and have been determined by DOSH Management, after an appropriate training period, to take complaints competently.

B. **Notification to Management of Imminent Danger Complaints**

The Duty Officer shall immediately notify the DM/SIHS/Designee of an imminent danger complaint allegation, as defined in the *Definitions* section of this policy.

C. **How to Conduct a Complaint Intake Interview**

1. When communicating with complainants regarding the filing of complaints, the Duty Officer for the day shall do the following:

   a. State his/her name to the complainant.

      - ***EXAMPLE***:
        Hello, thank you for calling Cal/OSHA. My name is ____. How may I assist you today?

   b. Answer any questions the complainant may ask to the best of their ability or knowledge.

   c. Explain the scope of DOSH's authority:

      i. DOSH has jurisdiction over nearly all workplaces in California, protecting workers from unsafe and unhealthy conditions.

      ii. DOSH enforces the state's occupational safety and health regulations, including inspections, citations, and fines.

      iii. DOSH provides free on-site and off-site assistance to employers and workers to help them improve safety and health programs.

   d. Explain the scope of other governmental agencies' authority, if any complaint items pertain to other agencies, such as Labor Commissioner's Office (LCO, formerly known as Division of Labor Standards Enforcement [DLSE]), Division of Workers' Compensation (DWC), or Pesticides.

NOTE: When the complaint falls under the LCO's jurisdiction, ask complainant permission in writing for their name to be disclosed to LCO when making the referral.

e. Explain the complaint process:

   i. *Step 1*: The Duty Officer completes the intake and records the complainant's concerns about unsafe/unhealthy conditions and/or practices at the workplace.

   ii. *Step 2*: Management evaluates the complaint and determines the appropriate action to take.

   iii. *Step 3*: Complainant will receive an acknowledgement letter of receipt of the complaint and the action taken by DOSH.

      - Potential actions could be an on-site inspection or off-site investigation; this determination is made by management.

   iv. *Step 4*: If an on-site inspection or off-site investigation is conducted, the complainant will be informed of its results by phone, email or letter.

f. Inform the complainant that their name and personal information shall be kept confidential and not released without their consent.

g. Provide the complainant with link to the "Guide to Cal/OSHA" for their information: https://www.dir.ca.gov/dosh/dosh_publications/osha_userguide.pdf.

2. The assigned Duty Officer for the day must conduct any complaint intake interview as follows:

   a. Be patient, courteous and professional.

      i. Thank the complainant for coming forward and assure them that a fair, impartial evaluation of their complaint will be taken once the intake is completed.

      ii. Inform the complainant that their name and personnel information will be kept confidential.

      iii. Actively listen without interruption.

b. Document conversation clearly, correctly and thoroughly.

    i. Thoroughly and accurately record and complete the Cal/OSHA Form 7.

    ii. Clearly and legibly document the complainant allegation(s) of unsafe health and safety hazards at the workplace or place of work, including hazard item(s) that fall outside DOSH's jurisdiction, such as no lunch breaks, no overtime pay, and no workers' compensation insurance.

c. Provide clear communication and explanation.

    i. Use simple language. Do not use jargon.

    ii. Ask clear, open-ended questions and follow up with specific questions to fill in gaps.

    iii. Tailor questions to the industry.

    iv. Be clear about DOSH's role, timelines, and enforcement process as well as what's expected of the complainant.

    v. Be explicit about retaliation laws and immigration status protections. Ask the complainant about retaliation.

    vi. Provide translation and interpretation services, when necessary.

    vii. Provide comprehensive workplace rights information and referrals to community-based organizations and other agencies, where necessary.

d. Avoid doing the following:

    i. Do not advise the complainant of an expected outcome or resolution.

    ii. Do not ask the complainant exhaustive questions or challenge their story.

    iii. Do not make assumptions about the problem or complainant's intent.

    iv. Do not put the burden on the complainant to know which law was allegedly violated.

D. **Information to Obtain and Record during a Complaint Intake**

During the intake of a complaint, the assigned Duty Officer must attempt to obtain and record legibly and thoroughly, including, but not limited to, the following information:

1. Name, address and telephone number of the complainant, when such personal identifiers are communicated by the complainant.

