



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
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Memorandum

To: Holders of 25 BIA

From: Deputy to the Assistant Secretary - Indian Affairs (Operations)

Subject: Safety Management - 25 BIA

Attached is the updated 25 BIA Basic Manual - Safety Management. This update is the result of the manual update project and reflects the policy of all programs assigned to the Division of Safety Management.

This release complies with the intent of the Occupational Safety and Health Act of 1970, as amended, and Executive Order 11807. This manual sets forth sound loss control principles as applied to the many varying activities of the Bureau of Indian Affairs.

Walter R. Mills

Deputy to the Assistant Secretary -
Indian Affairs (Operations)

Filing Instructions:

- (a) Remove superseded material:
25 BIA - in its entirety
(Dated 01/29/80)
- (b) Insert new material transmitted:
25 BIA (Dated)
- (c) Pen-and-ink changes:
None.

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1	Accident Investigation and Analysis	2 10/24/85
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3	Safety Committee Activities	2 07/20/83
4	Safety Training	1 06/13/85
5	Safety Standards	2 03/08/85
6	Hazard Reduction	1 03/31/80
7	Motor Vehicle Operator Program	3 05/31/89
* 8	Hazard Communication	
9	Personal Protective Equipment	3 10/23/89
10	Accident Prevention Activities	1 02/07/80
* 11	Visiting Public Safety	3 04/27/79
12	Contractor Safety	1 01/24/84
13	Watercraft Safety	3 10/25/84
14	Industrial Security	3 07/17/81
15 -	Safety Standards or Gamma Ray Sources	4 10/12/84
16	Safety Awards	2 10/09/85
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18	Engineer Equipment Safety	1 03/03/88
19	Structural Fire Prevention	3 05/20/88
20	Highway Safety	1 11/13/89
21	Explosive Safety	3 04/29/80
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23	LP/Natural Gas Safety	1 03/31/80
24	Food Service Safety	1 06/05/86
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26	Hand Tools	2 10/23/89
27	Power Tool Safety	3 10/23/89
28	Welding and Cutting Safety	2 08/13/84
29	Electrical Safety	3 10/23/89
30	Material Handling	2 01/13/85
31	Loss Compensation Program	1 04/19/86
32	Agricultural Safety	1 05/19/82
33	Scuba Diving Safety	1 02/12/86
34	Injury Compensation	1 08/21/79
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39	Pupil Transportation Safety	1 12/11/89
40	Solid Waste Management	1 04/14/80
41	Domestic Water Supplies	1 04/07/80
42	Asphalt Hot Mix Plants	1 05/01/86

SAFETY MANAGEMENT
Authority, Policy

1. AUTHORITY, POLICY

1.1 Purpose. This part of the Bureau of Indian Affairs Manual (BIAM) provides the authority, policy and responsibilities for the execution of the Bureau's Safety Management Program. The program is comprised of six elements, which are: Occupational Safety and Health Programs, the Bureau Loss Compensation Program, the Employee Injury Compensation Program, the Motorized Equipment Program, the Indian Highway Safety Program and Technical Assistance.

1.2 Authority.

A. Occupational Safety and Health Programs. Authority for programs to prevent accidents and incidents involving people and property used in the operation of the Federal Government is provided by Public Law 91-596. The law requires the head of each agency to develop and support organized activities to reduce injuries and work-related illnesses among employees, damage to property of his/her agency, encourage safe work practices, eliminate work hazards and risks, develop fire prevention and fire suppression programs, and accident investigation and prevention activities. (See 5 U.S.C. 7902, Sections 6 and 19 of P.L. 91-596, 29 CFR Part 1960 and Executive Order 12196). Bureau authority is derived from 485 DM 1-5.

B. Loss Compensation Program. Authority for the compensation for losses due to negligent or wrongful acts or omissions of Federal employees is the Federal Tort Claims Act of 1966 (P.L. 89-506; 80 Stat. 306). Authority for the settlement of claims against the United States for damage to or loss of personal property of federal employees is the Military Personnel and Civilian Employees' Claims Act (See 31 U.S.C. 3721, as amended). Bureau authority to process these claims is derived from 451 DM 1-4.

C. Injury Compensation Program. Authority for the Injury Compensation Program is the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742, 5 U.S.C. 8101 et. seq.) as amended. It provides compensation for disability or death and full medical care for civilian officers and employees of the U.S. Government who suffer injuries in the performance of their duties. The Office of Workers' Compensation Programs (OWCP), U.S. Department of Labor, is charged with the administration of the Act and has issued regulations governing the submission of claims. Bureau authority is derived from 370 DM 810.

SAFETY MANAGEMENT
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D. Motorized Equipment Safety Program. Authorities for this program are the Federal Property and Administrative Services Act of 1949 (68 Stat. 1128; 40 U.S.C. 191(J)), the Reorganization Plan No. 3 of 1950, and the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et. seq.). Bureau authority is derived from 488 DM 1-5 and 110 DM 19.

E. Indian Highway Safety Program. The authority for the Indian Highway Safety Program is in the Federal Aid Highway Act of 1973 (P. L. 93-87) which establishes that, for the purposes of Indian tribes applying for Highway Safety Program funding, the Secretary of the Interior is designated as governor of the "Indian State" and that the tribes are political subdivisions of the "Indian State." Bureau authority is derived from the Memorandum of Agreement between the Departments of Transportation and Interior dated May 15, 1974, implementing a Highway Safety Program on Indian reservations.

F. Technical Assistance Program. The authorities for Safety Technical Assistance Programs to tribes are the Snyder Act (25 U.S.C. 13) and the Education Amendment of 1978, (P.L. 95-561; 92 Stat. 2319). Technical assistance shall be rendered when resources permit.

1.3 Policy.

A. Safety and Occupational Health Program. The Bureau policy is: (1) to provide a safe environment for all BIA employees, students attending BIA schools, tribal members, contractor's employees and the visiting public when using its facilities; (2) to provide a safe and healthful workplace for all its employees, to promote safety education, to eliminate unsafe acts and work-related illnesses through education, training and the use of recognized personnel management techniques; (3) to protect Federal property from damage and/or loss; (4) to achieve the goal that safety becomes an integral part of every task; to comply with the requirements as stated in Title 29 of the Code of Federal Regulations Part 1960 and Executive Order 12196.

B. Loss Compensation Program. The Bureau policy is to promptly and thoroughly investigate and document all accidents and incidents which will aid in the prompt settlement of loss compensation claims.

C. Employee Injury Compensation Program. The Bureau policy is to inform all employees of their rights and the benefits provided by the Federal Employees' Compensation Act and to file accurate and prompt accident reports as required by the Office of Workers' Compensation Programs (OWCP).

SAFETY MANAGEMENT
Authority, Policy

D. Motorized Equipment Program. The Bureau policy for the motor vehicle operator program expresses and extends Congressional policy to provide for an economical and efficient system for the transportation of operators of Government owned or leased vehicles or a privately owned motor vehicle on official business. This policy includes aircraft, watercraft and heavy equipment operation and the transportation of students.

E. Indian Highway Safety Program. The Bureau policy is to administer the Indian Highway Safety Program for the purpose of furnishing assistance to tribes so they may benefit from programs authorized by the U.S. Department of Transportation.

F. Technical Assistance Program. The Bureau policy is for the Division of Safety Management to furnish technical assistance to Indian tribes, tribal groups and tribal contractors, Bureau field offices, and other Government agencies in all matters pertaining to Occupational Safety and Health, Loss Compensation, Injury Compensation, Motorized Equipment Safety and the Indian Highway Safety Program.

SAFETY MANAGEMENT
Responsibility, Function

2. RESPONSIBILITY, FUNCTION

2.1 Responsibility.

A. Management Responsibility.

(1) Bureau of Indian Affairs.

(a) Deputy to the Assistant Secretary - Indian Affairs (Operations). The Deputy to the Assistant Secretary - Indian Affairs (Operations) is the responsible line officer for the Bureau's Occupational Safety and Health Program, Loss Compensation Program, the Employee Injury Compensation Program, the Motorized Equipment Safety Program and the Indian Highway Safety Program.

(b) Division of Safety Management.

(i) The Chief, Division of Safety Management, is assigned staff responsibility for implementing the policy and carrying out the mission of the Bureau's Occupational Safety and Health Program, Loss Compensation Program, the Employee Injury Compensation Program, the Motorized Equipment Safety Program and the Indian Highway Safety Program.

(ii) The Chief, Division of Safety Management, is designated the Bureau Safety Manager (see 485 DM 1.8A).

(iii) The Chief, Division of Safety Management, is assigned the responsibility for and is authorized to carry out the duties of the Bureau Tort Claims Officer.

(iv) The Chief, Division of Safety Management, is designated as the Bureau Fire Marshal and has the responsibility of furnishing technical assistance to areas, operating offices and tribes in developing their firefighting capabilities.

(v) The Chief, Division of Safety Management, is designated as the Motor Vehicle Operator Program Officer and Watercraft Safety Officer.

(2) Area Office.

(a) Area Director. The Area Director is the responsible Bureau line officer for the Region's Occupational Safety and Health Program, Loss Compensation Program, the Injury Compensation Program, the Motorized Equipment Safety Program and the Indian Highway Safety Program.

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Responsibility, Function

(b) Area Education Programs Administrator. The Area Education Programs Administrator is responsible for all schools' and education employees' Safety Management Program.

(c) Area Safety Manager. The Area Safety Manager is responsible for the implementation of the Safety Management Program for the Area Director and provides technical assistance and training for the Area Education Programs Administrator.

(3) Agency Office.

(a) Superintendent. The Superintendent is responsible for: conducting safety and health programs, integrating safety into his/her total operation, supporting accident prevention awards plan and safety contests as part of safety promotion programs, the formation and training of fire suppression groups as required by the potential fire hazards present, the training of all employees in fire prevention, providing for safety of the visiting public, and the timely reporting of all accidents and incidents.

(b) Agency Superintendent for Education. The Agency Superintendent for Education (ASE) is responsible for all schools and education employees' Safety Management Program.

(c) Agency Safety Officers. The Agency Safety Officer is responsible for the Safety Management Program, including the initiation of all serious accident investigation data gathering for both the Agency Superintendent and the Agency Superintendent for Education.

(4) Other Field Offices.

(a) Officer-in-Charge. The Officer-in-Charge is responsible for the safety management program, integrating safety into his/her total operation, supporting accident prevention awards plans and safety contests as part of safety promotion programs, the formation and training of fire suppression groups as required by the potential fire hazards present, the training of all employees in fire prevention, and providing for the safety of the visiting public.

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Responsibility, Function

(b) Safety Officer or Safety Representative. The Safety Officer or Safety Representative is responsible for the Safety Management Program.

B. Supervisory Responsibility.

(1) Each supervisor, regardless of level of organization, is responsible for requiring that recognized safety and health precautions are continually observed by all employees under their supervision. Supervisors are required to investigate and report all accidents/incidents occurring under his/her supervision. Where law enforcement services are available, the supervisor should utilize them during the investigation of motor vehicle accidents. When an employee sustains an on-the-job injury or occupational illness, the supervisor is responsible for:

(a) Arranging for first aid, medical treatment and/or transportation for medical treatment.

(b) Initiating, completing, and submitting through proper channels, certain required Office of Workers' Compensation Programs claim forms and certificates.

(c) Advising employees, as directed by the Compensation Act, as set forth in the Department Handbook for Supervisors, "How to Help the Injured Employee," and Subchapter 4-7 of Chapter 810 of the Federal Personnel Manual, "Injury Compensation" and 25 BIAM Supplement 34.

(d) Initiating an accident/incident report, DI-134.

(2) Supervisors are also responsible for:

(a) Making safety inspections in all areas under their supervision and recommending action necessary to remove the existing hazard.

(b) Providing safety devices and machine guards for all hazardous operations. The use of such guards and devices by the supervisor and employees shall be mandatory.

(c) Assuring that personnel are assigned to jobs for which they are known to be physically and mentally qualified. Periodic physical examination shall be made of all persons engaged in hazardous occupations.

SAFETY MANAGEMENT
Responsibility, Function

(d) Setting a good example for his/her employees by always practicing safety.

(e) Assuring that all employees under his/her supervision receive training, and understand all necessary job safety requirements.

C. Employee Responsibility. Employees shall observe and follow all work instructions required for the tasks assigned, whether oral or written, for their own safety, that of their fellow workers, or the public where it is involved. Employees are also expected to maintain a high degree of safety awareness so that they perform their work without loss-producing accidents and incidents. If an employee is involved in an accident or incident resulting in personal injury, occupational illness and/or property damage, he/she is responsible for the prompt reporting of all facts and circumstances surrounding that accident/incident to his/her immediate supervisor. When circumstances do not permit the employee to make this report, the employee's immediate supervisor shall investigate and report the accident/incident.

(1) The acceptance and performance of these responsibilities by the supervisor and employees shall be considered in the annual rating of employees in the performance of their jobs.

(2) Failure to use furnished personal protective equipment and subsequent injury could subject the employee to adverse action.

D. Employee Representation. The policy of the BIA is to encourage and provide the opportunity for participation of employee organization representatives on Bureau Safety Committees. Employee organization representatives shall be informed of this policy and shall be requested to participate in committee activities as a member. The employee representative shall be requested to accompany the safety and health inspector during physical inspections of the workplace.

2.2 Function. The Division of Safety Management is under the general direction of the Deputy to the Assistant Secretary - Indian Affairs (Operations) and is responsible for the following functions:

A. Occupational Safety & Health Program.

(1) The Division is responsible for developing and recommending safety and health standards, guidelines and procedures consistent with the standards published in Title 29, Chapter XVII, Parts 1910, 1918, 1925, 1926, 1928, 1960 and 1977 of the Code of Federal Regulations.

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(2) Developing policies pertinent to the safety and health of all employees of the Bureau.

(3) Providing information and resources for the conduct of safety programs.

(4) Conducting research and safety engineering for all the programs described in other parts of this manual.

(5) Maintaining records of all reportable accidents. Analyzing on a yearly basis all accidents to ascertain causes. Appraising the overall problems to support the introduction of accident prevention programs.

(6) Formulating and implementing safety incentive and accident prevention awards programs.

