Chapter 17

SEVERE VIOLATOR ENFORCEMENT PROGRAM (SVEP)

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Chapter 17

SEVERE VIOLATOR ENFORCEMENT PROGRAM (SVEP)

Policy: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to establish the Severe Violator Enforcement Program (SVEP) of the Division of Occupational Safety and Health, which concentrates resources on inspecting employers that have demonstrated indifference to their obligations to provide a safe and healthful workplace for their employees by committing willful, repeated, or failure-to-abate violations. Enforcement actions for severe violator cases include mandatory follow-up inspections and, where appropriate, ensure increased awareness of the enforcement actions at the corporate level, corporate-wide agreements, and enhanced settlement provisions. In addition, this procedure provides for referral procedures with Federal OSHA.

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

- California Penal Code, Sections 6307, 6308, 6308.5, 6309, 6313, 6314, 6314.1, 6317, 6317.8, 6317.9, 6320, 6321, 6322, 6325, 6354, 6355, and 6429

Procedures:

A. Actions Required

1. The policies and procedures set forth herein are effective immediately and remain in effect until canceled.

2. Regional Managers (RMs) and District Managers (DMs) must ensure that DOSH personnel follow these policies and procedures.

3. The Chief of DOSH will ensure the Consultation Program Manager is informed of the requirements of this Procedure and must encourage the involvement of the Consultation Program.

4. All cases that meet the qualifying criteria in section E issued after the effective date of this policy and procedure are entered into the SVEP.

B. Application

This policy and procedure applies DOSH-wide to all interventions, inspections, and violation abatement assistance involving the Severe Violator Enforcement Program. This policy and procedure also applies to DOSH outreach efforts that include compliance assistance, cooperative programs, training, and education.

Further, this policy and procedure applies to the Consultation Program which provides consultative services to the private sector. DOSH's On-site Consultation Programs offer free and confidential occupational safety and health services to small- and medium-sized businesses, with priority given to high-hazard worksites. On-Site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants from DOSH work with employers to identify workplace hazards, provide advice on compliance with DOSH standards, and assist in establishing and improving safety and health programs. To locate the DOSH On-Site Consultation Program nearest you, call 1-800-963-9424 or visit DOSH's On-Site Consultation page.

C. Background

The SVEP is intended to focus enforcement efforts on significant hazards and violations by concentrating inspection resources on employers that have demonstrated a recalcitrance or indifference to their obligation to provide a safe and healthful workplace for their employees by committing willful, repeated, or failure-to-abate violations of OSHA requirements.

D. Handling SVEP Cases

1. Compliance Safety and Health Officers (CSHOs) must become familiar with Section E. Criteria for an SVEP Case, to effectively evaluate employers during all inspections likely to result in an SVEP case.

2. The District Office must identify SVEP cases no later than at the time the citations are issued, in accordance with criteria set forth in this procedure.

3. State agency cases that meet the SVEP case criteria are classified as SVEP cases; the terms "employer-wide" or "company-wide" will apply agency-wide or department-wide, as appropriate. The District Manager, in consultation with the Regional Manager, determines appropriate SVEP actions for such state agency cases.

4. When a case meets the SVEP case criteria, the District Office must accurately identify the establishment in the OSHA Information System (OIS).

5. At the beginning of every month the Deputy Chief's Office will produce an SVEP report and share the findings with Regional Managers.

6. Regional Managers will review the SVEP report with District Offices to ensure there is an accurate list of establishments within their jurisdictions. The Regional Manager and District Offices of the High Hazard Unit must conduct all necessary follow-up or referral inspections of non-Process Safety Management related facilities and record them accurately in OIS. The Regional Manager and District Offices of the Process Safety Management Unit must conduct all necessary follow-up or referral inspections of Process Safety Management related facilities and record them accurately in OIS.