2. Contact information for the employer, including the employer's name, worksite address, business address/mailing address, telephone number and email.

3. Detailed description of the hazard and location in the place of employment.

4. Identity of any employees who have been injured as a result of the complaint conditions.

5. Nature of the work performed in the area of the workplace, which is the subject of the complaint.

6. Type and condition of any equipment or machinery in use in the subject workplace and any materials, chemicals, processes or operations involved in the complaint conditions.

7. The frequency of the work task associated with the complaint conditions is performed and for how long (duration).

8. Duration the hazardous conditions have existed, whether the conditions have been brought to the employer's attention and, if so, whether the employer has made any attempt to correct the condition.

9. Total number of work shifts, what time each shift begins and during which shift the hazardous conditions occur.

10. Identity of any employees with symptoms which may have been caused by exposure to hazardous substances, identity of any employees who have received medical treatment for a work-related condition and the name of the condition.

11. Total number of employees who work in the place of employment, how many employees may be exposed to the hazardous condition(s) and their physical proximity to the hazardous condition(s).

12. Identity of any employee bargaining unit representative in the place of employment and the name, address, and telephone number of the bargaining unit representative and any other employee representatives.

    NOTE: Upon obtaining the complete information about a complaint, the Duty Officer for the day must attempt to confirm with the complainant that the content of the complaint accurately reflects complainant's concerns.

E. **Electronic Complaints Submitted via the OSHA Public Website**

1. Electronic complaints submitted via the OSHA public website are received through a centralized electronic portal or email inbox. Employees assigned to oversee the electronic portal or email inbox are required to manage the "Complaints" mailbox by monitoring it daily and reviewing every incoming complaint to determine geographic jurisdiction and then forwards to the appropriate District and Regional Office email inboxes with jurisdiction over the worksite location identified in the complaint.

2. The District Office administrative support staff who monitor the email inbox must timely forward the complaint to the duty officer to process. The assigned Duty Officer must evaluate the complaint for completeness. If the complaint is not complete or unclear, and the complainant's contact information is available, the assigned Duty Officer must contact the complainant to obtain additional information that helps clarify the complaint allegations for management evaluation.

3. All complaint material received electronically shall be time-stamped when received through the electronic portal or email inbox.

III. Complaint Evaluation and Assignment

A. **When reviewing the complaints, DM/SIHS/Designee must do the following**:

1. Evaluate each complaint and other available information, and exercise professional judgment to decide if an on-site inspection, off-site letter

investigation, referral to another agency or no enforcement action is warranted/required.

2. Thoroughly document in detail on the Cal/OSHA Form 7 the reasoning for situations where no on-site inspection will be conducted and ensure that the information is entered in the OIS.

3. Complete the evaluation section of the Cal/OSHA Form 7 and provide the completed Cal/OSHA Form 7 to the administrative support team for OIS data entry and distribution to field staff for an on-site inspection or off-site letter investigation assignment.

4. Evaluate and determine if a companion complaint shall be assigned for an on-site inspection or off-site letter investigation.

   NOTES:
   - If an inspection is scheduled or has begun at an establishment and a complaint that would generally be investigated by telephone/fax/email is received, or another complaint with the same and/or additional alleged unsafe hazards in the workplace, that complaint shall be scheduled for inspection as a companion complaint and added to the existing inspection. A Letter F, entitled *Notification to Complainant: Acknowledgement of Receipt of the Written/Oral Complaint*, must be sent to the complainant (see Section V: *Notifications to Complainants* of this policy).

   - If an inspection has recently closed or citations are issued at an establishment, and another complaint is reporting the same unsafe hazards in the workplace, that complaint may not be scheduled for an on-site inspection. A Letter A, entitled *Notification to Complainant: No Inspection* must be sent to the complainant (see Section V of this policy).

5. Promptly consult with respective Regional Manager (RM) when determining that there are no resources available to timely conduct an on-site inspection in response to the complaint.

NOTE: When the complaint does not provide essential information, or it is too vague to evaluate, an attempt by the DM/SIHS/Designee or Duty officer must be made to clarify the allegations.