B. Loss Compensation Program.

- (1) Tort Claims. The Tort Claims Officer has responsibility to promptly and fairly investigate and process all claims of a tort nature.

(2) Employee Claims. The Tort Claims Officer has responsibility to promptly and fairly investigate and process all claims submitted under the "Military Personnel and Civilian Employees Claims Act (31 U.S.C. 3721, as amended)."

C. Employee Injury Compensation Program. The Division of Safety Management has responsibility for the administration of the Injury Compensation Program, and acts as agent for the Department of Labor. All safety officers have operating responsibility for the program, and will assist supervisors and employees in preparing forms for claiming compensation, continuation of pay, and the investigation and documentation of accidents/incidents.

D. Motorized Equipment Safety Program.

(1) The Chief, Division of Safety Management, has been designated as the Motor Vehicle Operator Program Officer. In this capacity the Chief has the responsibility to implement the Congressional policy to provide for an economical and efficient system for the transportation of Government personnel and property.

SAFETY MANAGEMENT
Responsibility, Function

(2) The Chief is responsible for administering the small watercraft management program.

E. Indian Highway Safety Program. The Chief, Division of Safety Management, is the coordinator of the Indian Highway Safety Program.

F. Technical Assistance Program. When time and resources permit, the Division of Safety Management shall render technical assistance to tribes, tribal contractors, Bureau Field Offices and other Government agencies for safety and health programs.

2.3 Staff Services. The Division of Safety Management will provide the following staff services:

A. Policy Directive Development. The Division has the staff responsibility for formulation of policy and directives for programs or activities assigned.

B. Issuance and Procedural Instructions. The Division will issue specific instructions on programs and activities assigned.

C. Budget and Staffing Development. The Division will recommend budget levels and staffing patterns to Areas based on their unique situations.

D. Disseminating Safety Information. The Division will issue periodical safety and health newsletters, timely safety and health bulletins, special safety and health alerts, serious accident resumes, and the Deputy to the Assistant Secretary - Indian Affairs (Operations) annual safety and health progress report.

E. Safety Engineering Service. The Division will conduct research and safety engineering services when the need is indicated by accident analysis.

F. Management Information Service. The Division will establish, measure, and appraise systems, methods, and programs to identify, analyze, and suggest correction of problems associated with the management systems that result in accidents and/or incidents.

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Responsibility, Function

G. Serious Accident Investigation. The Division will investigate for the Deputy to the Assistant Secretary - Indian Affairs (Operations) all serious accidents resulting in fatalities, and structural fires or property damage in excess of \$50,000. The Division will direct the investigations of these serious accidents and submit a complete investigation report to the Deputy to the Assistant Secretary - Indian Affairs (Operations).

H. Program Evaluations. The Division will conduct an annual evaluation of Area Safety Management Programs. This evaluation will include: (a) the extent of Area compliance with Bureau safety directives and OSHA requirements and standards, (b) the effectiveness of Area Safety Management Programs and (c) use of statistical data to develop recommendations to curb unfavorable accident/incident trends.

I. Facilities Inspections. The Division will conduct or will cause to be conducted annual inspections of all Bureau-owned or -leased buildings, plant and facilities, and contract/grant school operations for compliance with adopted codes and standards (see 2.1D).

SAFETY MANAGEMENT
Occupational Safety & Health Program

3. OCCUPATIONAL SAFETY & HEALTH PROGRAM

3.1 Federal Safety and Occupational Health Program.

A. Organization.

(1) Location.

(a) The Division of Safety Management is located in the Office of Administration.

(b) The Area Safety Manager is located in the Office of the Area Director.

(c) The Agency/Installation Safety Officer shall be a member of the Superintendent's/Project Officer's staff.

(2) Staffing.

(a) Bureau Safety Staffing Pattern. All Area Offices shall have a full-time qualified safety professional (manager or engineer) to administer the Safety Management Program. By "qualified" it is meant that he/she shall meet the Office of Personnel Management's qualification requirements of the Occupational Health and Safety Management Series GS-018 irrespective of any other series to which he or she is assigned.

(b) Collateral Duty Safety Management Assignments. All collateral duty safety personnel shall be trained through courses in the basic elements of safety and health planning to organize, plan, and manage an effective safety and health program within six months of assuming safety management duties, unless they have previously met this requirement. Collateral duty safety assignments shall be documented in the employee's position description.

(3) Safety Committee. The Bureau shall provide for the establishment of safety and health committees, composed of representatives of management and representatives of the employees, at the national level, at the area or comparable level, and at the establishment level. These committees shall be established for the purpose of advising and assisting management officials at their respective levels with respect to their responsibilities under the occupational safety and health program. Such committees may also include technical personnel in accordance with the functions to be performed by a particular committee (see 25 Supplement 3).

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(a) The responsibility of the safety committee is to create and maintain an active interest in safety among all employees and to help reduce accidents.

(b) A safety committee shall be established at the Washington Central Office, the Area Office level and the Agency/Installation level.

(c) See 25 BIAM Supplement 3 for Safety Committee Organization, membership and activities.

(4) Informing Employees.

(a) Posting of Notice. The Bureau shall post and keep posted at each location a notice or notices informing employees of the protection and obligations provided for in the Occupational Safety and Health Act, see Illustration 1.

(b) Executive Order 12196. Executive Order 12196 shall be posted adjacent to the notice mentioned in paragraph (4)(a).

(c) Adjacent to each of the above postings shall be placed the safety policies of the Deputy to the Assistant Secretary - Indian Affairs (Operations) and the Area Director.

(d) Initial Employment Orientation. Each supervisor is responsible to see that all employees under his or her supervision receives training in and understands necessary applicable job safety requirements.

(5) Safety Training. 29 CFR 1960, Subpart H, outlines the requirement for training employees, employee representatives, supervisors, senior officials, and safety and health personnel. 25 BIAM Supplement 4 indicates safety training procedures that may be used.

B. Recordkeeping and Reporting.

(1) Purpose. The purpose of this part is to establish uniform requirements for the collection and compilation of occupational safety and health data. The Division of Safety Management is required to prepare reports for the attention of the Deputy to the Assistant Secretary - Indian Affairs (Operations) and to comply with the requirements of 29 CFR 1960 Subpart I.

SAFETY MANAGEMENT
Occupational Safety & Health Program

(a) It is the intent of this program to report and record all accidents occurring within the jurisdiction of the BIA.

(b) The general provisions of this part are to assist supervisors in carrying out their responsibility to investigate thoroughly and to report promptly and accurately all accidents/incidents that occur in their jurisdiction.

(2) Log of Federal Occupational Injuries & Illnesses.

(a) Each Federal Agency is required to maintain a record or log of all recordable occupational injuries and illnesses for each establishment. Where both Federal and non-Federal employees are employed at a single establishment, separate records or logs shall be maintained for each category.

(b) Within six working days after receiving information of a recordable occupational injury or illness, appropriate information concerning such injury or illness shall be entered on the record or log. For this purpose, OSHA Form No. 100F shall be used and shall be completed in the detail required by that form and the instructions contained on it, see 29 CFR 1960 Subpart I. The requirements for completion of the form are indicated on the reverse side of the form. With reference to the case or file number it is suggested that the field report number Form DI-134, Report of Accident/Incident be used. The number used should be one that is easily identifiable with supplemental information regarding the injury. Since each region, agency and location will be maintaining the form, a xerox copy of Form 100F is adequate, see Illustration 2.

(3) Supplementary Records. In addition to the record or log of Federal occupational injuries and illnesses provided for under 19 CFR 1960 Subpart I, the Bureau shall maintain a supplementary record for each occupational injury and illness. The record shall be completed within six working days after the receipt of information that a recordable occupational injury or illness has occurred. For this purpose, Form DI-134 will be used, see Illustration 3.

(a) Report of Accident/Incident (DI-134). Form DI-134, "Report of Accident/Incident," is the Department's official source document for investigation and reporting all accidents and incidents. Forms may be obtained from the Branch of Paperwork Management, Division of General Services, Office of Administrative Services, Office of the Secretary.

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(b) Supplementary Accident/Incident Report (DI-134C). Form DI-134C, "Supplementary Accident/Incident Report," is used to add, delete, and/or correct information previously reported on Form DI-134. Forms may be obtained from the Branch of Paperwork Management, Division of General Services, Office of Administrative Services, Office of the Secretary.

(c) Bureau Accident/Incident Reporting Procedures. The Area Safety Manager will review and initial each DI-134 and DI-134C. The DI-134 and DI-134C shall be submitted to the Area Safety Manager within six working days after receipt, who shall submit them within three working days after receipt. The procedures will include forwarding the completed original forms with a unique document control number assigned, through appropriate channels, to the Departmental Safety Manager within 15 days of the date of the accident/incident. One copy will be retained at the reporting establishment level and will be accessible to employees and their representatives subject to the limitation of the Privacy Act of 1974 (P.L. 93-579).

- (4) Quarterly Summaries and Annual Reports.

(a) Cumulative Summaries. Each Area shall be required to compile an annual summary of occupational injuries and illnesses for each establishment by fiscal year and to compile both a quarterly and annual summary of occupational injuries and illnesses, all losses, recoveries, manhours worked, hours of operation and miles driven for each reporting unit.

Form BIA 1-2501, "Safety Management Quarterly and Cumulative Report" shall be used for these purposes, and shall be submitted no later than 20 days after the end of the reporting quarter to the Division of Safety Management, see Illustration 4.

The Bureau shall furnish the Departmental Safety Manager with a copy of its quarterly and annual summaries compiled on the basis of reporting units. Each quarterly summary and the annual summary shall be completed and forwarded to the Departmental Safety Manager no later than 30 calendar days after the close of the applicable reporting period.

(b) Tort Claims and Recoveries. The tort claims payments and third party recoveries report shall be prepared each quarter by the Area Safety Manager. It should contain the number of claims settled and the total amount for each type of claim. It is further broken down by those claims paid with Bureau appropriation, and those paid by the

SAFETY MANAGEMENT

Occupational Safety & Health Program

Department of the Treasury or the General Accounting Office. The report will also include all third party recoveries. This report shall be submitted to the Division of Safety Management no later than 20 days after the end of the reporting quarter. BIA Form 5-2502 is used for this report, see Illustration 5.

(c) Property Damage from Accidental Causes. A quarterly summary of all property damage from accidental causes shall be reported on Form BIA-2503. Include damage to motor vehicle properly parked, acts of God, heavy equipment, aircraft, marine and any other property that is damaged by accident. This report shall be submitted to the Division of Safety Management no later than 20 days after the end of the reporting quarter, see Illustration 6.

(d) Occupational Injuries and Illnesses. A quarterly summary of all employee occupational injuries and illness shall be reported on Form BIA-2504 (OSHA Form 100F). This report shall be submitted to the Division of Safety Management no later than 20 days after the end of the reporting quarter, see Illustration 7.

(e) Fire Damage. A quarterly summary of all fire damage shall be reported on Form BIA-2505. Exclude all range, forest and tundra fires. This report shall be submitted to the Division of Safety Management no later than 20 days after the end of the reporting quarter, see Illustration 8.

(f) Safety Training. A quarterly summary of all safety training which was conducted shall be reported on Form BIA-2506. The number of employees shall be listed by categories such as first aid, defensive driving course (DDC), OSHA, OWCP, etc.. This report shall be submitted to the Division of Safety Management no later than 20 days after the end of the reporting quarter, see Illustration 9.

(g) Action Plan. Based on analysis of the past three years' accident reports, each Area Safety Manager shall prepare an action plan. This plan should indicate objectives expected to be attained during the forthcoming fiscal year. The objective should be to achieve reduction in the areas of job injuries, illnesses and property loss experience. The action plan shall be submitted to the Chief, Division of Safety Management, no later than September 1 of each year. A report on the progress being made will be submitted with each quarterly report.

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(h) Annual Progress Report (MV Program). This report shall be prepared by the Area Safety Manager and submitted to the Chief, Division of Safety Management, no later than October 15 of each year. Form BIA-2518 is used for this report, see Illustration 10.

(5) Other Reports.

(a) Serious Accidents. Within two working days after the occurrence of an employment accident which is fatal to one or more employees, which results in the hospitalization of five or more employees, or which involves property damage of \$100,000 or more, or within two working days after the occurrence of a death which is the result of an employment accident, the Chief, Division of Safety Management shall report the accident either by telephone or by telegraph to the Department of the Interior, Office of Acquisition and Property Management, Division of Safety Management. The report shall relate the circumstances of the accident, any actions taken by the Bureau regarding the accident, the number of fatalities, and the extent of any injuries. The Bureau/Areas shall also report any employment accident involving both Federal and non-Federal employees which results in a fatality or the hospitalization of five or more such employees.

(b) Motor Vehicle Accident Reports. The following forms are required to be prepared and submitted to the safety officer for each motor vehicle accident involving Government-owned or -leased vehicles or privately-owned vehicles used by Government employees while on official business:

(i) Standard Form 91, "Operator's Report of Motor Vehicle Accident."

(ii) Standard Form 91A, "Investigation Report of Motor Vehicle Accident."

(iii) Standard Form 94, "Statement of Witnesses."

(iv) Optional Form 26, "Data Bearing Upon Scope of Employment of Motor Vehicle Operator."

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(c) Aircraft Accident Reports. All accidents involving Government-owned or -leased aircraft or personal aircraft operated on official business shall be promptly reported by the pilot or other responsible official in the pilot's behalf to the Chief, Division of Safety Management. Offices not under an area shall report to the Chief, Division of Safety Management on Office of Aircraft Services Form OAS-34A, Aircraft Accident Report and other forms as may be prescribed by the Federal Aviation Administration.

(d) Boating Accident Report. All accidents involving Government-owned or -leased watercraft which result in injury, death, property damage or which may result in a claim against the Government shall be reported by the person in charge to the Division of Safety Management using Coast Guard Form CG 3865.