7. The Deputy Chief's Office must post a copy of the SVEP report on the Cal/OSHA website each quarter.

E. Criteria for an SVEP Case

DOSH considers an inspection to result in a SVEP case if it meets **at least one** of the criteria below.

1. Fatality/Catastrophe Criterion

   A fatality/catastrophe inspection where DOSH issues **at least one willful citation, repeat** citation or a **failure-to-abate** notice based on a serious violation directly related either to an employee death, or to an incident causing three or more employee hospitalizations. (Serious Accident Related)

2. Non-Fatality/Catastrophe Criterion.

   An inspection where DOSH finds at least two willful or repeated violations or issues failure-to-abate notices (or any combination of these violations/notices), based on the presence of high gravity serious violations.

   NOTE: A high gravity serious violation is one which has both high severity and high likelihood.

3. Egregious Criterion

   All egregious (e.g., per-instance citations) enforcement actions must be considered SVEP cases.

NOTE 1: Until rulemaking for Title 8 requirements regarding egregious citations have been completed, refer to Labor Code, section 6317.8 for requirements.

NOTE 2: For SVEP consideration, willful and repeated citations and failure- to-abate notices must be based on serious violations, except for recordkeeping, which must be egregious.

NOTE 3: Grouped and combined violations must count as one violation for SVEP purposes. In cases where an inspection's original violations at issuance initially qualify an employer for SVEP, but later are reclassified to fall outside the program's eligibility criteria, the employer must be removed from the SVEP log.

F. Enforcement Considerations

1. Two or More Inspections of the Same Employer.

   For inclusion under SVEP, DOSH must evaluate each individual inspection independently to determine if it meets any of the SVEP criteria (See Section E, Criteria for an SVEP Case). If any of the inspections meet one of the SVEP criteria, DOSH will consider that inspection to be an SVEP case and code it accordingly (See Section K, Recording and Tracking Inspections).

   NOTE: Do not combine two or more inspections of the same employer to fulfill the SVEP criteria.

2. Multi-Employer Worksites

   Under Cal/OSHA's multi-employer worksite inspection policy (Chapter 14), an employer can qualify for SVEP even if none of its own employees were exposed to hazards, and may be cited for the same violations as other employers qualifying for SVEP.

G. SVEP Procedures

When a District Office determines that a case meets one of the SVEP criteria, follow paragraphs A through D below.

1. Follow-up or Referral Inspections.

   a. General.

      For any SVEP inspection opened on or after the effective date of this procedure, DOSH must conduct a follow-up or referral inspection within one year but no longer than two years, after the citation becomes a final order,

even if the Division has received abatement verification of the cited violations. The purpose of the follow-up or referral inspection is to assess not only whether the cited violation(s) were abated, but also whether the employer is failing to address similar or related hazards. All follow-up or referral inspections of non-Process Safety Management related hazards will be conducted by the High Hazard Unit. All follow-up or referral inspections of Process Safety Management related hazards will be conducted by the Process Safety Management Unit.

b. Justification for Not Conducting a Follow-up.

If there is a compelling reason not to conduct a follow-up inspection, the CSHO or District Manager must document that justification in the case file. If the District Office cannot initiate a follow-up inspection, it must document and complete “No Inspection” in OIS. Reasons for not conducting a follow-up inspection may include:

1. worksite/workplace closed,

2. employer is out of business, or

3. cited operation discontinued at the worksite/workplace.

NOTE: A corrected-during-inspection determination does not eliminate the required follow-up inspection.

If the District Manager learns that a cited employer/operation has moved to a different location, DOSH must inspect the new location. If the new location is outside the original District Office’s jurisdiction, a referral must be made to the District Office with appropriate jurisdiction. The Regional Office must be consulted to coordinate referrals outside of the original region.

NOTE: CSHOs must create or open an inspection in OIS for all follow- up or referral attempts. The CSHO must mark the inspection as “No Inspection” in instances where the employer is no longer located at the originally-inspected site, and apply relevant SVEP coding per Section K, Recording and Tracking Inspections.

c. Construction, Mobile, and Temporary Worksites.