B. **Processing Health and Safety Complaints**

1. Health complaints must be sent to the SIHS/Designee and safety complaints to the DM/Designee for evaluation and determination of what action(s) need to be taken.

2. When a complaint alleges both safety and health hazards, it must be sent to both the DM/Designee and SIHS/Designee, who will work together to evaluate the complaint and determine what action(s) to take.

NOTE: District Offices without SIHS must collaborate with the Regional Senior Industrial Hygienist to assess and address health-related complaints.

C. **Determining the Validity of the Complaint**

1. When essential information is not provided by the complainant or the complaint is too vague to evaluate, an attempt must be made to clarify or supplement available information.

2. If essential information cannot be obtained through the procedures outlined in this policy to determine the validity of the complaint, no inspection or investigation shall be initiated, and the complainant must be informed in writing.

3. Willful Harassment of the Employer

A complaint is not valid if the DM/SIHS/Designee determines that the complaint represents willful harassment of the employer.

***NOTE*:** A complaint may represent willful harassment of the employer if, to a reasonable person, it does not express a genuine concern about a workplace hazard but is intended merely to annoy or irritate the employer.

D. **Determining the Formality of the Complainant**

1. If DOSH receives a complaint from an employee, an employee's representative, including, but not limited to, an attorney, health or safety professional, union representative, or government agency representative, or an employer of an employee directly involved in an unsafe place of employment, that their employment or place of employment is not safe, the DM/SIHS/Designee must mark "X" on the box labeled "formal" on the Cal/OSHA Form 7.

2. If DOSH receives a complaint from a former employee, the public, or the complainant who wishes to be anonymous, the DM/SIHS/Designee must mark “X” on the box labeled “non-formal” on the Cal/OSHA Form 7.

   NOTES:
   - Complaints received from an “employee” of an employer who is not currently employed by the employer shall be classified as non-formal.

   - If an employee seeking to file a complaint is reluctant to give his or her name, the complaint shall be classified as non-formal.

E. **Determining Complaint Priorities and Response Time**

1. ***Inspection Priority 1*: Immediately on the same day upon receipt of an imminent danger complaint**

   a. Every reasonable effort must be made to investigate all the imminent danger complaints on **the same day** that the complaints are received.

   b. When an on-site inspection of an imminent danger complaint cannot be conducted immediately, DM/SIHS/Designee shall make telephonic contact with any source, including the employer who controls the workplace containing the imminent danger, to verify the nature and extent of the hazard and to require that corrective steps be taken immediately to protect the health and safety of employees.

      When telephonic contact is made with any employer who controls the workplace containing the imminent danger***, such contact must be considered as Advance Notice and procedures pertaining to Advance Notice in Chapter 7: Inspection Procedures must be followed***.

2. ***Inspection Priority 1*: Immediate but no longer than twenty-four (24) hours of receipt of a serious complaint from a state or local prosector or local law enforcement agency**

   When a complaint charging a serious violation is received from a state or local prosecutor, or a local law enforcement agency, DOSH shall immediately **conduct an inspection** of the employment or place of employment within twenty-four (24) hours of receipt of the complaint.

3. ***Inspection Priority 2*: Three (3) working days for a serious violation**

   If a decision is made to inspect, the inspection must take place as soon as possible, but no later than three (3) working days after receiving a complaint charging a serious violation.

4. ***Inspection Priority 3*: Fourteen (14) calendar days for a non-serious violation**

   If a decision is made to inspect, the inspection must take place as soon as possible, but no later than fourteen (14) calendar days after receipt of a complaint charging a nonserious violation.

5. ***Off-site Letter Investigation*: Three (3) working days after receiving a complaint**

   If a decision is made to conduct an off-site letter investigation, the investigation must take place as soon as possible, but no later than three (3) working days after receipt of a complaint. See Chapter 6 for conducting off-site letter investigations.