(e) Accident/Incident Report DI-134. An accident/incident report is required for but not limited to: (a) any employee work injury or death when a formal claim for medical care or compensation is filed with the Office of Workers' Compensation Programs; (b) any employee injury requiring first aid; (c) any accidental injury or property damage involving the public when there is a reasonable possibility of a tort claim being filed against the United States; (d) any fire, regardless of cost, including General Services Administration motor pool vehicles under Department control and those which are privately owned or commercially leased and driven on official business; and (e) any property under control of the Department damaged by accident when the loss is greater than \$100 excluding motor vehicle and fire accident covered under items (d) and (e), which are items of property damage to be reported regardless of damage or cost involved, (f) all student accidents.

(f) Compensation for Injury Forms. To file a claim for benefits as provided by the Federal Employees' Compensation Act the employee and supervisor must prepare and submit the proper compensation forms. For proper processing procedures and illustrations, see: (a) Supplement 34 to 25 BIAM, (b) Federal Personnel Manual, Chapter 810, (c) Departmental Manual 370 DM 810, (d) Title 5 of the U. S. Code, Sections 8101 through 8159, (e) Office of Federal Employees' Compensation Regulations found in 20 CFR Chapter 1.

(6) Retention of Records. The records and reports required to be maintained under the provisions of this part shall be retained by each agency for five years following the end of the calendar year to which they relate at any location, including a Federal record retention center to which the Secretary of Labor or his/her authorized representative would have reasonable access, see 5.3.

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C. Inspection and Abatements.

(1) Purpose.

(a) Executive Order. Executive Order 12196 provides that the head of the agency shall:

"....Assure prompt abatement of unsafe or unhealthy working conditions. Whenever an agency cannot promptly abate such conditions, it shall develop an abatement plan setting forth a timetable for abatement and a summary of interim steps to protect employees. Employees exposed to the conditions shall be informed of the provisions of the plan. When a hazard cannot be abated without assistance of the General Services Administration or other Federal lessor agency, an agency shall act with the lessor agency to secure abatement."

The purpose of this chapter and the purpose of 29 CFR 1960 Subpart D is to provide guidance to the Bureau in carrying out these duties.

(b) Intent. It is the intent of these guidelines that day to day responsibility for the inspection and abatement activities be carried out by the Agency Safety Officer.

(c) Safety Committee. Safety and health committees at the agencies can play a significant role in assisting the safety officer in carrying out their safety and health duties and the provisions of this part. Such committees should be kept informed of safety and health matters within their area of concern.

(2) Inspectors.

(a) Qualifications. Executive Order 12196 requires that each agency utilize as inspectors "personnel with equipment and competence to recognize hazards." Inspections shall be conducted by inspectors qualified to recognize and evaluate hazards of the working environment and to suggest general abatement procedures. Safety and health specialists as defined in 29 CFR Part 1960.2(s), with experience and/or up-to-date training in occupational safety and health hazard recognition and evaluation are considered as meeting the qualifications of safety and health inspectors. For those working environments where there are less

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complex hazards, such safety and health specializations as cited above may not be required, but inspectors in such environments shall have sufficient documented training and/or experience in the safety and health hazards of the workplace involved to recognize and evaluate those particular hazards and to suggest general abatement procedures.

(b) Use of Other Personnel. All agency/location safety officers should utilize the services of additional technical and professional personnel, including labor organization and/or safety committee personnel who possess such expertise, to aid them to evaluate the safety and health of working conditions while conducting an inspection. All safety and health inspectors should be provided with technical test equipment where appropriate.

Each Area which has agencies/installations containing information classified in the interest of national security should provide access to safety and health inspectors who have obtained the appropriate security clearance.

(c) Use of Checklists. The use of checklists during safety inspections is recommended. Their use promotes a systematic inspection that will assist inspectors to uncover unsafe conditions and unsafe practices. Each area/agency should develop their own checklists or purchase applicable checklists to assist with their periodic, intermittent, continuous and/or special inspections. Samples of checklists and reference material may be found in Building Codes, National Fire Protection Codes, OSHA Act (29 CFR Part 1900-1950).

(3) Frequency of Inspections. All workplaces, including offices, shall be inspected at least once annually. For all workplaces where there is an increased risk of accident, injury or illness due to the nature of the work performed, inspections shall be conducted more frequently, as determined by the Bureau/Area Safety Manager.

(4) Conducting Inspections.

(a) For the purpose of assuring safe and healthful working conditions for employees of the Bureau, the visiting public, student activities and contractor operations, safety and health inspectors are authorized to enter without delay and at reasonable times any building, installation, facility, construction site, or other area workplace or environment where work is performed by the Bureau to inspect and investigate during regular working hours.

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(b) Prior to commencement of an inspection, the safety and health inspector should confer with the official in charge of the facility and a representative of the employees to afford them an opportunity to bring to the attention of the inspector pertinent information regarding conditions in the workplace and to accompany him/her during the inspection. The inspector should examine appropriate accident, injury and illness records in order to identify unsafe and/or unhealthy working conditions.

(c) Safety and health inspectors should take environmental samples where appropriate, take or obtain photographs related to the purpose of the inspection and employ other reasonable techniques of inspections.

(d) Safety and health inspectors should comply with all safety and health rules and practices at the establishment being inspected and wear and use appropriate protective clothing and equipment.

(e) The conduct of inspections should be such as to preclude unreasonable disruption of the operations of the establishment.

(f) At the conclusion of an inspection, the safety and health inspector should again confer with the official in charge of the facility or location or his/her representative and an appropriate representative of the employees of the facility or location and informally advise them of any apparent unsafe or unhealthful working conditions disclosed by the inspection.

(5) Advance Notice of Inspections.

(a) Advance notice of inspections should not be given to the official in charge except in the following situations:

(i) In cases of apparent imminent danger, to enable the official in charge to abate the danger as quickly as possible;

(ii) In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;

(iii) Where necessary to assure the presence of representatives of the official in charge or representatives of employees or the appropriate personnel needed to aid in the inspections; and

(vi) Where required by security regulations.

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(b) In the situations described above, advance notice of inspections should be given only if authorized by the Deputy to the Assistant Secretary - Indian Affairs (Operations) or his/her designee, except that in cases of apparent imminent danger advance notice may be given by the safety and health inspector without such authorization if the Deputy to the Assistant Secretary - Indian Affairs (Operations) or his/her designee is not immediately available. When advance notice is given to the official in charge, it shall be his/her responsibility to notify promptly, upon receipt of this information, the representative of employees.

(c) Advance notice in any of the situations described in paragraph (a) of this section should not be given more than 24 hours before the inspection is scheduled to be conducted, except in unusual circumstances.

(6) Role of Officer-in-Charge & Employee Representatives.

(a) Safety officers shall be in charge of inspections and questioning of persons. A representative of the official in charge and a representative of employees under his/her supervision may accompany the safety and health inspector during the physical inspection of any workplace, both to aid the inspection and to provide such representatives with more detailed knowledge about any existent or potentially unsafe or unhealthful working conditions. A safety and health inspector should also arrange for additional representatives of the official in charge and additional representatives of employees to accompany him/her when it is determined that such additional representatives will further aid the inspection. A different representative of the official in charge and a different representative of employees may be allowed to accompany the safety and health inspector during each different phase of an inspection. The members of a facilities safety and health committee may act in the capacity of representatives for the purpose of this section if the committee and the official in charge so agree.

(b) Safety and health inspectors are authorized to deny the right of accompaniment under this section to any person whose participation interferes with a fair and orderly inspection. With regard to facilities classified in the interest of national security, only persons authorized to have access to such facilities should be allowed to accompany a safety and health inspector in such areas.

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(7) Employee Consultation. Safety and health inspectors shall consult with employees concerning matters of occupational safety and health to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection any employee should be afforded an opportunity to bring to the attention of the safety and health inspector any unsafe or unhealthful working condition which he or she has reason to believe exists in the workplace.

(8) Employee Reports of Unsafe or Unhealthful Working Conditions.

(a) The purpose of this section is to provide guidance in the establishment of a channel of communication between Bureau employees and those with responsibilities for safety and health matters which will assure prompt analysis and response to reports of the requirements of Executive Order 12196. (SINCE MANY SAFETY AND HEALTH PROBLEMS CAN BE ELIMINATED AS SOON AS THEY ARE IDENTIFIED, THE EXISTENCE OF THIS CHANNEL OF COMMUNICATION IS INTENDED TO SUPPLEMENT ORAL REPORTS OF UNSAFE OR UNHEALTHFUL WORKING CONDITIONS MADE BY EMPLOYEES TO THEIR SUPERVISORS, NOT TO ACT AS A SUBSTITUTE FOR SUCH REPORTS. AT THE SAME TIME, HOWEVER, AN EMPLOYEE IS NOT REQUIRED TO AWAIT THE OUTCOME OF SUCH AN ORAL REPORT BEFORE FILING A WRITTEN REPORT). Nothing in this section is intended to interfere in any way with the prior, simultaneous or subsequent use by any employee of the grievance procedures established pursuant to Executive Order 11491, as amended, Executive Order 11636, collective bargaining agreement or 5 CFR Part 771 as a means of requesting correction of alleged unsafe or unhealthful working conditions.

(b) Any employee or representative of employees who believes that an unsafe or unhealthful working condition exists in any workplace where such employee is employed, is authorized to request an inspection of such workplace by giving notice by means of a written report of the alleged unsafe or unhealthful working condition to the Assistant Secretary - Policy, Budget and Administration or to his/her designee for this purpose. Any such report should be submitted on Form 5-2513, "Employee Complaint of Unsafe or Unhealthful Working Conditions," and should set forth with reasonable particularity the grounds for the report; the report should be signed by the employee or representative of employees. Upon the request of the person making the report, the Bureau Safety Manager or his/her designee for this purpose shall not disclose the name of such person or the names of individual employees referred to in the report to anyone other than authorized safety representatives. In imminent danger situations, employees are allowed to make a report first by telephone or telegraph and submit the written report as soon as possible, see Illustration No. 11.

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(c) The Bureau Safety Manager or his/her designee, shall consider the other than imminent report and determine within five working days after receipt of such report whether there are reasonable grounds to believe that the alleged unsafe or unhealthful working conditions exists. If he/she does so determine, he/she should order an inspection as soon as possible to determine if such alleged unsafe or unhealthful working condition does in fact exist. If the inspector is unable to locate the alleged unsafe or unhealthful working condition without the assistance of the person who submitted the report, the Bureau Safety Manager or his/her designee may give the inspector the name of such person, but he/she should satisfy himself that the name of the person submitting the report and the names of individual employees referred to in the report will not be disclosed to anyone else.

(d) If the Bureau Safety Manager determines that there are no reasonable grounds to believe an unsafe or unhealthful working condition exists, or if an inspection is made on the basis of a report alleging such conditions but no such condition is determined to exist, the employee or representative of employees who filed the report should be so notified in writing. The employee or representative of employees should be given an opportunity for prompt and informal review of such determination by appropriate officials, including final review by the Bureau Safety Manager. Any determination made during this review process should be in the form of a written statement setting forth the reasons for such disposition. Employees and employee representatives should be informed of these rights and procedures for review.

(e) Any employee or representative of employees who filed a report alleging an unsafe or unhealthful working condition and who is dissatisfied with the final disposition by the agency may contact in writing the Office of Federal Agency Safety Programs, U. S. Department of Labor, with a copy to the Bureau Safety Manager, describing in detail the entire processing and setting forth his or her objections thereto. Each such person will be notified of such right by the agency upon final disposition of his report. The Office of Federal Agency Safety Programs, pursuant to 29 CFR Part 1960.25(g), may request the Bureau to submit a report of its investigation and may arrange for an inspection of all alleged unsafe or unhealthful working conditions if necessary. Each Area/Agency should maintain its files on such reports and their disposition intact for five years following the end of the calendar year to which they relate at any location, including a Federal record retention center, to which the Secretary of Labor or his/her authorized representative would have reasonable access.

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(9) Imminent Danger. As soon as a safety and health inspector discovers that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm, immediately or before the imminence of such danger can be eliminated through the normal abatement procedures, he/she shall inform the affected employees and official-in-charge of the danger. The official-in-charge should undertake immediate abatement and the withdrawal of employees not necessary for abatement of the dangerous conditions. In the event the official-in-charge needs assistance to undertake full abatement, he/she should promptly contact the Area Safety Manager and other responsible agency officials, who shall assist with the abatement. The Area Safety Manager should inform the Area Director of any imminent danger which cannot be promptly and completely abated. Agency safety and health committees should be informed of all relevant actions, as should representatives of the employees.

(10) Notice of Unsafe or Unhealthy Working Conditions.

(a) When unsafe or unhealthy working conditions are discovered during an inspection, notices will be prepared by the inspector and issued by the appropriate line supervisor describing with particularity the nature of the unsafe or unhealthy working condition, including a reference to the standard or other requirement involved. The notice shall also fix a reasonable time for the abatement of the unsafe or unhealthy working condition. A copy of the notice should be sent to the official in charge and to the safety and health committee.

(b) If a notice of an unsafe or unhealthy working condition is issued as a result of a report filed by an employee, a copy of the notice of the unsafe or unhealthy working condition should also be sent to the person who made such report or notification.

(c) Upon receipt of any notice of an unsafe or unhealthy working condition the official-in-charge should immediately post such notice or copy thereof, unedited, at or near each place an unsafe or unhealthy working condition referred to in the notice exists or existed. Where, because of the nature of the facility operations, it is not practical to post the notice at or near such place, the notice should be posted, unedited, in a prominent place where it may be readily observed by all affected employees. For example, where activities are physically dispersed, the notice may be posted at the location to which the employees report to carry out their activities. The official-in-charge should take steps to ensure that the notice is not altered, defaced, or covered by other material.

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(11) Correction of Unhealthful or Unsafe Working Conditions.

(a) Notice. The official-in-charge should have primary responsibility for the correction of unsafe or unhealthful working conditions brought to his/her attention. Where a notice of an unsafe or unhealthful working condition has been issued, abatement should be within the time set forth in the notice.

(b) Abatement Plan. The official-in-charge should immediately submit an abatement plan through the Area Director to the Division of Safety Management if the abatement of an unsafe or unhealthful working condition will not be possible within 30 days. The plan should contain an explanation of the circumstances of the delay in abatement, a proposed timetable for the abatement, and a summary of steps being taken in the interim to protect employees from being injured by the unsafe or unhealthful working condition.