When the High Hazard Unit District Office has reason to believe that a construction, mobile, or otherwise temporary worksite is no longer active (or is nearing completion),therefore making a follow-up inspection of the same worksite difficult or impractical, the provisions in Section G.2.e, Construction Worksites will apply.

2. Statewide Inspections of Related Workplaces/Worksites.

   a. General.

      Employer indifference to compliance responsibilities under the OSH Act at one worksite may indicate broader patterns of non-compliance at that employer's related worksites. When DOSH has reasonable grounds to believe that violations identified in the initial inspection may indicate a broader pattern of non-compliance, the Division must inspect related worksites of the same employer. While DOSH usually initiates inspections of related worksites only after issuing citations to the employer of violations from the original worksite, in cases of "imminent danger" hazards or similarly exigent circumstances, the District Office and Regional Office must follow the procedures outlined in Chapter 7, Inspection Procedures.

      Appendix A, CSHO Guidance – Considerations for Determining Company Structure and Safety and Health Organization, of this procedure, provides guidance for evaluating whether violative conditions found during the initial SVEP inspection are likely to exist at related facilities. It is essential that information in Appendix A be gathered during the initial SVEP inspection. DOSH may also obtain such information by letter, telephone, or by subpoena.

      The Regional Manager is responsible for assuring that DOSH collects all relevant information and for determining whether it provides reasonable grounds to believe that a broader pattern of non-compliance may exist. The District and Regional Offices should consult with the Legal Unit as appropriate.

      When the Regional Manager finds sufficient evidence of potential broader non- compliance, they should identify the employer's related establishments in the same 3-digit NAICS code as the initial SVEP case and select establishments for inspection in accordance with Section G.2.d, Similar Related Workplaces. Establishments outside that 3-digit NAICS code may also be inspected if the evidence establishes reasonable grounds of the presence of potential hazards at those sites.

      NOTE: The Deputy Chief's Office serves as the point of contact for all SVEP statewide referrals. Address any questions to the Deputy Chief.

   b. Office of Statistical Analysis (OSA).

      The Deputy Chief's Office may request through the OSHA Regional Administrator, for OSA assistance in identifying similar and other related worksites statewide of the same employer.

Establishments are related when there is evidence of common ownership. Related establishments include entities in the same corporate family, such as subsidiary, affiliate, or parent corporations with substantial common responsibilities. Similar related establishments are those establishments that are in the same 3-digit NAICS code.

c. Referrals to Federal OSHA.

Federal OSHA will accept referrals from DOSH, which must include all relevant facts, regarding any inspections conducted pursuant to the DOSH's SVEP. DOSH referrals(letter or memorandum) to Federal OSHA must be sent through the Deputy Chief's office to the OSHA Regional Administrator, who will then forward any referrals outside that Region to the appropriate OSHA Regional Administrator.

d. Inspections of Related Workplaces

1. Where an Employer Has Three (3) or Fewer Related Workplaces.

Pursuant to Appendix A, when a Regional Manager determines that DOSH should inspect additional workplaces within the Region, and the employer has three or fewer related workplaces, **all such workplaces must be inspected** by the High Hazard Unit for non-Program Safety Management hazards and by the Process Safety Management unit for Process Safety Management hazards, to determine whether those sites have hazardous conditions or violations similar to those in the SVEP case (see G.2.f, Scope of Related Inspections below for inspection scope guidance). The Regional Manager of the High Hazard Unit has overall responsibility for coordinating the inspections and planning investigative strategy. The Regional Manager will also consult with the Legal Unit as appropriate.

If any of the three or fewer workplaces are under Federal OSHA jurisdiction, the High Hazard Unit Regional Manager must forward the information to the Deputy Chief's Office for referral to the OSHA Regional Administrator.

