Course Description

Legal Aspects of Safety and Health contains a comprehensive study of the Occupational Safety and Health (OSH) Act and the authority of the Occupational Safety and Health Administration (OSHA). This course includes a review of employer’s legal responsibilities and proactive measures to ensure compliance with the OSH legal and regulatory framework in America.

Course Material(s)

No physical textbook is required; resources are integrated within the course.

Course Learning Outcomes

Upon completion of this course, students should be able to:

1. Assess Occupational Safety and Health Administration (OSHA) rulemaking, enforcement, and adjudication processes.
2. Evaluate occupational safety and health regulations and laws.
3. Evaluate OSHA’s approach to applying the General Duty Clause in enforcement actions.
4. Assess employee rights related to workplace safety.
5. Describe OSHA citation classifications and related penalties.
6. Outline employer rights and responsibilities following an OSHA inspection.
7. Examine affirmative defenses used to contest alleged violations.
8. Explain enforcement and the judicial review process of criminal OSH violations.

Credits

Upon completion of this course, the students will earn three (3) hours of college credit.

Course Structure

1. Study Guide: Each unit contains a Study Guide that provides students with the learning outcomes, unit lesson, required reading assignments, and supplemental resources.
2. Learning Outcomes: Each unit contains Learning Outcomes that specify the measurable skills and knowledge students should gain upon completion of the unit.
3. Unit Lesson: Each unit contains a Unit Lesson, which discusses lesson material.
4. Reading Assignments: Each unit contains Reading Assignments from one or more chapters from OSHA’s Field Operations Manual.
5. Suggested Reading: Suggested Readings are listed in each unit’s study guide. Students are encouraged to read the resources listed if the opportunity arises, but they will not be tested on their knowledge of the Suggested Readings.
6. Learning Activities (Non-Graded): These non-graded Learning Activities are provided to aid students in their course of study.
7. Unit Assessments: This course contains three Unit Assessments, one to be completed at the end of Units I, II, and VIII. Assessments are composed of short answer and short essay written response questions.
8. Unit Assignments: Students are required to submit for grading Unit Assignments in Units I-VII. Specific information and instructions regarding these assignments are provided below. Grading rubrics are included with each assignment. Specific information about accessing these rubrics is provided below.
9. **Ask the Professor:** This communication forum provides you with an opportunity to ask your professor general or course content related questions.

10. **Student Break Room:** This communication forum allows for casual conversation with your classmates.

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**CSU Online Library**

The CSU Online Library is available to support your courses and programs. The online library includes databases, journals, e-books, and research guides. These resources are always accessible and can be reached through the library webpage. To access the library, log into the myCSU Student Portal, and click on “CSU Online Library.” You can also access the CSU Online Library from the “My Library” button on the course menu for each course in Blackboard.

The CSU Online Library offers several reference services. E-mail (library@columbiasouthern.edu) and telephone (1.877.268.8046) assistance is available Monday – Thursday from 8 am to 5 pm and Friday from 8 am to 3 pm. The library’s chat reference service, *Ask a Librarian*, is available 24/7; look for the chat box on the online library page.

Librarians can help you develop your research plan or assist you in finding relevant, appropriate, and timely information. Reference requests can include customized keyword search strategies, links to articles, database help, and other services.

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**Unit Assignments**

**Unit I Assignment**

Click [here](#) to access the presentation instructions for this assignment. To read the transcription on slide 3, choose the ellipse button on the slide then click on “Show Presenter View.”

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

**Unit II Assignment**

You receive a follow-up call from the area director saying the employee filing the original non-formal complaint has provided additional information about the alleged health situation and submitted a formal complaint using the OSHA-7 form, making the complaint a formal complaint. A few days later, an OSHA compliance officer shows up at your facility to perform a comprehensive inspection. The compliance officer presents the proper credentials, and you verify that the compliance officer is employed by OSHA and assigned to the local office.

During the opening conference, the compliance officer provides you with the formal complaint, alleging that employees are exposed to hazardous concentrations of metal fumes in welding areas of the plant, that you have not performed any air sampling to determine exposure levels, that adequate ventilation is not present in welding areas, and that adequate respiratory protection has not been provided to welders. As a part of the inspection, the compliance officer requests the following documents:

- chemical inventory list;
- OSHA 300 logs;
- Hazard Communication Program, including training records;
- any sampling data that you have;
- Respiratory Protection Program, including medical clearance letters and training records;
- written hazard assessment for personal protective equipment (PPE) used at the facility;
- Safety Data Sheets (SDSs) for the metals you use in the production process and any welding rods/wire used in the welding area; and
- any other written programs you have that are required by an OSHA regulation.