A copy of the plan should be sent to the safety and health committee of the establishment, if any, for appropriate comment and assistance. If the estimated abatement time is more than 60 working days, the Chief, Division of Safety Management shall forward a copy of the plan to the Deputy to the Assistant Secretary - Indian Affairs (Operations), who should convey it to the Chief, Division of Safety Management in the Department. The Superintendent should inform the Area Safety Manager and the Chief, Division of Safety Management, at regular intervals of the progress made in carrying out the abatement plan. Any changes in an abatement plan will require the submission of a new plan in accordance with the provisions of this section.

(c) Reinspection. The procedures for correcting unsafe or unhealthful working conditions should include reinspection, to determine whether the correction was made. If upon reinspection it appears that the correction was not made or was not carried out in accordance with an abatement plan submitted, the Area Safety Manager should advise the Area Director as to appropriate action to abate hazardous conditions in accordance with the provisions of 29 CFR 1960.19(c).

D. Occupational Safety and Health Standards.

(1) Adoption by Department of Interior. The Department of Labor's Occupational Safety and Health Standards as adopted under Section 6 of the Occupational Safety and Health Act, are U. S. Department of Interior standards to the extent they are applicable to Departmental operations. These standards are published in Title 29, Parts 1910, 1918, 1925, 1926, 1928, 1960 and 1977 of the Code of Federal Regulations.

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(2) Supplementary Standards by the Bureau of Indian Affairs. Special work situations within the Bureau may be outside the scope of existing or future OSHA standards. The Chief, Division of Safety Management will, in these situations, develop specific bureau-wide standards which are consistent with the Occupational Safety and Health Act requirements. Standards so developed will be submitted to employee organizations for review and through Bureau channels to the Department Safety Manager for transmittal to the Department of Labor for concurrence prior to adoption by the Bureau. The Department Safety Manager will determine whether or not the standard has application to other Bureaus' work operations. Whenever a standard is applicable to more than one Bureau, it will be considered for approval as a Department-wide standard.

(3) Emergency Standards. The Bureau may adopt such emergency standards as are deemed necessary for the protection of property and/or the safety and health of employees. Emergency standards adopted by the Secretary of Labor, pursuant to his or her authority, shall replace any emergency standards adopted by a Bureau or the Department on the same subject.

(4) Variations. It is anticipated that work situations within the Bureau could result in violations of some elements or portions of a standard and that the activity or workplace could not be modified to comply with the standard. Also, the Bureau may wish to adopt a standard that provides equal or greater protection than the applicable OSHA standard. Either situation would result in a request to the Department of Labor for a variance from that portion or element of the standard that could not be modified or from the entire standard, whichever is applicable. All requests for variance will be submitted through Bureau channels to the Department Safety Manager for concurrence and transmittal to the Department of Labor for approval.

(5) Conflicting Standards. Where Department and other Federal Agency personnel are engaged in joint work activities, any conflict in adopted standards will be reported to the Department Safety Manager for resolution with the head of the other Federal Agency. Appropriate employee representatives should be kept informed of any activities undertaken pursuant to this section.

(6) Public Safety Standards. The Bureau shall adopt and issue safety standards consistent with public safety laws and regulations of state and municipal governments when they do not conflict with Department or Bureau policy, particularly as applied to construction, boiler and

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pressure vessel operations, installation and inspection of wiring, elevator safety codes, motorized equipment safety, occupational safety and health regulations and sanitation codes. In addition, the Bureau has adopted such safety standards as may apply to Bureau operations that are issued by the following nationally recognized professional organizations:

- (a) The American National Standards Institute
- (b) The National Fire Protection Association
- (c) The American Society of Mechanical Engineers
- (d) The American Society of Testing and Materials

(7) Construction Contract Safety Clauses. In the interest of uniform practice, the Bureau shall include in every construction contract exceeding \$2,000 a safety and health clause similar to that set forth in 41 CFR 14-7.650.4, containing, as a minimum, those requirements set forth therein. Additional safety requirements may be added to cover special circumstances.

(a) The contractor shall comply with all applicable occupational safety and health standards relating to construction prescribed in 29 CFR Part 1926.

(b) If the contractor fails or refuses to promptly comply with the requirements of this clause, the contracting officer or authorized representative shall notify the contractor of any noncompliance and indicate to the contractor the action to be taken. After receiving the notice, the contractor shall immediately correct the conditions to which attention has been directed. Such notice, either oral or written, when served on the contractor or authorized representative(s) at the site of the work shall be deemed sufficient.

(c) In the event the contractor fails or refuses to promptly comply with the compliance directive issued under paragraph (b) above, the contracting officer or authorized representative may issue an order to suspend all or any part of the work. When satisfactory corrective action is taken, an order to resume work will be issued. The contractor shall not be entitled to any extension of the time nor to any claim for damage or to excess costs by reason of either the directive or the suspension order. Failure of the contracting officer or authorized representative to order discontinuance of any or all of the contractor's operations shall relieve the contractor of his responsibility for the safety of personnel and property.

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(d) The contractor shall maintain an accurate record of and shall report to the contracting officer in the manner prescribed by the contracting officer, all causes of death, occupational disease, traumatic injury to employees or the public involved and property damage by accident in excess of \$100 incidental to performance of work under the contract.

(e) If there is a conflict between the requirements of this clause and any requirements of the U. S. Department of Labor in its regulations set forth under 29 CFR Part 1926, the more stringent requirements will prevail.

(f) The occupational safety and health regulations for construction referenced under this clause may be obtained from any Regional or Area Office of the Occupational Safety and Health Administration of the Department of Labor.

E. Field Federal Safety and Health Councils.

(1) **General.** The Field Federal Safety Council develops criteria and procedures for and assists in the establishment of adequate and effective occupational safety and health organizations and programs commensurate with the safety and health programs in the various federal establishments represented. The council also promotes the development of and recommends techniques for standards and regulations to eliminate or control accident hazards; encourages and promotes closer working relationships among safety and health representatives, labor organizations, Federal Executive Board and Association within the area; carries out directives from the Secretary of Labor and the Federal Safety Advisory Council, and participates with them on special problems, programs and projects relating to occupational safety and health.

(2) **Membership.** Federal Safety Councils consist of representatives of local Federal departments and agencies appointed by their local agency head as delegates and alternates to represent such Federal establishments on this council. They also include in their membership a delegate from local labor organizations representing employees in agencies comprising this council. These delegates are appointed by their respective agency heads after appropriate consultation with employee representatives. The term of service of each representative is at the discretion of the representative's supervisor. Representatives serve without additional compensation, see 29 CFR 1960, Subpart F.

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(3) Bureau Safety Representation. The policy of the Bureau is to encourage its employees to cooperate, participate in, and support the Federal Safety Council and their field affiliates in accident loss prevention activities.

3.2 Public Safety.

A. Visiting Public. The BIA shall take every reasonable precaution to protect the public from accidents in connection with or as a result of any work or operation of the Bureau or use of Government property and facilities. In connection with the formulation of precautionary measures, safety managers should seek the assistance and counsel of Regional and Field Solicitors, Tort Claim Investigators and others whose duties involve matters relating to the safety of the public.

B. Union Contracts. The Chief, Division of Safety Management and Area Safety Managers shall provide technical assistance in dealing with the negotiations of union contracts when safety and health clauses are included in those contracts.

3.3 Industrial Safety. The Division of Safety Management is involved in industrial safety in the following fields:

A. Boiler & Unfired Pressure Vessel Safety. Boilers (fired vessels) and unfired pressure vessels have many potential hazards in common, as well as having those unique to a specific operation. These vessels hold gases, vapors, liquids and solids at various temperatures and at various pressures, ranging from almost a full vacuum to pressures of thousands of pounds per square inch. In some applications, extreme pressure and temperature changes may occur in a system in rapid succession, imposing special strains.

(1) Design, construction, testing, installation and periodic inspection and maintenance of boilers and unfired pressure vessels shall be in compliance with the applicable sections of the American Society of Mechanical Engineers' Boilers and Pressure Vessel Code, and any federal, state or local governing codes.

(2) The minimum requirements for the installation of high pressure boilers are covered in appropriate National Fire Protection Association volumes.

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B. Safety of Dams. The Division is responsible for the evaluation of administrative, technical and regulatory practices related to the safety of dams program. The Division of Safety Management performs design reviews of plans, design specifications and operating procedures in support of the Water and Land Resources Division.

C. Structural Fire Prevention. The BIA is charged with the duty of providing fire protection to all Bureau owned properties and facilities, rendering emergency assistance in extinguishing fires and preserving life and property from fire within the jurisdiction of the BIA and other locations determined to be in the interest of the U. S. The Chief, Division of Safety Management is designated as the Bureaus' Fire Marshal.

D. Shop Safety. The many and varied shops used in the BIA require a many-faceted safety program. Safety programs prevent many of the serious accidents that could occur. Supervisors and employees shall follow all work procedures required for the tasks assigned.

E.- Explosive Safety. The BIA on occasion will use explosives in its daily operations. Due to the extreme hazards involved in the use of these materials, no deviation from the rules published in 25 BIAM Supplement 21, Explosive Safety, will be tolerated.

F. Industrial Security. Developing safety programs, procedures and instructions for the protection of facilities, including all buildings, structures and grounds, and for the safety of all employees and the visiting public while on or using premises under the jurisdiction of the BIA is the responsibility of the Division of Safety Management. The procedures contained in 25 BIAM Supplement 14 shall be followed. Local conditions may require procedural changes.

G. Law Enforcement Safety. The many potential hazards present in the field of law enforcement require that a law enforcement employee be thoroughly trained and professionally qualified in that field.

H. Agricultural Safety. Agricultural safety in BIA involves the use of motorized equipment, the training of employees and students in its use and training in the use of various chemicals. 29 CFR Part 1928, "Occupational Safety and Health Standards for Agriculture," is the guide for the safety program in Agricultural Safety.

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I. Construction Safety. The Division of Safety Management implements the program to protect employees exposed to hazards present in the construction industry.

(a) In the field of transportation, heavy equipment, off the road type, is the subject of several supplements concerning its safe operation and maintenance.

(b) Safety in facilities construction is implemented through the use of 29 CFR Part 1910, Occupational Safety and Health Standards for General Industry and 29 CFR Part 1926, Construction Standards.

J. Industrial Hygiene. To comply with Bureau policy to provide a safe environment for all employees, the industrial hygiene section of the Division of Safety Management implements programs to monitor work environments to ensure that a safe and healthy work area is provided. The following are some of the areas so monitored:

Heating	Waste
Ventilation	Food Service
Lighting	Toxic & Hazardous Substances
Sanitation	Vermin Control

3.4 Emergency/Medical Treatment.

A. It is the policy of the BIA to furnish prompt medical attention for employees in case of injury as follows:

(1) In the absence of a health unit, an employee holding a current first aid card shall be available at each worksite.

(2) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

(3) Whenever an infirmary, clinic, hospital or physician is reasonably accessible in terms of time or distance to the worksite for the treatment of injured employees, an agreement shall be negotiated for providing emergency and health care services for Bureau employees.

(4) Training in first aid shall consist of training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence.

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3.5 Safety Awards Program.

A. The Bureau's policy is to officially recognize outstanding individual or group activity safety achievements and to stimulate interest of all personnel in safety and protection activities through the safety awards program.

B. Authority.

(1) Department. Authority for safety awards plans and contests is 485 DM 5.

(2) Bureau. The Chief, Division of Safety Management, in cooperation with the Bureau's Incentive Awards Program, shall inaugurate safety award activities and contests that will stimulate active participation in the safety program and promote the desire for employees to work safely. The Bureau should take active part in various community and national safety award contests and plans which are consistent with the Bureau's and the Department's interests and policies.

(3) Area. The Area Offices are encouraged to formulate and carry out safety incentive and accident/prevention award programs.

(4) Activity. Each Bureau activity working through its safety managers/officers should carry out an accident/prevention award plan and safety contests to stimulate employees' interest in safety and to lower the accident rate within its respective activity.

C. Procedures for Safety Awards. In addition to the Bureau's various safety and protection contests and awards programs, the Bureau will participate and will offer incentives to win awards offered by the Department in accident/prevention, safety and protection work. Each area and office of the Bureau is expected to participate fully in these safety awards programs which are designed to lower the number of accidents within the Bureau and the Department.

(1) Secretary's Annual Safety Program Awards. This award is given to two Bureaus each year in recognition of outstanding work in injury and motor vehicle accident prevention programs. The awards consist of a plaque and letter of commendation signed by the Secretary.

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(2) The Bureau Safe Driver Awards Program. This program is designed by the Bureau to recognize proficiency in safe driving by motor vehicle operators over a prescribed period of time or number of vehicle miles driven without a reportable motor vehicle accident.

(3) Certificate of Safety Achievement Awards. The Department recognizes outstanding safety achievements of any organizational unit of a Bureau where: (1) 500,000 or more employees hours of exposure have been completed without disabling work injury and (2) where 500,000 or more miles of driving exposure have been completed without a motor vehicle fleet accident. These awards consist of a certificate, signed by the Assistant Secretary, transmitted by a memorandum signed by the Bureau head.

SAFETY MANAGEMENT
Motorized Equipment Safety Program

4. MOTORIZED EQUIPMENT SAFETY PROGRAM

4.1 Motor Vehicle Operator Program.

A. General. The BIA employees operate motor vehicles on roads and highways ranging from interstate freeways to unimproved dirt roads. In these operations Bureau employees have operated an average of 59.2 million miles annually with an average of 250 motor vehicle accidents per year. The Motor Vehicle Operator Program for the BIA is administered by the Division of Safety Management. The Chief, Division of Safety Management has been designated as the Motor Vehicle Operator Program Officer. In this capacity the Chief has the responsibility to implement the congressional policy to provide for an economical and efficient system for the transportation of Government personnel and property. See 25 BIAM Supplement 7, "Motor Vehicle Operator Program," for specific instructions for carrying out this policy.

B. Incidental Operator. The BIA requires that incidental operators as well as operators meet the requirements of FPM Chapter 930 Section 1-6a.