2. Where an Employer Has Four (4) or More Related Workplaces.

When a Regional Manager determines that additional workplaces must be inspected, and the employer has **four or more similar related establishments within the Region or in other Regions**, the High Hazard Unit Regional Manager has responsibility for coordinating those inspections and planning investigative strategy. The Regional Manager must consult with the Legal Unit as appropriate and notify the Deputy Chief (notification only).

However, if there are unusual circumstances or if a Region is unable to determine the number of workplaces/worksites, the Regional Manager will initially send the recommendation for inspections, including all relevant facts, to the High Hazard Unit Regional Manager for approval.

a. When the High Hazard Unit Regional Manager determines that there are reasonable grounds for inspecting related establishments, the High Hazard Unit Regional Manager must issue an SVEP statewide inspection list. Normally, when the number of related establishments statewide is 10 or fewer, the High Hazard Unit will attempt to inspect all related establishments. When there are more than 10, the High Hazard Unit Regional Manager's office will assign random numbers to the complete list of related establishments, sort those establishments in random number order, and select the first 10 for inspection.

   The High Hazard Unit must inspect all establishments on the statewide list to determine whether hazardous conditions or violations similar to those found in the initial SVEP inspection are present. Based on the results of these inspections, the High Hazard Unit Regional Manager determines whether the unit needs to inspect additional establishments. Any inspection conducted from an SVEP statewide inspection list must be coded as an "unprogrammed-referral." A referral report must be generated when learning of a site where an SVEP statewide referral employer is working.

b. In addition to or in lieu of (i) above, when the Deputy Chief - Enforcement has reasonable grounds to believe that hazards may exist at specific related establishments, the Deputy Chief may select those establishments for inspection if supported by evidence of potential non-compliance.

c. The High Hazard Unit Regional Manager is responsible for coordinating statewide inspections of related establishments under this section. Where complex or systemic issues are present, the High Hazard Unit Regional Manager should convene a team to advise on investigative strategies, such as using administrative subpoenas or experts, and sharing information among offices participating in the inspections. The team should include Regional and District Office personnel familiar with the employer or the hazard, and personnel from the High Hazard Unit who will conduct the inspections. In the event the inspections result in multiple contested citations, the team will consult the Legal Unit on litigation strategies based on resource considerations.

3. SVEP Statewide Related Inspections that involve Process Safety Management (PSM) hazards.

   For SVEP statewide inspections arising from willful or repeated Process Safety Management citations or failure-to-abate Process Safety Management notices, related inspections must be limited to requirements under the PSM standard and inspected by personnel from the Process Safety Management Unit. No inspections of establishments are to be conducted where DOSH has performed a Process Safety Management inspection at that establishment in the past two years from the opening conference data.

e. Construction Worksites.

   1. Regional Office.

      Whenever an SVEP case involves a construction industry employer, the High Hazard Unit Regional Manager must further investigate that employer's overall compliance. If the initially inspected worksite closes before DOSH can conduct a follow-up inspection, the High Hazard Unit Regional Manager must conduct an inspection of at least one of the employer's other worksites to determine whether the employer is failing to address hazardous conditions similar to those identified in the initial SVEP inspection. Because construction worksites are often difficult to locate, the following means may be useful to identify a cited employer's other sites.

      NOTE: If a construction-related SVEP case is resolved through a settlement, the agreement could require the employer to notify the District Manager prior to beginning work at any new construction sites during the subsequent three-year period. However, if OSHA conducts a follow-up or referral inspection during that three-year period, then the employer is no longer required to notify the agency regarding other jobsites.

      a. DOSH may issue an administrative subpoena, prior to issuing a citation, to an employer requesting the location of worksites where employees of that employer are presently working, or are expected to be working, within the next 12months. See Chapter 10, Subpoenas and Letters Requesting Documents.
      b. DOSH may issue such a subpoena during the early stages of an investigation if it appears that the inspection is likely to result in an SVEP case and the District Manager determines (after consultation with the Regional Manager and Legal Unit) that the hazards discovered during the inspection, and the inadequacy of the

employer's response to those hazards, indicate that a broader division response is appropriate.