F. Determining Whether to Conduct an On-site Inspection, Off-site Letter Investigation, or No Inspection

All complaints must be evaluated and classified by the DM/SIHS/Designee and assigned to compliance personnel for inspection or investigation within the required response times. All classification determinations, including "no inspection planned," must be documented by the DM/SIHS/Designee on the Cal/OSHA Form 7. The DM/SIHS/Designee must ensure that a copy of the Cal/OSHA Form 7 is (1) given to compliance personnel designated to conduct an on-site inspection or off-site letter investigation, and (2) retained in the Pend File.

1. Complaint On-site Inspections

Under certain circumstances such as, but not limited to, those described below, **an on-site inspection shall be performed**.

Basis for an on-site inspection:

a. Allegations of imminent danger situations.

b. Allegations of serious hazards.

c. Allegations of nonserious hazards made by an employee, an employee's representative, including, but not limited to, an attorney, health or safety professional, union representative, or governmental

agency representative, or an employer of an employee directly involved in an unsafe place of employment, that their employment or place of employment is not safe.

d. Permanently disabling injuries or illnesses, related to hazards apparently still in existence, or have occurred.

e. Significant history of non-compliance.

f. Referral by sister agencies, including but not limited to Labor Commissioner's Office and Employment Development Department (EDD).

g. Employer response to a phone/fax inquiry is determined by DOSH to be inadequate, or disputed by the complainant, and in the judgment of the DM/SIHS/Designee, indicates further inquiry into the alleged hazard is necessary.

h. Establishment covered by local or national emphasis program.

i. If a complaint is received by the district office about a worksite, and the employer is on the High Hazard Unit (HHU) programmed planned inspection list, the complaint shall be referred over to the HHU for an onsite comprehensive inspection.

j. If a complaint is received by the district office about a worksite, and in the professional judgment of the DM/SIHS/Designee, Regional Manager, Assistant Deputy Chief or Deputy Chief of Enforcement Branch an on-site inspection is required.

k. If a complaint is received by the district office about a worksite, and the employer is in Agricultural Industry, the complaint may be referred over to the Agricultural Unit for an onsite comprehensive inspection.

2. **Off-site Letter Investigation**

If the complaint does not meet the criteria for initiating an onsite inspection, but meets the criteria for an offsite investigation, the DM/SIHS/Designee must follow the procedures in Chapter 6.

3. **No Inspection**

   Basis for no inspection:

   a. The complaint is not within DOSH's jurisdiction (see Chapter 4: *Referral*).

   b. The complaint is too vague and lacks essential information to evaluate.

G. **Assigning Complaint to Compliance Personnel for On-site Inspection**

1. The DM/SIHS/Designee is required to promptly assign a complaint designated for on-site inspection to a Safety Engineer and/or an Industrial Hygienist, including specifying the timeframe within which the on-site inspection must commence.

   NOTE: When the DM/SIHS/Designee determines they do not have the resources available to timely conduct an on-site inspection in response to the complaint, they must notify their Regional Manager, who will identify if there are additional resources within the region.

   If no additional resources are available within the region, the Regional Manager shall work with the Assistant Deputy Chief of Field Enforcement on a plan of action. DM/SIHS/Designee must implement the option(s) authorized by the Regional Manager and approved by Assistant Deputy Chief of Enforcement Branch.

2. Compliance personnel assigned a complaint for an on-site inspection must follow all applicable procedures set forth in the compliance policy and procedures manual and directives based on the nature of the complaint.

H. **Assigning Complaint to Compliance Personnel for Off-site Letter Investigation**

1. The DM/SIHS/Designee is required to promptly assign a complaint designated for off-site letter investigation to compliance personnel, including specifying the timeframe within which the off-site letter investigation must commence.

2. Compliance personnel assigned a complaint for an off-site letter investigation must follow all applicable procedures set forth in the

compliance policy and procedures manual, Chapter 6 and directives based on the nature of the complaint.

IV. OIS Entry of Complaints

DM/SIHS/Designee must ensure that all complaint information on the form is timely entered into OIS no later than five (5) business day after receipt of the complaint.

V. Notifications to Complainants

All notifications to complainants must be mailed via regular mail to the complainant's home address, unless the complainant has specified that the notification is to be mailed to another address or by email.