C. Adverse Actions.

(1) It shall be the responsibility of supervisors at all levels to continuously evaluate the performance of subordinates in the operation of motor vehicles and equipment and to initiate action to revoke or suspend the operator's permits of individuals who fail to meet acceptable standards of health, safety, or conduct. The reasons justifying the suspension or revocation of an Employee's Driver's Authorization and actions required by the supervisor are found in 25 BIAM Supplement 7.

(2) The issuing official and the employee's supervisor shall determine whether an operator has been disqualified to perform as an operator. If it is so determined, the Employee's Driver's Authorization shall be suspended or revoked and appropriate personnel action shall be initiated by the supervisor.

D. Employee's Driver's Authorization. Regardless of the statement made in 488 DM 1.4B, only those persons who have been issued an Employee Driver's Authorization shall be permitted to operate a Government-owned or -leased motor vehicle. All persons having a requirement to operate a Government motor vehicle shall acquire an Employee's Driver's Authorization.

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Motorized Equipment Safety Program

4.2 Watercraft Operations.

A. Coast Guard Regulations. In addition to the regulations contained in 25 BIAM Supplement 13, "Interior Property Management Regulations on the Management of Watercraft," IPMR 114.38.55, and the U. S. Coast Guard Regulations (Titles 33 and 46 Code of Federal Regulations), are applicable on navigable waters of the United States and on the high seas.

B. Endorsement of OF-346.

(1) Operators of Bureau-owned or -leased watercraft as defined in 25 BIAM Supplement 13, paragraph 4.1 shall be qualified as required by 25 BIAM Supplement 13, paragraph 3.1.

(2) In addition to the above requirements, all motorboat operators shall be required to carry an OF-346 indicating on the reverse side the type of watercraft the employee is qualified to operate.

4.3 Heavy Equipment Operations.**A. Operations.**

(1) The operation of heavy equipment, such as bulldozers, road graders, earthmovers, mobile cranes, log handling lift trucks, etc., shall be as required by 29 CFR 1926 Subpart O, the manufacturers instructions, 29 CFR 1919 Subpart R, and 25 BIAM Supplement 38, "Equipment Maintenance and Shop Safety."

B. Training. It is the policy of the Bureau that all operators of heavy equipment shall be properly trained in operating techniques, or have demonstrated proper operation techniques to the satisfaction of the certified employee before the operator is issued an OF-346 (see 25 BIAM Supplement 7, 4.1A). If the potential operator is being trained as an on the job training assignment, the trainee shall be carefully monitored by the certified training instructor and progress noted with the endorsement on the SF-46 noted as O.J.T.

C. Endorsement of OF-346. All operators of Bureau-owned or -leased heavy equipment as defined in 25 BIAM Supplement 7 shall be qualified as required therein. In addition to the above requirements all heavy equipment operators shall be required to obtain an OF-346 indicating on the reverse side the type of heavy equipment the employee is qualified to operate.

SAFETY MANAGEMENT
Employee Injury Compensation Program

5. EMPLOYEE INJURY COMPENSATION PROGRAM

5.1 Responsibility.

A. Personnel Management. The Division of Personnel Management has staff responsibility and Line Officers have operating responsibility for the orientation and training of all Bureau employees concerning their rights and benefits provided by the Federal Employees' Compensation Act as amended.

B. Safety Management. The Division of Safety Management has staff responsibility for the administration of the program. All safety officers having operating responsibility for the safety management program will assist supervisors and employees in preparing claims for: compensation, continuation of pay, investigation and documentation of accidents/incidents. The Safety officer will act as Office of Workers' Compensation Programs Agent as the designated OWCP Compensation Specialist with responsibility for follow-up action on claims and for general liaison with concerned OWCP offices.

C. Supervisor. Upon receiving notice that an employee has suffered an employment related traumatic injury the supervisor shall:

(1) Promptly authorize medical care by furnishing a CA-16, "Request for Examination and/or Treatment to the Injured" for delivery of the original and a copy to the doctor.

(2) Provide the employee with Form CA-1 for reporting the injury and, upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury."

(3) If the injury is disabling advise the employee of the right to elect continuation of regular pay or use of annual or sick leave.

(4) Inform the employee whether continuation of pay (COP) will be controverted, and if so, whether COP will be terminated and the basis for such action. Termination of COP occurs when:

(a) The agency receives information from the attending physician that the employee is no longer disabled.

(b) The agency receives notice from OWCP that continuation of pay should be terminated.

(c) The expiration of 45 calendar days.

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Employee Injury Compensation Program

(5) Submit Form CA-1 fully completed by both the employee and the supervisor together with all other pertinent information and documents, i.e., CA-16, to the safety officer within two working days following the supervisor's receipt of the completed forms from the employee.

D. Employee. When an employee sustains a job related traumatic injury or occupational disease, the employee responsibilities are as follows:

(1) For a traumatic injury the injured employee shall give immediate notice to the supervisor. If the injured employee is not able to give notice, any person with knowledge of the injury may give notice on the injured's behalf using Form CA-1, "Federal Employee Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation."

(2) Elect continuation of regular pay, annual or sick leave or leave without pay.

(3) Inquire of the treating physician the earliest date the employee may be able to return to work.

(4) Whenever an employee has reason to believe he or she is suffering from an employment related occupational disease, the employee or someone acting on behalf of the employee shall give written notice to the employee's official supervisor immediately on Form CA-2, "Federal Employees Notice of Occupational Disease and Claim for Compensation."

E. Safety Officer. In this part, reference to safety officer means the designated safety engineer, safety manager, safety specialist, safety technician, or collateral duty safety officer. The safety officer has the responsibility for assuring the prompt flow of accident/incident reports directed from the supervisor to the regional office of OWCP and that all documents are reviewed for adequacy before submission to OWCP.

5.2 Procedures.

A. Instructions. Instructions for supervisors are found in 25 BIAM Supplement 34, Appendix A, "Help for the Injured Employee." Additional information and OWCP interpretation of the Act are found in 25 BIAM Supplement 34, Appendix B, entitled "112 Questions and Answers about the Federal Employees Compensation Act."

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B. Distribution of Reports. All forms, reports and correspondence are to be prepared in sufficient copies for distribution to OWCP and for retention of a copy by the preparing office. Copies will not be distributed to Area Offices by lower reporting echelons except when the official personnel file (OPF) is maintained by the Area Office. The original CA-1 or CA-2 shall be inserted into the employee's OPF when no claims are made to OWCP. If a claim is made a "Notice of Employee Injury and Claim for Compensation" shall be inserted into the employee's OPF, see Illustration 12.

C. Report of Death. If an injury to an employee results in death, the supervisor shall immediately report the facts to the safety officer who will then report to the Area Safety Officer. The Area Safety Officer will report to OWCP and the Division of Safety Management. The Division of Safety Management will report, within 48 hours, to the Department Safety Officer and inform the Assistant Secretary - Indian Affairs' office.

5.3 Records for Government Use Only. All records, medical and other reports, statements of witnesses, and other papers relating to the disability or death of an employee shall be used for official purposes only and shall not be produced in court or disclosed to others, except upon written authorization and approval from the Officer of Workers' Compensation Programs, see 20 CFR 10.10 and 10.11.

A. Confidential Nature of Records and Papers Relating to Injury or Death of Employees.

(1) All records, medical and other reports, statements of witnesses and other papers relating to the disability or death of a civil employee of the United States or other person entitled to compensation benefits from the United States under the Federal Employees' Compensation Act and all amendments or extensions thereof are the official records of the OWCP, FECA, DOL and are not records of the Bureau, Reporting Office (agency, establishment or Department) making or having the care or use of such records. Records and papers pertaining to any injury or death are confidential and no official or employee of a Government establishment who has investigated or secured statements from witnesses and others pertaining to a claim for compensation, or any person having the care or use of such reports shall disclose information from or pertaining to such records to any persons, except upon the written approval of the OWCP.

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(2) Any person having such a record shall assume no control over same or shall the person be vested with any discretion relative to the production of same in court, as such discretion shall remain in the OWCP to whose business such records appertain. Any such person is prohibited from presenting such records or information in court, whether in answer to subpoena or otherwise. When a subpoena shall have been served upon such person, he or she will appear in court and respectfully decline to present the records or divulge the information called for basing his or her refusal upon OWCP regulations and upon the fact that he or she is not the custodian of such records.

(3) Information about an injury or death which may be necessary for the official purpose of any department, agency or other establishment of the U. S. may be disclosed upon the responsibility of the official superior to see that such information will be used exclusively for such official purpose.

B. Inspection of Records of Bureau. An employee or his/her beneficiary in case of death, or the agent of such employee or beneficiary may, at the discretion of the OWCP, be permitted to examine the records of the case in which he/she is an interested party. In any request for such permission, OWCP shall be the judge of the reasonableness thereof, and may at its discretion permit inspection of such record or part thereof, which in its opinion, will not result in damage or harm to the beneficiary or to any person, or which will not be adverse to the interests of the OWCP or of the United States.

5.4 Continuing Compensation.

A. Counseling Employees on Leave Without Pay. Compensation based on loss of wages is payable, subject to the waiting days, after the 45th day in traumatic injuries, or from the beginning of pay loss in all other types of injuries.

(1) When an injured employee loses pay due to temporary total disability resulting from an injury, compensation is payable at the rate of $66 \frac{2}{3}$ percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self support, or a student (until reaching 23 years of age, or completing four years of school beyond the high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if there is pay loss for more than 14 days; otherwise, compensation begins on the fourth day after pay stops.

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(2) Compensation may not be paid while an injured employee receives pay for leave. The employee has the right to elect whether to receive pay for leave or to receive compensation.

B. Advice on Benefits.

(1) Life Insurance.

(a) Continuance of Regular Insurance Coverage. An employee retains regular insurance only (not accidental death and dismemberment) without cost if:

(i) On the day the insurance would otherwise terminate, the person is in receipt of benefits under the Federal Employees' Compensation Act because of disease or injury, and is held by the Department of Labor to be unable to return to duty, and

(ii) The person does not convert to an individual policy.

(b) Continuance of Optional Insurance Coverage. An employee retains the optional life insurance (not accidental death and dismemberment) while in receipt of compensation from the Office of Workers' Compensation Programs if eligible to continue the regular insurance and if, in addition, the optional insurance has been in force for not less than;

(i) The full period or periods of service during which the optional insurance was available to the employee; or

(ii) The 12 years of service immediately preceding the beginning case of entitlement to compensation.

There will be withheld from compensation the full cost of optional insurance for any period before the first of the month following the 65th birthday during which an insured employee or former employee receives compensation.

(2) Health Benefits.

(a) Continuation of Enrollment. Enrollments of employees as well as their surviving beneficiaries, continue when they enter on the compensation rolls of the Office of Workers' Compensation Program.

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(b) Transferring Enrollments to OWCP. Enrollments will be transferred to OWCP only on its request. OWCP ordinarily will not request transfer unless it expects to compensate the employee for six months or longer. It will not, of course, request transfer for an employee who does not meet the requirements for continuing enrollment as a claimant. Until OWCP requests transfer of the enrollment, an employee receiving compensation but no salary should be treated for health benefits purposes as any other employee in nonpay status, that is, enrollment continues for up to 365 days without contributions or withholdings; however, at the end of the 365 day period, the enrollment must be terminated if it has not been transferred to OWCP.

(c) Withholdings and Contributions by OWCP. Whether or not OWCP requests transfer of the enrollment, it will make health benefits withholdings and contributions from the date compensation began or the date following that on which employing office withholding and contributions ceased, whichever is later, except that no withholdings and contributions will be made when the employee receives compensation for less than 29 days. - Withholdings and contributions will cease when an enrollment is terminated because the person has been in nonpay status for 365 days and is not otherwise eligible to continue the enrollment.

C. Advice on Retirement.

(1) Election Between Annuity and Compensation. An employee who is disabled or injured in line of duty may be eligible for both an annuity under the retirement system and also compensation for work injuries. As a general rule, however, the person may not receive an annuity and compensation for the same period of time. Therefore, the person should apply for whichever benefit is to his or her advantage.

(2) Protecting Retirement and Survivor Annuity Rights. Even though the employee elects to receive compensation, he or she should also apply for retirement upon separation from his or her position. Although annuity payments will be suspended during the period the person is receiving compensation, only if the person so applies and elects a survivor type annuity can he or she provide continuity of survivorship protection under the retirement system. In addition, this will protect the person's own annuity rights should his or her compensation be discontinued. If the person does not wish to apply for retirement, he or she is eligible to obtain a refund of his or her lump-sum credit. However, if the person applies for and receives a refund, his or her right to an annuity and the rights of his or her survivors to Civil Service annuity benefits are lost.

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6. LOSS COMPENSATION PROGRAM

6.1 Tort Claims. The Federal Tort Claims Act provides a means whereby damages may be awarded as a result of claims against the U. S. for "injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Agency while acting within the scope of his/her office or employment under circumstances where the U. S., if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." Generally, a claim must be filed with the appropriate agency within two years after the cause of action accrues.

A. Policy. It is the policy of the BIA to promptly and fairly consider all tort claims and to settle the meritorious ones as quickly as possible within the statutory period of six months after filing, thereby avoiding possible litigation which could be expensive and time-consuming to claimants and the Government.

B. Appointment of Tort Claims Officer.

- (1) The Chief, Division of Safety Management, has been designated the Bureau Tort Claims Officer.

(2) Area Directors shall designate an appropriate number of tort claims officers, preferably, persons with investigative experience, to:

(a) Provide staff assistance on tort claims matters;

(b) Assure the prompt and full investigation of accidents which may result in tort claims against the Government prior to the filing of claim; and

(c) Document the facts incident to tort claims involving the Bureau or office.

C. Investigation Procedures.

(1) Investigations by Supervisors and Safety Officers. The requirements and procedures for investigating accidents set forth in 485 DM 3 & 451 DM 1-4 shall be followed. In investigating accidents which have resulted or may result in tort claims, supervisors and safety officers shall consult with the Tort Claims Officer to assure that all appropriate steps have been taken to fully document the case for tort claims purposes. Copies of the investigation report by supervisors, safety officers, and others of such accidents shall be furnished to the Tort Claims Officer for his or her information and use.