2. Deputy Chief-Enforcement Office Communications.

    a. When a Regional Manager determines that an SVEP construction employer is operating in a different Region, the Regional Manager must send are commendation for inspection, including all relevant facts, to the High Hazard Unit Regional Manager. The High Hazard Regional Manager will consult with the Legal Unit as appropriate.

    b. When the High Hazard Regional Manager determines the activity of a particular construction employer includes worksites in multiple Regions, the High Hazard Regional Manager will issue an SVEP statewide referral as outlined in Section G.2, Statewide Inspections of Related Workplaces/Worksites.

    c. Code any inspection conducted under an SVEP statewide referral as an unprogrammed referral from the High Hazard Unit Regional Office. Generate a referral report when finding a site where an SVEP statewide referral employer is operating.

f. Scope of Related Inspections.

    The decision to expand the scope of an inspection to related establishments must be determined by the evidence gathered in the original SVEP inspection. The expanded inspection should focus primarily on potential systemic hazards that are the same, or similar, to those found in the original investigation.

g. Priority of the Inspection.

    1. In accordance with the inspection priorities listed in P&P C-1AChapter 7, Inspection Procedures, SVEP nationwide referral inspections are considered lower priority than imminent dangers, fatalities, and complaints, but higher than other programmed inspections. Also review Section J, Relationship to Other Programs of this Instruction, regarding when DOSH can conduct other inspections concurrent with an SVEP statewide referral inspection.
    2. Any DOSH onsite consultation visit already in progress must terminate prior to the opening conference of an SVEP referral inspection.

3. Increased Company Awareness of OSHA Enforcement

    a. Sending Letters, Citations, or Notifications of Penalty to Deputy Chief-Enforcement office or Coordinating Meetings with the Regional Offices.

In cases where DOSH determines that it should address an establishment's safety and health issues at the corporate level, consider the following actions:

1. Send a letter from the High Hazard Unit Regional Manager, or the appropriate Division Office official, to the company president expressing DOSH's concern with the company's violations. Include a copy of the citations with the letter and cover letter. See sample cover letter in Appendix B: Sample Letter to the Company.
2. Organize a meeting between DOSH, company officials, employees, and employee representatives to discuss how the company intends to address safety and health compliance. If the company operates in multiple Regions, such a meeting will require Deputy Chief-Enforcement Office coordination.
3. Employee representatives (e.g., unions) must receive a copy of the citations and notifications of penalty DOSH sends to the employer's headquarters. DOSH must also notify employee representatives by letter when the division determines that the establishment's safety and health problems require corporate-level intervention.
4. For all employers that are eligible for SVEP the District Manager must mail a copy of the citations and notification of penalty to the employer's headquarters if the employer has more than one fixed establishment. See sample cover letter in Appendix C:Sample Letter to Company Headquarters.

b. Issuing News Releases.

    1. Regional News Releases.

        A Regional Office may issue a news release through DIR Office of External Affairs, Communications and Outreach for an SVEP case when citations are issued. Regional Managers have the discretion to determine which SVEP cases will receive a news release.

    2. Statewide Referral Inspection News Releases.

        In certain SVEP cases, prior to the Regional Office issuing a news release, the Deputy Chief-Enforcement Office may collaborate and provide input.

4. Enhanced Settlement Agreements

The following settlement provisions may be considered for inclusion in agreements to ensure future compliance both at the cited facility and at the employer's other related facilities:

a. The employer must hire a qualified safety and health consultant to develop and implement an effective and comprehensive safety and health program or, where appropriate, a workplace program to ensure full compliance with the subpart for which DOSH cited the employer under the SVEP.

   NOTE: The settlement agreement may not require that an employer use DOSH's state consultation services. Such services are strictly voluntary.

b. The agreement must apply company-wide.