A. **Notification of No Inspection or Letter Investigation (Letter A)**

DM/SIHS/Designee must, whenever the complainant's identity and contact information is known, inform the complainant in writing using Letter A, entitled *Notification to Complainant: No Inspection*, of the decision to take no action and the reasons for not taking any action within fourteen (14) calendar days of taking such action.

B. **Notification of the Off-site Letter Investigation (Letter E)**

DM/SIHS/Designee must, whenever the complainant's identity and contact information is known, inform the complainant in writing using Letter E, entitled *Notification to Complainant: Off-site Letter Investigation*, of the decision to conduct an off-site letter investigation within fourteen (14) calendar days of taking such action. The DM/SIHS/Designee must follow procedures outlined in Chapter 6 when conducting an off-site letter investigation.

C. **Notification of Receipt of Written or Oral Complaint (Letter F)**

DM/SIHS/Designee must, whenever the complainant's identity and contact information is known, inform the complainant in writing using the Letter F, entitled *Notification to Complainant: Acknowledgement of Receipt of the Written/Oral Complaint*, receipt of their written/oral complaint about health and safety hazards at their workplace. The Letter F must be sent via email or U.S.

mail to the complainant within five (5) business days from receipt of their complaint.

D. **Notification of the On-site Inspection (Letter O)**

Only after the inspection has been opened shall the DM/SIHS/Designee inform the complainant (whenever the complainant's identity and contact information is known) in writing, using Letter O, entitled *Notification to Complainant: On-site Inspection*, of the decision to conduct an on-site inspection**.**

E. **Notification of Complaint Status (Letter S)**

1. District and/or Regional Office analyst personnel must, whenever the complainant's identity and contact information is known, prepare and provide a list of complaint inspections open 90 days or greater with Letter S, entitled *Notification to Complainant: Complaint Status* for each inspection to the Regional Manager for review and approval to be sent via email or U.S. mail to the complainant.

2. The Regional Office analyst personnel must provide a copy of all Letter S sent to the complainant, **which are stamped with** "**confidential**," to the compliance personnel assigned to the case with instructions to place it in the **confidential** section of the file.

F. **Notification of On-site Inspection Results (Letter H)**

1. The compliance personnel that conducted the complaint inspection must, whenever the complainant's identity and contact information is known, prepare the Letter H, entitled *Notification to Complainant: Inspection Results*, for review and approval by DM/SIHS/Designee.

2. The letter shall provide the following:

   a. A detailed description of the findings for each complaint item alleged,

   b. Complaint items that resulted in violations, notices and/or special orders, and copies of any citation, notice, information memorandum, special orders issued to the employer, and

   c. An explanation for any complaint item that did not result in a violation.

3. The DM/SIHS/Designee must ensure the Letter H is sent within fourteen (14) calendar days of the issuance of any enforcement action taken by DOSH.

G. **Notification of DOSH Final Disposition to Complainant Dispute of Inspection Result (Letter Z)**

A complainant may dispute DOSH's inspection results, such as findings and decision not to issue a citation with respect to alleged violation(s) reported via telephone, e-mail or in writing.

1. The DM/SIHS/Designee must work with the complainant to resolve the matter. If the matter cannot be resolved by the DM/SIHS/Designee, the Regional Manager must be informed immediately. The DM/SIHS/Designee must inform the complainant that this matter has been referred to the Regional Manager. All communication with the complainant must be recorded and dated on a Cal/OSHA Form 1AW: *Employee/Witness Statement* and placed in the confidential section of the case file, attached to the Cal/OSHA Form 7.

2. The Regional Manager must conduct a review of the case with respect to complainant's concerns and may contact the complainant via phone to discuss the matter and obtain additional information/facts, if deem necessary.

3. The Regional Manager must inform the complainant, whenever the complainant's identity and contact information is known, in writing using the Letter Z, entitled *Notification to Complainant: DOSH Final Disposition to Complainant Dispute of Inspection Result*, whenever the complainant's identity and contact information is known, of the reason(s) for DOSH's final disposition of the case, within fourteen (14) calendar days from the date the matter was referred to the Regional Office.