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(2) Investigation by Tort Claims Officer. It is necessary that an investigation be made of all accidents in order that all claims may be properly evaluated. The extent of this investigation will rest on the exercise of good judgment with emphasis on thoroughness. The complete investigative file shall be forwarded to the appropriate Associate, Regional, or Field Solicitor not later than 30 days after the occurrence of the incident, see 25 BIAM Supplement 31 for investigation procedures.

D. Reports and Recordkeeping. Quarterly reports will be submitted by the Area Tort Claims Officer to the Division of Safety Management indicating the number of tort claims processed during the past quarter year.

E. Processing of Claims.

(1) Responsibilities for Tort Claims. The expeditious handling of tort claims requires cooperation from the claimant, his or her representatives, the investigators, the Tort Claims Officer, the Solicitor's office, Department of Justice personnel and others involved. Provisions at all levels for the effective discharge of tort claim responsibilities must be affected. Administrative determination of the merit of any tort claim presented is a function delegated to the Solicitor and redelegated to other members of his office. Judicial determination is a function of the courts. The prevention of situations which give rise to tort claims and the proper investigation and documentation of the facts incident to tort claims are management functions. The expenses incurred in the investigation and related activities in connection therewith will be borne by the office or Bureau of the employee out of whose activities the claim arose. Proper handling of claims by (a) making necessary reports; (b) through the timely investigation; and (c) documentation of facts incident to claims, so that the Government's, the employee's and the claimant's interests are equally protected is the responsibility of the Tort Claims Officer.

(2) When Presented.

(a) A claim shall be deemed to have been presented when the appropriate Bureau or Office receives from a claimant, duly authorized agent or legal representatives, an executed Standard Form 95, or a written notification of an incident, together with a claim for money damages, in a certain sum, for damage to or loss of property or personal injury, or death.

(b) A claim presented to the wrong Federal agency shall be transferred forthwith to the appropriate agency.

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(3) When Received.

(a) The claimant's envelope shall be retained, and the claim form shall be time and date stamped, recorded, and forwarded immediately to the appropriate Tort Claims Officer.

(b) The Tort Claims Officer shall forward the original claim form no later than 24 hours after receipt, together with all the original papers, to the appropriate Associate, Regional, or Field Solicitor (see 111 DM 2). If the claim is not forwarded within this time, a memorandum stating the reason for delay must be submitted.

(4) Accident Reporting. An employee shall immediately notify his or her supervisor of any incident or accident involving a private person or private property which may give rise to a claim against the Government. The supervisor, in turn, shall immediately notify the appropriate Tort Claims Officer. Standard Form 91, 91A (block 28 shall not be completed), and Optional Form 26 must be completed in all motor vehicle accident cases.

(a) In the event of death, actual or potential serious personal injury or substantial property damage (estimated to be in excess of \$1,000), the appropriate Associate, Regional, or Field Solicitor and the appropriate Tort Claims Officer shall be notified immediately by telegram or telephone. If by telephone, it shall later be confirmed in writing and dispatched by close of business of the following business day.

(b) Copies of all accident reports shall be furnished to the Tort Claims Officer of the Bureau or Office involved.

(c) Copies of the basic accident reports involving death, serious personal injury, and substantial property damage shall be furnished to the appropriate Associate, Regional, or Field Solicitor no later than 10 days after the incident.

(d) In reporting an accident, an employee should state the facts to the best of his or her knowledge. Conclusions as to fault or responsibility should not be stated. The employee should report the accident only to authorized representatives of the Government, the employee's insurance company, and police officers investigating the accident. The employee shall also file any report required by law.

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(e) If an employee involved in an accident carries liability insurance which may cover the employee or the Government, the employee shall report the accident to the insurance company and shall also furnish the Tort Claims Officer a copy of the insurance policy together with applicable endorsements and amendments.

(f) An employee shall notify his or her supervisor immediately whenever a lawsuit is threatened or filed in court alleging a tort arising out of Government employment.

(g) For additional reporting requirements in connection with accidents and claims involving General Services Administration motor pool vehicles, see FPMR 101-39.8.

(h) In the event that accidents or other incidents are due to malfeasance, neglect of duty, or irresponsible performance on the part of employees, the provisions outlined in Parts 355-358 of the Departmental Manual for investigating and reporting such incidents shall be followed.

F. Claims Settlement.

(1) Solicitor Determination. Upon receipt of the claim and the Tort Claim Officers' investigative report, the appropriate Solicitor's Office shall make a determination of the claim. The determination may either deny, compromise, or pay the claim in full.

(2) Employee Responsibility. An employee shall notify his or her supervisor immediately whenever a lawsuit is threatened or filed in court alleging a tort arising out of Government employment.

(3) Awards Schedule. Notice of disposition of claims shall be in writing and sent to the claimant, his/her attorney, or legal representative. In compromises and denials, notice shall be sent by certified or registered mail, return receipt requested. The notice shall include a statement that if the claimant is dissatisfied, he/she is entitled to institute suit within a period of six months from the date of the mailing of the notice of determination.

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(a) Bureau Activity.

(i) If any award, compromise or settlement is made for \$2,500 or less, the appropriate Associate, Regional, or Field Solicitor will send to the claimant a signed copy of the administrative determination together with an original payment voucher (Standard Form 1145, "Voucher for Payment under Federal Tort Claims Act,") by certified or registered mail, return receipt requested. When claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his/her attorney as payees. The signed voucher constitutes full release of the claim.

(ii) When a signed payment voucher is received, the appropriate Associate, Regional, or Field Solicitor will sign the original voucher in the space designated "Head of Federal Agency or Authorized Designee," and forward it with two copies, the original determination and the complete claim file to the appropriate Tort Claims Officer. The Tort Claims Officer shall assign the appropriate accounting classification information to the voucher and forward to the Finance Officer.

(b) General Accounting Office. If any award, compromise or settlement is made in excess of \$2,500 and not more than \$100,000, the appropriate Associate, Regional, or Field Solicitor will forward Form 1145 with a covering letter stating that the designee has delegated authority to make the award under the Act, to the Transportation and Claims Division, General Accounting Office.

(c) Department of the Treasury. If any reward, compromise or settlement is made in excess of \$100,000, the appropriate Associate, Regional or Field Solicitor shall forward Form SF-1145 to the Bureau of Accounts, Department of Treasury.

6.2 Employee Claims. This Chapter prescribes policies for the settlement of claims against the U. S. arising after August 31, 1964, for damage or loss of personal property of employees of the Department of the Interior. The statutory authority for these regulations is contained in the "Military Personnel and Civilian Employees' Claim Act of 1964," (31 U.S.C. 3721, as amended).

A. Scope.

(1) Claims against the U. S., arising after August 31, 1964, are settled for damage to or loss of personal property of employees of the Department of the Interior. The damage or loss must be incidental to the employee's service, and possession of the property must be reasonable, useful, or proper in the circumstances. The maximum amount allowable on a claim is \$25,000.

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(2) If an employee believes there is a valid claim under the regulations for damage to the employee's vehicle, the employee should contact the appropriate Tort Claims Officer who will investigate the incident and forward a report to the appropriate Associate, Regional, or Field Solicitor to issue a determination.

B. Claimants.

(1) A claim may be filed by any person who was an employee of the Bureau at the time of the incident which resulted in the damage or loss, or by such a person's authorized agent or legal representative. If the employee is dead, the claim may be filed by his/her (1) spouse, (2) children, (3) father or mother, or both, and (4) brothers or sisters, or both. Payments in settlement of claims to survivors will be made in the order in which the individuals are listed above.

(2) A claim may not be filed by or for the benefit of a subrogee, assignee, conditional vendor or other third party.

C. Ownership and Possession of Property. Compensation may be allowed even though the property was not in the possession of the claimant at the time of the damage or loss, provided the claimant was the owner of the property. Compensation may also be allowed even though the claimant was not the owner of the property, provided it was lawfully in his/her possession, or lawfully under his/her dominion and control (e.g., borrowed from others), and the Government will not be required to pay the owner of such property.

D. Procedures. Procedures for filing and processing of employee claims are found in 25 BIAM Supplement 31.

E. Use of Privately-Owned Vehicles while on Official Duty.

(1) According to the Military Personnel and Civilian Employees' Claims Act, (31 U.S.C. 3721, as amended) and the regulations implemented by the Department, which can be found in the Departmental Manual at Part 451.3.6A, B, and H, a claim may not be allowed for damage occurring to an employee's privately owned vehicle, except when the employee was directed to use a personal vehicle for the benefit of the Government as qualified in 451.3.4D (Public Service Losses) or when the vehicle, while used in performance of duty, was subjected to extraordinary risks as qualified in 451.3.4E. If the employee committed a wrongful act or was negligent in causing the loss, the employee's claim would not be cognizable. Also, the employee would be responsible for the damage if mileage or other use fee

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were paid by the Department. The employee should contact the employee's insurance agent to determine if the damage is covered by personal automobile insurance coverage.

(2) If an employee believes there is a valid claim under the regulations for damage to the employee's vehicle, the employee should contact the appropriate Tort Claims Officer who will investigate the incident and forward a report to the appropriate Associate, Regional, or Field Solicitor to issue a determination.

(3) The use of a Government vehicle is not mandatory. However, the traveler is covered somewhat better. There still is a chance though, through a Board of Survey, for an employee to be held responsible for negligence. The employees take their driving responsibilities very seriously, whether driving a Government vehicle, rental or their own POV because the employee is ultimately responsible.

6.3 Contract Loss - Rental of Cars.

A. Collision Damage Waiver. Collision damage waiver and settlement procedures in the event of accidental damage to rental cars while they are being used by Government employees are covered in the following excerpt from DM 347.9.7B - Travel and Transportation of Employees:

"The collision damage waiver or collision damage insurance (usually \$100) offered by a rental agency in its commercial rental contracts provides full coverage for property damage to the rental vehicle. This coverage is available at an extra cost and is additional to that insurance which is a part of the rental contract. The cost of the collision damage waiver is not payable by the Government or reimbursable to the traveler (FTR, paragraph 1-3.2C). This regulation makes the Government a self-insurer for the collision damage waiver or collision damage insurance, provided that the damage arose while the rented vehicle was being used for official purposes and the employee was acting within the scope of his employment. If the employee is not acting within the scope of his/her employment, he is, of course, personally liable for the damage to the rented vehicle up to the amount of the collision damage waiver. If the accident occurred because of the negligence of the employee while acting within the scope of his employment, the claim up to the amount of the collision damage waiver can be presented by the rental agency under the Federal Tort Claims

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Act. However, if the claim of the rental agency arose because of the negligence of a third party (for example, the parked rental car was struck by an unknown vehicle) the claim supported by proper proof is paid by the employing Bureau or office out of its funds up to the amount of the collision damage waiver. In the event that the lessor collects from a third party, the Bureau or office should make a claim against the rental agency for the amount the Government paid as a result of declining the collision damage waiver. Since in most cases of this nature the Bureau or office would not have knowledge of such a collection, it is recommended that the Government check covering payment for damages to the rental vehicle be transmitted by official letter with a demand that the rental agency refund the payment if they collect from a third party."

B. Reporting an Accident.

(1) Required Reports.

SF-91 - Motor Vehicle Operator's Report of Accident

OF-26 - Employee Status Report

SF-91A - Investigative Report

Police Report and DI-134 Accident/Incident Report

(2) Investigation by Safety Officer. All accidents involving Government employees' use of a rental vehicle should whenever possible be investigated by a safety officer.

C. Area Safety Officer Determination.

(1) It is important that the Area Safety Officer receive the required reports concerning a rental car accident/incident as soon as possible. The Area Safety Officer has the responsibility to make the following determinations:

(a) was the rental car being used for official purposes,

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(b) was the employee acting within the scope of his/her employment,

(c) was the employee negligent while acting in the scope of his/her employment through the Board of Survey report,

(d) was the accident caused by a third party,

(e) is the third party identifiable.

(2) The above determinations must be made, and can only be done if properly completed forms are submitted so that the proper method of settlement may be pursued.

6.4 Damage to Government Property by Third Party.

A. Investigation. The Area Safety Officer has the responsibility to investigate all property damage accidents in which the Government may pursue a claim for damages. The Safety Officer should be assisted by a member of the Property & Supply Branch and a member of the branch most closely associated with the damage.

B. Required Reports.

- (1) Police Reports
- (2) Fire Department Reports
- (3) Property Damage Report
- (4) Narrative Report of Findings
 - (a) Complete report of damage
 - (b) Estimated report of cost of repairs and/or replacement
 - (c) Statements of witnesses
 - (d) Photographs
 - (e) Cause of damage

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C. Claims Collection. The above reports, properly completed, will allow a Region/Agency/Installation to pursue an administrative collection of claims as is required by Title 4, of the Code of Federal Regulations, Parts 101 through 105 Federal Claims Collection Standards.

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Technical Assistance Program

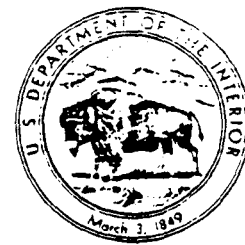
7. TECHNICAL ASSISTANCE PROGRAM

7.1 Field Operations. The Division of Safety Management has expertise to furnish guidance and technical assistance to Office and Area Directors for occupational safety and health, loss compensation, injury compensation, motorized equipment safety and the Indian Highway Safety Program within the constraints of available resources.

7.2 Tribal Governments. When requested, the Division of Safety Management will furnish technical assistance to tribal governments and tribal contractors in all matters pertaining to safety and safety programming in their communities and lands. This technical assistance will be furnished upon the request of the tribal contractor, and to the extent resources are available.

7.3 Other Agencies. When requested, the Division of Safety Management is authorized to make available technical assistance to agencies of the Federal, state and local governments, to the extent resources are available.

Occupational Safety and Health Protection for Interior Employees



The Occupational Safety and Health Act of 1970, Executive Order 12196, and 29 CFR 1960 Require the Heads of Federal Agencies to Furnish to Employees Places and Conditions of Employment That Are Free from Recognized Safety and Health Hazards.

The U.S. Department of the Interior's Occupational Safety and Environmental

Health Program Covers All Personnel While On Duty, and is Explained in the Interior Departmental Manual—485 DM 1-7. If you Want More Information about this Program, Standards, Procedures, Federal Laws or Other Related Matters, Contact your Supervisor or the Person Whose Name Appears on this Poster.