   NOTE: Any corporate-wide settlement agreements must be coordinated with the Legal Unit.

c. Require interim abatement controls in cases where the employer is unable to implement final abatement in a short period of time.

d. In construction settings (and, where appropriate, in general industry), the settlement agreement should require a list of the employer's current jobsites and/or future jobsites for a specified time period. The agreement should also compel the employer to indicate the specific protective measure(s) it will use for each current or future jobsite.

e. Require the employer to submit its Log of Work-Related Injuries and Illnesses on a quarterly basis and to allow DOSH unfettered access to inspect the workplace based on that information.

f. Require the employer to notify the District Office immediately of any serious injury or illness requiring medical attention and to consent to an inspection.

g. For construction, mobile, and temporary worksites, require the employer to notify the Deputy Chief – Enforcement of its other jobsites prior to the start of any work at these sites during the following three-year period.

H. SVEP Log Removal Criteria and Procedures

1. The Deputy Chief – Enforcement Office will remove an employer from the Severe Violator Enforcement Program Log after at least three years from the date of receiving acceptable abatement verification[1]. To be eligible for removal, the employer must have:

   a. Abated all SVEP-related hazards,

   b. Paid all final penalties,

[1] See Chapter 18, for the procedures and certification required for such abatement verification.

c. Where applicable, followed and completed all applicable settlement provisions,

d. Received no additional serious citations related to the hazards identified in the original SVEP inspection or any related establishments, and

e. Have received one follow-up or referral OSHA inspection.

2. An employer that agrees to an Enhanced Settlement Agreement may elect to reduce the SVEP term to two years. In such cases, SVEP removal is contingent on the employer agreeing to developing and implementing a safety and health management system (SHMS)within the two year period that includes policies, procedures, and practices that are effective to recognize and abate occupational safety and health hazards and protect employees from those hazards. The employer's SHMS should include at least the elements required by Title 8Section 3203 Injury and Illness Prevention Programs, and should also include provisions for evaluating and improving program effectiveness, along with a provision for DOSH's review and evaluation of the SHMS. Lastly, implementation must be verified by an independent third party (i.e. a CSP, CIH, or – for a unionized workplace – a national union safety and health representative), subject to the approval of DOSH.

3. Prior to removing an employer from the SVEP, the District Office must conduct at least one follow-up or referral inspection to ensure abatement verification and compliance with the enhanced settlement provisions, if any. If the follow-up inspection results in a serious citation related to the hazards identified in the initial SVEP inspection, then the establishment must not be eligible for removal from the SVEP log, and the District Office must perform an additional follow-up inspection.

4. Only the Regional Manager, or Deputy Chief-Enforcement may authorize removing an employer from the SVEP. The SVEP Employer Removal memorandum template in Appendix D: SVEP Removal Memo must be completed and submitted to notify the Deputy Chief - Enforcement if an establishment meets the removal criteria.

5. If a case involves a Corporate-Wide Settlement Agreement (CSA), the Deputy Chief -Enforcement will determine whether circumstances warrant removing the employer from the SVEP once the CSA expires. The Deputy Chief will ensure that the employer has both completed the follow-up requirements of the SVEP and fully implemented the terms of the CSA pursuant to DOSH Policy and Procedures.

I. Auxiliary SVEP Log Removal Criteria and Procedures

1. If, after **five years** from the final order date, the District Office is unable to conduct a follow-up or referral inspection, then it can enter the establishment in the "Auxiliary SVEP Log." Reasons for being unable to conduct a follow-up or referral inspection may include:

   a. worksite/workplace closed,

   b. employer is out of business, or

   c. cited operation discontinued at the worksite/workplace.

   However, the employer remains in the "Auxiliary SVEP Log" until DOSH makes contact, verifies abatement, and assures that the employer fulfills all other requirements of the program. DOSH encourages establishments to contact the local DOSH District Office to discuss the follow-up or referral requirements in SVEP.