Interior Responsibilities

1. DESIGNATED SAFETY AND HEALTH OFFICIAL.

The Assistant Secretary—Policy, Budget and Administration, as the "Designated Safety and Health Official," exercises the authority of the Secretary for the management of the Department's Safety and Environmental Health Program. (485 DM 1.3)

2. OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

It is the policy of the Department to comply with safety and health standards issued under Section 6 of the Act and/or approved alternate standards. (485 DM 3.1)

3. REPORTING UNSAFE OR UNHEALTHFUL WORKING CONDITIONS.

Report such conditions to your supervisor following the procedures set forth in the Departmental Manual. (485 DM 5.2)

4. WORKPLACE INSPECTIONS AND SURVEYS.

All workplaces will be examined at least annually by technically qualified personnel. Whenever possible, they will consult with affected employees concerning working conditions. (485 DM 3.4)

5. POSTING NOTICES OF HAZARDS.

If hazardous conditions are discovered during surveys and inspections, a notice of these hazards will be posted in the work area until the hazard is abated. (485 DM 3.4F(3))

6. HAZARD ABATEMENT.

Management will take appropriate action to assure safe and healthful working conditions. If an imminent danger exists, as determined by a management official competent to recognize such hazards or a qualified safety professional, affected employees will be evacuated from the working area unless the situation can be abated quickly. (485 DM 3.4G)

7. RECORDS OF ACCIDENTS, INJURIES AND ILLNESSES.

Form OI-134, "Report of Accident/Incident," is the Department's official source document for investigating and reporting all accidents, injuries and job-related illnesses. Reporting requirements are set forth in 485 DM 5. Local managers will post, or otherwise make available, annual summaries of injuries and illnesses for a minimum of 30 days at each establishment. (485 DM 5.10C(2))

8. SAFETY AND HEALTH TRAINING.

Appropriate occupational safety and health training will be provided for all employees including top management officials, supervisors, safety and health personnel and employee representatives. (485 DM 2.11)

Employee Responsibilities

1. COMPLY WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

You must comply with Interior and/or Bureau standards contained in regulations, manuals, handbooks, and other Interior Bureau publications. Consult with your supervisor concerning the standards applicable to your job. (485 DM 4.2G)

2. USE PERSONAL PROTECTIVE EQUIPMENT.

You must use personal protective equipment and other safety equipment provided by your bureau/office, when required. (485 DM 4.3B)

3. REPORT UNSAFE OR UNHEALTHFUL WORKING CONDITIONS.

You are expected to report all unsafe and unhealthful working conditions to your supervisor. (485 DM 4.2G)

4. REPORT ACCIDENTS, INJURIES AND ILLNESSES.

You must promptly report all accidents, injuries and work-related illnesses to your supervisor. (485 DM 1.10)

5. WORK SAFELY.

You must observe and follow all work procedures required for the tasks assigned, oral or written. (485 DM 1.10)

Rights of Interior Employees or Their Representatives

1. PARTICIPATION IN THE SAFETY AND HEALTH PROGRAM.

Employees are encouraged to participate in the Department's and bureau's/office's safety and environmental health programs. When appropriate, employees will be authorized official time to participate in the activities provided by Executive Order 12196, 29 CFR 1960, negotiated agreements, and the Department's and/or bureau's/office's safety and environmental health programs. (485 DM 4.2G)

2. STANDARDS.

You have the right to examine all safety and health standards applicable to your job. Contact your supervisor. In addition, your comments relating to proposed alternate standards will be given appropriate consideration. (485 DM 3.1)

3. ACCIDENT, INJURY AND ILLNESS STATISTICS.

You have the right to have access to all accident, injury and illness statistics relating to bureau/office and/or

Departmental safety and environmental health program activities. Contact your supervisor or your bureau/office safety and health manager. (485 DM 5.10C(3))

4. SAFETY AND ENVIRONMENTAL HEALTH PROGRAM PROCEDURES.

The Department's safety and environmental health program is set forth in Part 485 of the Departmental Manual. Should you wish to examine this document, contact your supervisor. (485 DM 5.12B)

5. REQUESTS FOR INSPECTIONS.

You have the right to request an inspection of your work area if you believe that safety and health conditions need examination. Requests for inspection should be directed to your supervisor. (485 DM 3.4)

6. WORKING CONDITIONS

We will provide safe and healthful working conditions. You have the right to request a review of these conditions and, if necessary, the right to appeal decisions involving your working conditions. Your supervisor can advise you on this matter. We encourage resolution of these problems locally. However, should you not be satisfied with the initial handling of the situation, you may elevate your appeal to the Bureau Safety Manager or to the Department Safety Manager, in writing, following the procedure set forth in 485 DM 5.2A or use the grievance procedure established pursuant to 5 U. S. C. 7121. Anonymity is assured, when requested. (485 DM 5.2)

7. PROTECTION AGAINST DISCRIMINATION.

When exercising the above rights, no employee will be subjected to restraint, interference, coercion, or reprisal. (485 DM 5.2D)

Further Information

None of the provisions of 29 CFR 1960 is intended to modify organizationally the way the Interior Safety and Environmental Health Program operates. The normal and ordinary channels of supervision should be used to resolve and fulfill the Department's safety and health obligation.

For assistance and information including specific safety and health standards, contact your supervisor or the person listed below:

(NAME)

(TITLE)

(LOCATION)

FTS _____ Commercial _____
(TELEPHONE)

INSTRUCTIONS FOR COMPLETING LOG OF FEDERAL OCCUPATIONAL INJURIES AND ILLNESSES (OSHA FORM NO. 100F)

Column 1—CASE OR FILE NUMBER

Any number may be entered which will facilitate comparison with supplementary records.

Column 2—DATE OF INJURY OR ILLNESS

For occupational injuries enter the date of the work accident which resulted in injury. For occupational illnesses enter the date of initial diagnosis of illness, or, if absence occurred before diagnosis, the first day of the absence in connection with which the case was diagnosed.

Column 3—EMPLOYEE'S NAME

Column 4—OCCUPATION

Enter the occupational title of the job to which the employee was assigned at the time of injury or illness. In the absence of a formal occupational title, enter a brief description of the duties of the employee.

Column 5—DEPARTMENT

Enter the name of the department to which employee was assigned at the time of injury or illness, whether or not employee was actually working in that department at the time. In the absence of formal department titles, enter a brief description of normal workplace to which employee is assigned.

Column 6—NATURE OF INJURY OR ILLNESS AND PART(S) OF BODY AFFECTED

Enter a brief description of the injury or illness and indicate the part or parts of body affected. Where entire body is affected, the entry "body" can be used.

Column 7—INJURY OR ILLNESS CODE

Enter the one code which most accurately describes the nature of injury or illness. A list of codes appears at the bottom of the log. A more complete description of occupational injuries and illnesses appears below in "definitions."

Column 8—FATALITIES

If the occupational injury or illness resulted in death, enter date of death.

Column 9—LOST WORKDAY CASES

Enter a check for each case which involves days away from work, or days of restricted work activity, or both. Each lost workday case also requires an entry in column 9A or column 9B, or both.

Column 9A—LOST WORKDAYS—DAYS AWAY FROM WORK

Enter the number of workdays (consecutive or not) on which the employee would have worked but could not because of occupational injury or illness. The number of lost workdays

should not include the day of injury or onset of illness or any days on which the employee would not have worked even though able to work.

NOTE: For employees not having a regularly scheduled shift, i.e., certain truck drivers, construction workers, part-time employees, etc., it may be necessary to estimate the number of lost workdays. Estimates of lost workdays shall be based on prior work history of the employee and days worked by employees, not ill or injured, working in the department and/or occupation of the ill or injured employee.

Column 9B—LOST WORKDAYS—DAYS OF RESTRICTED WORK ACTIVITY

Enter the number of workdays (consecutive or not) on which because of injury or illness:

- 1) the employee was assigned to another job on a temporary basis,
- 2) the employee worked at a permanent job less than full time, or
- 3) the employee worked at a permanently assigned job but could not perform all duties normally connected with it.

The number of lost workdays should not include the day of injury or onset of illness or any days on which the employee would not have worked even though able to work.

Column 10—NONFATAL CASES WITHOUT LOST WORKDAYS

Enter a check in Column 10 for all cases of occupational injury or illness, which did not involve fatalities or lost workdays but did result in:

- Transfer to another job or termination of employment, or
- Medical treatment, other than first aid, or
- Diagnosis of occupational illness, or
- Loss of consciousness, or
- Restriction of work or motion.

Column 11—TRANSFER TO ANOTHER JOB OR TERMINATION OF EMPLOYMENT WITHOUT LOST WORKDAYS

If the check in Column 10 represented a transfer to another job or termination of employment with no lost workdays, enter another check in Column 11.

INITIALING REQUIREMENT

Each line entry regarding an occupational injury or illness must be initialed in the right hand margin by the person responsible for the accuracy of the entry. Changes in an entry also must be initialed in the affected column.

CHANGES IN EXTENT OF OR OUTCOME OF INJURY OR ILLNESS

If there is a change in an occupational injury or illness case which affects entries in Columns 9, 10, or 11, the first entry should be lined out and a new entry made. For example, if an injured employee at first required only medical treatment but later lost workdays, the check in Column 10 should be lined out and the number of lost workdays entered in Column 9.

In another example, if an employee with an occupational illness lost workdays, returned to work, and then dies of the illness, the workdays noted in Column 9 should be lined out and the date of death entered in Column 8.

An entry may be lined out if later found to be a nonoccupational injury or illness.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

SAFETY MANAGEMENT QUARTERLY AND CUMULATIVE REPORT

REPORTING OFFICE (NAME & LOCATION)

REPORT OF QUARTER ENDING: (DATE)

DATE REPORT SUBMITTED:

INSTRUCTIONS: USE THIS FORM TO CONSOLIDATE ALL REGION OR OTHER OFFICIAL REPORTING STATION ACCIDENTS REPORTED WITHIN THE QUARTER, IN COMPLIANCE WITH 485 DM

ITEM NO.	ITEM INJURY OR DAMAGE INCURRED FROM ACCIDENTS	FIRST QUARTER				SECOND QUARTER				THIRD QUARTER				FOURTH QUARTER				CUMULATIVE TOTAL TO DATE	
		NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT OF LOSS	NO.	AMOUNT		
1. a.	FIRST AID \$																		
b.	WORK INJURIES AND LOST WORKDAY \$																		
c.	MEDICAL TREATMENT \$																		
d.	FATALITIES \$																		
	TOTAL																		
CUMULATIVE REPORT OF LOSSES																			
2.	FIRES																		
3.	TORT CLAIMS PAID																		
4.	MOTOR VEHICLES																		
5.	PROPERTY DAMAGE NOT INCLUDED IN ITEMS 2, 3 & 4																		
6.	TOTAL																		
THIRD PARTY RECOVERIES																			
7.	THIRD PARTY RECOVERIES																		
TOTAL MANHOURS WORKED																			
8.	MANHOURS WORKED																		
	FREQUENCY - OSHA																		
TOTAL HOURS OF OPERATION																			
9. a.	CRANES, LIFTS, ETC.																		
b.	MARINE CRAFT																		
c.	AIRCRAFT																		
TOTAL MILES DRIVEN																			
10. a.	GOV'T-OWNED VEHICLES																		
b.	PRIVATELY-OWNED/RENTAL VEHICLES																		
c.	NUMBER OF ACCIDENTS																		
d.	FREQUENCY RATE																		
e.	ESTIMATED \$ COST OF DAMAGE																		

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 QUARTERLY SUMMARY REPORT
 TORT CLAIM PAYMENTS AND THIRD PARTY RECOVERIES

Reporting Office _____

Quarter _____ Period Covered _____

The following is a summary of tort claims settled administratively and those disposed after an action had been instituted by settlement or judgement and third party recoveries made by the bureau/office for the quarter ending: _____
 REPORT ONLY THOSE TORT CLAIMS THAT AROSE OUT OF A WRONGFUL DEATH, PERSONAL INJURY AND/OR PROPERTY DAMAGE RESULTING FROM ACCIDENTS.

TORT CLAIMS SETTLED THIS QUARTER

<u>Type of Claim</u>	<u>Paid From Bureau/Office Appropriations</u>		<u>Amts. Ref. to the Dept. of the Treas. by GAO to be Pd. From Treas. Appropriations</u>	
	<u>Number Settled</u>	<u>Total Amount</u>	<u>Number Settled</u>	<u>Total Amount</u>
Personal Injury	_____	\$ _____	_____	\$ _____
Motor Vehicle	_____	\$ _____	_____	\$ _____
Property Damage	_____	\$ _____	_____	\$ _____
TOTAL	_____	\$ _____	_____	\$ _____

THIRD PARTY RECOVERIES MADE THIS QUARTER

<u>Type of Recovery</u>	<u>Number of Recoveries</u>	<u>Amount Recovered</u>
Government Motor Vehicle Property Damage	_____	\$ _____
All Other Government Property Damage	_____	\$ _____
TOTAL	=====	\$ =====

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
QUARTERLY SUMMARY REPORT
PROPERTY DAMAGE FROM ACCIDENTAL CAUSES

Reporting Office _____ Quarter I Period Covered _____

INSTRUCTIONS:

REPORT THE NUMBER AND ESTIMATED COST OF ALL PROPERTY DAMAGED BY ACCIDENT NOT COVERED ELSEWHERE IN THIS REPORT. INCLUDE DAMAGE TO MOTOR VEHICLES THAT ARE PROPERLY PARKED, ACTS OF GOD, HEAVY EQUIPMENT, AIRCRAFT, MARINE AND ANY OTHER PROPERTY THAT IS DAMAGED BY ACCIDENT. PROPERTY DAMAGE OF LESS THAN \$50.00 NEED NOT BE REPORTED. GIVE BEST ESTIMATE OF REPAIR OR REPLACEMENT EXPENSE AIDED BY PROPERTY MANAGEMENT AND FINANCE OFFICERS AS NEEDED.