2. After **ten years** from the case closure date, the Deputy Chief-Enforcement may remove an employer from the Severe Violator Enforcement Program if the case meets all the following criteria:

   a. DIR's Accounting team has returned the case to the District Office as uncollectible.

   b. The case was coded as "abatement not completed; worksite changed" in OIS after documenting such in the casefile in accordance with the DOSH Policies and Procedures.

3. DOSH maintains the legal entity name, any associated business titles or "doing business as" names, and ownership of the company in a searchable format for cross reference for future inspections. In cases where DOSH encounters the employer at any time in the future, a search of the employer's history in OIS will flag the SVEP inclusion and DOSH will reactivate the entire timeline, process, and abatement verification procedure.

J. Relationship to Other Programs

1. Unprogrammed Inspections.

   DOSH may conduct an unprogrammed inspection and an SVEP-related inspection either separately or concurrently. This Procedure does not affect DOSH's ability to conduct unprogrammed inspections.

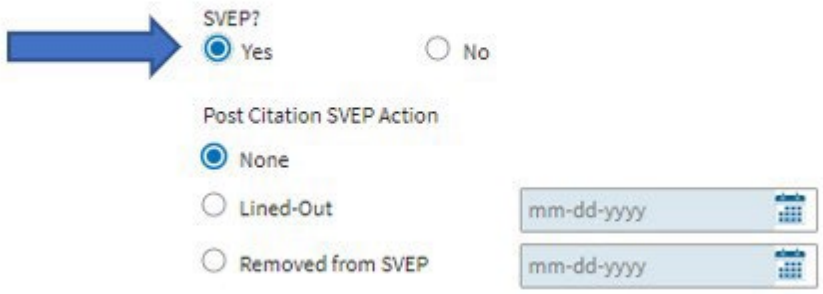
2. Programmed Inspections.

   Site-specific targeting; local, regional, or national emphasis program inspections may occur either separately or concurrently with SVEP inspections.

K. Recording and Tracking Inspections

1. Initial SVEP Inspections

   Designate only an inspection that meets the criteria of a severe violator enforcement case as an initial SVEP inspection case. Enter that case into OIS using the following procedures.



   Adding to OIS: Identify initial SVEP inspections by selecting the “Yes” SVEP radio button on the “Inspection Data” tab for that inspection in OIS.

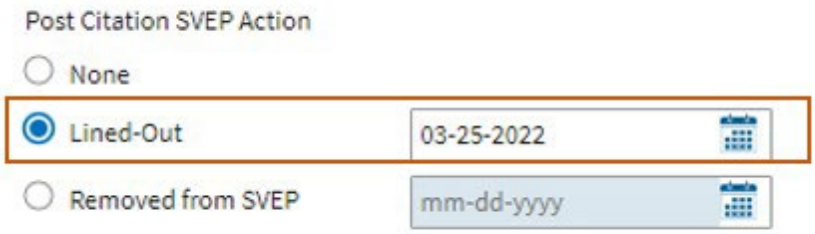
   NOTE: Once a user identifies an inspection as an initial SVEP case, the user cannot change the SVEP radio button to “No.” Identify line-outs and removals from SVEP using the relevant Post Citation SVEP Action field below.

2. Post Citation SVEP Action

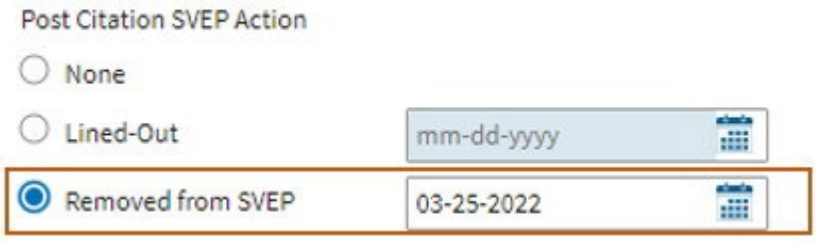
   Select the relevant radio button under “Post Citation SVEP Action.” If the case remains active on the SVEP log, select the “None” radio button.
   If an establishment entered into a settlement agreement (informal or formal) in which DOSH agreed to delete or reclassify the citation that qualified the establishment for SVEP designation; or if an Administrative Law Judge, or a court decision has vacated such a citation, then select the “Lined Out” radio button to indicate that the entry on the SVEP log will be lined-out.