DATE OF ACCIDENT	LOCATION OF PROPERTY DAMAGED ^{1/}	BRANCH ACTIVITY (OFFICE)	DESCRIPTION OF DAMAGED PROPERTY	ACTUAL OR ESTIMATED REPLACEMENT OR REPAIR COST

\$

^{1/} GIVE LOCATION OF DAMAGED PROPERTY BY ADDRESS OR BUREAU INSTALLATION.

Form BIA-2505
May 1983

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
QUARTERLY SUMMARY REPORT
FIRE DAMAGE

Reporting Office _____ Quarter 1 Period Covered _____

INSTRUCTIONS: INCLUDE ANY FIRE REGARDLESS OF ITS COST THAT INVOLVES EQUIPMENT, STRUCTURES OR CONTENTS OF ANY PROPERTY UNDER BUREAU CONTROL EXCLUDING FOREST, RANGE AND TUNDRA FIRES. IN FIGURING THE AMOUNT OF PROPERTY LOSS, IT SHOULD BE BASED ON THE COST OF REPLACING THE PROPERTY DAMAGED BY FIRE.

DATE OF FIRE	BRANCH - ACTIVITY (OFFICE)	DESCRIPTION OF FIRE	ESTIMATED REPLACEMENT COST	INJURIES OR DEATHS INVOLVED

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ANNUAL PROGRESS REPORT

INSTRUCTIONS: Agencies submit this form in DUPLICATE to Area Office by October 10 of each year. Areas submit it in DUPLICATE (a consolidated report for their area) to Central Office, Division of Safety Management by October 15.

NAME OF AREA OR AGENCY	LOCATION
------------------------	----------

A. Area or Agency (X-out one) issuances of SF-48 Identification Cards during year.

- | | |
|--|-------|
| 1. Issuances - Permanent Appointments | _____ |
| 2. Issuances - Temporary Appointments | _____ |
| 3. Limited issuances due to 90-day or other time
limitations..... | _____ |
| Total number cards issued | |
| 4. School Bus Driver I.D. Cards issued | _____ |

B. Number of applications for SF-48 cards pending on date of this report

C. Cancellations of Operator's Identification Cards SF-48

- | | |
|---|-------|
| 1. Number due to retirement, transfer to other
agencies or other | _____ |
| 2. Number due to adverse actions taken during
report period | _____ |
| Total number cancelled | |

D. How many SAFE DRIVING COMMENDATIONS were issued?

E. Brief statement of progress in the administration of this program follows:

F. Brief evaluation of the program or statement of any other facts that will describe program's effectiveness:

G. Attach copy of Area motor vehicle operator supplemental instructions issued during year.

Signature

Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

U.S. Department of Labor
 Employment Standards Administration
 Office of Workers' Compensation Programs

Employee: Please complete all boxes 1 - 15 below. Do not complete shaded areas.

Witness: Complete bottom section 16.

Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

Employee Data

1. Name of employee (Last, First, Middle)					2. Social Security Number	
3. Date of birth	Mo.	Day	Yr.	4. Sex	5. Home telephone	
				<input type="checkbox"/> Male <input type="checkbox"/> Female	()	
6. Grade as of date of injury					Level	Step
7. Employee's home mailing address (Include city, state, and zip code)					8. Dependents	
					<input type="checkbox"/> Wife, Husband <input type="checkbox"/> Children under 18 years <input type="checkbox"/> Other	

Description of Injury

9. Place where injury occurred (e.g. 2nd floor, Main Post Office Bldg., 12th & Pine)

10. Date injury occurred	Time	11. Date of this notice	12. Employee's occupation
Mo. Day Yr.	: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Mo. Day Yr.	

13. Cause of injury (Describe what happened and why)

14. Nature of injury (Identify both the injury and the part of body, e.g., fracture of left leg)	a. Occupation code	
	b. Type code	c. Source code
	OWCP Use - NOI Code	

Employee Signature

15. I certify, under penalty of law, that the injury described above was sustained in performance of duty as an employee of the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and the following, as checked below, while disabled for work:

- a. Continuation of regular pay (COP) not to exceed 45 days and compensation for wage loss if disability for work continues beyond 45 days. If my claim is denied, I understand that the continuation of my regular pay shall be charged to sick or annual leave, or be deemed an overpayment within the meaning of 5 USC 5584.
- b. Sick and/or Annual Leave

Signature of employee or person acting on his/her behalf _____

Any person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled, is subject to felony criminal prosecution and may, under appropriate provisions, be punished by a fine or imprisonment, or both.

Have your supervisor complete the receipt attached to this form and return it to you for your records.

End of Employee Report

Witness

16. Statement of witness (Describe what you saw, heard, or know about this injury)

Name of witness	Signature of witness	Date signed
Address	City	State Zip Code

Official Supervisor's Report: Please complete information requested below

Supervisor's Report

17. Agency name and address of reporting office (Include city, state, and zip code)	OWCP Agency Code
	OSHA Site Code
Zip Code	

18. Employee's duty station (Street address and zip code) Zip Code

19. Regular work hours From: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. To: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	20. Regular work schedule <input type="checkbox"/> Sun. <input type="checkbox"/> Mon. <input type="checkbox"/> Tues. <input type="checkbox"/> Wed. <input type="checkbox"/> Thurs. <input type="checkbox"/> Fri. <input type="checkbox"/> Sat.
--	--

21. Date of injury Mo. Day Yr. _____	22. Date notice received Mo. Day Yr. _____	23. Date stopped work Mo. Day Yr. _____ Time: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
--------------------------------------	--	---

24. Date pay stopped Mo. Day Yr. _____	25. Date 45 day period began Mo. Day Yr. _____	26. Date returned to work Mo. Day Yr. _____ Time: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
--	--	---

27. Was employee injured in performance of duty? Yes No (If "No," explain)

28. Was injury caused by employee's willful misconduct, intoxication, or intent to injure self or another? Yes (If "Yes," explain) No

29. Was injury caused by third party? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," go to item 31.)	30. Name and address of third party (Include city, state, and zip code)
--	---

Name and address of physician first providing medical care (Include city, state, zip code)	32. First date medical care received Mo. Day Yr. _____
	33. Do medical reports show employee is disabled for work? <input type="checkbox"/> Yes <input type="checkbox"/> No

34. Does your knowledge of the facts about this injury agree with statements of the employee and/or witness? Yes No (If "No," explain)

35. Does the employing agency controvert continuation of pay? <input type="checkbox"/> Yes (If "Yes," explain) <input type="checkbox"/> No (See instructions for explanation of "controvert")	36. Pay rate when employee stopped work \$ _____ Per _____
--	---

Signature of Supervisor and Filing Instructions

37. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect to this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of supervisor (Type or print) _____

Signature of supervisor _____ Date _____

Supervisor's Title _____ Office phone _____

38. Filing instructions No lost time and no medical expense: Place this form in employee's medical folder (SF-66-D)
 No lost time, medical expense incurred or expected: forward this form to OWCP
 Lost time covered by leave, LWOP, or COP: forward this form to OWCP

Instructions for Completing Form CA-1

Complete all items on your section of the form. If additional space is required to explain or clarify any point, attach a supplemental statement to the form. Some of the items on the form which may require further clarification are explained below.

Employee (Or person acting on the employee's behalf)

Cause of Injury

Describe in detail how and why the injury occurred. Give appropriate details (e.g.: if you fell, how far did you fall and in what position did you land?)

14) Nature of Injury

Give a complete description of the condition(s) resulting from your injury. Specify the right or left side if applicable (e.g., fractured left leg; cut on right index finger).

15) Election of COP/Leave

If you are disabled for work as a result of this injury and file CA-1 within thirty days of the injury, you are entitled to receive continuation of pay (COP) from your employing agency. COP is

paid for up to 45 calendar days of disability, and is not charged against sick or annual leave. You may elect sick or annual leave if you wish, but compensation from OWCP may not be claimed during the 45 days of COP entitlement. (You may not claim compensation to repurchase leave used during this period.) Also, if you later change your election, the agency is not obliged to convert past periods of leave to COP.

Your agency may controvert (dispute) your entitlement to COP, but must continue pay unless the controversion is based on one of the nine reasons listed in the instructions for item 35.

If you receive COP, but OWCP later determines that you are not entitled to COP, you may either change COP to sick or annual leave or pay the employing agency back for the COP received.

Supervisor

At the time the form is received, complete the receipt of notice of injury and give it to the employee. In addition to completing items 17 through 38, the supervisor is responsible for obtaining the witness statement in item 16 and for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form should be sent to OWCP within two working days after it is received.

The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

If the employing agency controverts COP, the employee should be notified and the reason for controversion explained to him or her.

17) Agency name and address of reporting office

The name and address of the office to which correspondence from OWCP should be sent (If applicable, the address of the personnel or compensation office).

18) Duty station street address and zip code

The address and zip code of the establishment where the employee actually works.

29) Was injury caused by third party?

A third party is an individual or organization (other than the injured employee or the Federal government) who is liable for the injury. For instance, the driver of a vehicle causing an accident in which an employee is injured, the owner of a building where unsafe conditions cause an employee to fall, and a manufacturer whose defective product causes an employee's injury, could all be considered third parties to the injury.

31) Name and address of physician first providing medical care

The name and address of the physician who first provided medical care for this injury. If initial care was given by a nurse or other health professional (not a physician) in the employing agency's health unit or clinic, indicate this on a separate sheet of paper.

32) First date medical care received

The date of the first visit to the physician listed in item 31.

35) Does the employing agency controvert continuation of pay?

COP may be controverted (disputed) for any reason; however, the employing agency may refuse to pay COP only if the controversion is based upon one of the nine reasons given below:

- The disability results from an occupational disease or illness;
- The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President;
- The employee is neither a citizen nor a resident of the United States or Canada;
- The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties;
- The injury was proximately caused by the employee's willful misconduct, intent to bring about injury or death to self or another person, or intoxication;
- The injury was not reported on Form CA-1 within 30 days following the injury;
- Work stoppage first occurred six months or more following the injury;
- The employee initially reported the injury after his or her employment was terminated; or
- The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

Employing Agency - Required Codes

Box a (Occupation Code), Box b (Type Code),
Box c (Source Code), OSHA Site Code

The Occupational Safety and Health Administration (OSHA) requires all employing agencies to complete these items when reporting an injury. The proper codes may be found in OSHA Booklet 2014, Recordkeeping and Reporting Guidelines.

OWCP Agency Code

This is a four-digit (or four digit plus two letter) code used by OWCP to identify the employing agency. The proper code may be obtained from your personnel or compensation office, or by contacting OWCP.

Disability Benefits for Employees under the Federal Employees' Compensation Act (FECA)

The FECA, which is administered by the Office of Workers' Compensation Programs (OWCP), provides the following benefits for job-related, traumatic injuries:

- (1) Continuation of pay for disability resulting from traumatic, job-related injury, not to exceed 45 calendar days. (To be eligible for continuation of pay, the employee, or someone acting on his/her behalf, must file Form CA-1 within 30 days following the injury; however, to avoid possible interruption of pay, the form should be filed within 2 working days. If the form is not filed within 30 days, compensation may be substituted for continuation of pay.)
- (2) Payment of compensation for wage loss after the 45 days, if disability extends beyond such period.
- (3) Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm or kidney, loss of vision, etc.), or for serious disfigurement of the head, face, or neck.
- (4) Vocational rehabilitation and related services where necessary.
- (5) Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians, of the employee's choice. Generally, 25 miles from the place of injury, place of employment, or employee's home is a reasonable distance to travel for medical care; however, other pertinent factors must also be considered in making selection of physicians or medical facilities.

At the time an employee stops work following a traumatic, job-related injury, he or she may request continuation of pay or use sick or annual leave credited to his or her record. Where the employing agency continues the employee's pay, the pay must not be interrupted until:

- (1) The employing agency receives medical information from the attending physician to the effect that disability has terminated;
- (2) The OWCP advises that pay should be terminated; or
- (3) The expiration of 45 calendar days following initial work stoppage.

If disability exceeds, or it is anticipated that it will exceed, 45 days, and the employee wishes to claim compensation, Form CA-7, with supporting medical evidence, must be filed with OWCP. To avoid interruption of income, the form should be filed on the 40th day of the COP period. Form CA-3 shall be submitted to OWCP when the employee returns to work, disability ceases, or the 45 day period expires.

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Office of Personnel Management's Federal Personnel Manual.

Privacy Act

In accordance with the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a), you are hereby notified that:

- (1) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101, et seq.) is administered by the Office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the office receives and maintains personal information on claimants and their immediate families.
- (2) The information will be used to determine eligibility for and the amount of benefits payable under the Act.

- (3) The information may be used by other agencies or persons in matters relating directly or indirectly to the matter of the claim, so long as such agencies or persons have received the consent of the individual claimant, or complied with the provisions of 20 CFR 10.
- (4) Failure to furnish all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits (disclosure of a social security number is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled).

Receipt of Notice of Injury

This acknowledges receipt of Notice of Injury sustained by
(Name of injured employee)

Which occurred on (Mo., Day, Yr.)

At (Location)

Signature of Official Superior

Title

Date (Mo., Day, Yr.)

**U. S. DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 DIVISION OF SAFETY MANAGEMENT**

EMPLOYEE COMPLAINT OF UNSAFE OR UNHEALTHFUL WORKING CONDITION

If you are dissatisfied with the disposition of your complaint by management you may refer the matter to the Area, Bureau, or Department Safety Manager, in writing, describing in detail the entire processing of the report of unsafe or unhealthful working conditions, setting forth his objections thereto. When an employee is dissatisfied with the final disposition by the Department, he shall be advised of his right to appeal, in writing, to the Director, Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U. S. Department of Labor, setting forth his objections as prescribed in 29 CFR 1960.31(g).

For Official Use Only		
Area	Date Received	Time
Region	Received By	

The undersigned (check one)

Employee Representative of employees Other (specify) _____

believes that a violation at the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Does this hazard(s) immediately threaten death or serious physical harm? Yes No

Room No. _____

Supervisor's Name _____

Office Address (Street _____ Telephone _____
 (City _____ State _____ Zip Code _____)

1. Agency/Office _____

2. Specify the particular building or worksite where the alleged violation is located, including address. _____

3. Specify the name and office phone number of supervisor's immediate superior. _____

4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard.

(Continue on reverse side if necessary)

Sec. 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(Continued on reverse side)