NOTE: The Area Office or the RSOLs may not use SVEP removal as a settlement incentive. However, if the final terms of an agreement take an employer out of the SVEP criteria, the employer must be removed from the log.

a. Lined-out from SVEP: Identify initial SVEP inspections that meet the criteria of a line-out by selecting the "Lined-Out" radio button and enter the date when the Regional Manager, or Deputy Chief - Enforcement approved the Line-Out. This option is available on the "Inspection Data" tab for that inspection in OIS.



b. Removed from SVEP: Identify initial SVEP inspections that meet the removal criteria by selecting the "Removed from SVEP" radio button and enter the date when the Regional Manager, or Deputy Chief approved the removal. This option is available on the "Inspection Data" tab for that inspection in OIS.

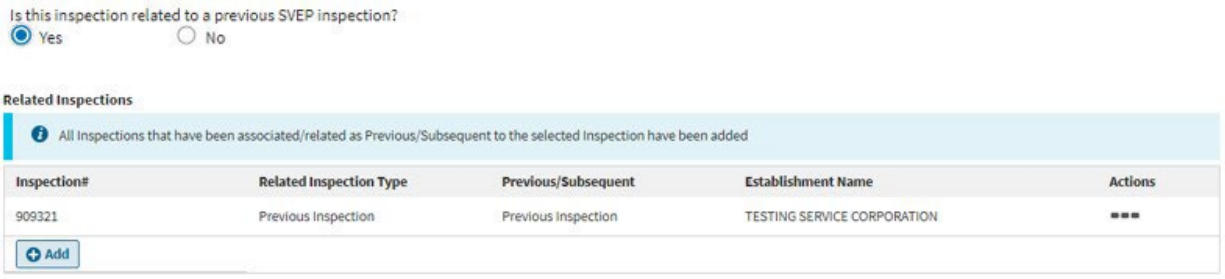


3. Follow-up and Related SVEP Inspection

When identifying an inspection as a follow-up or an inspection otherwise related to an original or previous SVEP inspection, the CSHO must select the "Yes" radio button for "Is this inspection related to a previous SVEP inspection?" If the case is a new SVEP case (not a follow-up inspection or related to a previous SVEP case) then select the "No" radio button.

NOTE: Follow-up and inspections otherwise related to an initial SVEP case that do not meet the criteria for a new SVEP case must select the "No" SVEP radio button.

The CSHO must link any inspection marked as “Yes” in the previous step to the initial SVEP inspection by entering the relevant “Inspection Number” in the “Previous/Subsequent Inspections” section of the “Related Activities” subtab, under the “Inspection” tab.



4. Other Program Codes

   Remember to enter all applicable emphasis program codes in the inspection emphasis program section of the inspection type tab when conducting an SVEP inspection and the SVEP inspection also meets the protocol for other program(s).

L. Administrative Reporting Requirements

1. At the beginning of every month the Office of the Deputy Chief - Enforcement produces an SVEP report and shares the findings with Regional Managers.

2. Regional Managers review the SVEP report with District Offices and ensure an accurate list of establishments within their jurisdictions. Also, Regional Managers and District Offices ensure that DOSH conducts all necessary follow- up or referral inspections and records them accurately in OIS.

3. The Office of the Deputy Chief – Enforcement posts a copy of the SVEP report on a quarterly basis on the DOSH website.

4. The Office of the Deputy Chief - Enforcement performs an annual program review at the end of each fiscal year.