The compliance officer takes a walk-through tour of the facility, spending extra time in the welding areas. During the walk-through, the compliance officer points out several issues believed to be apparent violations. The issues are as follows:

- Heavy haze is present in the welding area.
- Individuals wearing half-mask air-purifying respirators have full beards.
- Employees are using chemicals that could be injurious to the eyes, and no emergency eyewash is present.
- Eyewash is present in another area of the plant that is covered in dust, and there is no indication of recent
The compliance officer asks for a private conference room and a list of non-managerial employees. He tells you that he intends to interview four non-managerial employees before leaving for the day. He also states that he will return the next day to collect some air samples at the facility.

You are worried about the number of citations and penalties that you may face. Provide a document summarizing the steps you would take as soon as the compliance officer leaves, and the steps you believe you could have taken during the walk-through that may have resulted in a quick-fix penalty reduction.

Your document must be at least three pages in length, not counting the title or reference pages. You must also include at least one reference using appropriate APA style.

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

Unit III Assignment

You receive a document (linked below) by certified mail. After reading the document, prepare a response that summarizes the approach you would take to the citations and penalties that have been proposed. Be sure to include the following in your response:

- steps you are required to take,
- options available to you,
- contacts you would make, and
- documentation necessary to respond to the citations and penalties.

Your response must be a minimum of two pages in length, using at least one reference. All sources must be cited and a reference provide using APA style.

Click here to access the OSHA citation document for this assignment.

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

Unit IV Assignment

Based on the Citation and Notification of Penalty letter you received in Unit III, prepare a document that summarizes at least five actions you would take as soon as possible after you reviewed the letter. For each of the actions, you must state the following:

- the exact action,
- why you believe the action is required for the citations and penalties,
- how you believe the actions will assist in responding to the citations and penalties, and
- resources you would use to accomplish the action.

You must support your actions with reliable sources. Your response must be a minimum of two pages in length, using at least one reference. All sources must be cited, and a reference must be provided using APA style.

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.
Unit V Assignment

You managed to schedule an informal conference with the area director at the regional OSHA office four days after you receive the Notice of Citations and Penalty. Based on the citations and penalties you received in Unit III, prepare a document that lists the citations and penalties you wish to discuss with the area director.

You should summarize what you are trying to accomplish in regard to each citation/penalty you choose, to include:

- the information you will use to try and accomplish your goal,
- the information you will take with you to the meeting, and
- who will accompany you to the meeting.

You must support your actions with reliable sources. Your grade will be based on your ability to present a case to your professor (serving as the area director) to reduce either the severity of some citations, or the amount of some penalties. If you simply state that you accept the citations and penalties as written, you will receive a minimal score on the assignment.

Your response must be a minimum of two pages in length, not including the title page and reference page. You must use at least one reference in the paper. All sources must be cited in the text and on the reference page, using APA style.

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

Unit VI Assignment

You fail to reach an informal settlement agreement with the area director. You file a Notice to Contest within the required 15-day period. Your case is assigned to an administrative law judge (ALJ). Prepare a document summarizing the case you will submit to the ALJ. The document should discuss the following at a minimum:

- which citations and penalties you would contest,
- the reasoning behind each contested citation and/or penalty,
- documents you would bring to the hearing,
- individuals you would use at the hearing,
- how the case before the ALJ differs from the informal conference,
- what information will be presented before the ALJ that was not presented in the informal conference, and
- what information you would request from OSHA as part of discovery.

You must support your actions with reliable sources. Your grade will be based on your ability to present a case to your professor, serving as the ALJ, to reduce or vacate either the severity of some citations or the amount of some penalties. If you simply state that you accept the citations and penalties as written, you will receive a minimal score on the assignment.

Your response must be a minimum of two pages in length, using at least one reference. All sources must be cited in the text and on the reference page, using APA style.

Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

Unit VII Assignment

Assume that a fatality occurred at your facility one month prior to the OSHA inspection. Review the citations and penalties that were assessed to your facility, and respond to the following questions:

- Which of the citations could be referred to the U.S. DOJ for criminal proceedings?
- What conditions would have to be met before the citations could be referred for criminal proceedings?
- Which individuals working at your facility could face criminal charges under the Act?
- What would be the maximum prison sentence and fines that any individual would face?
- What would be the maximum fine that the company would face?
- If you were facing criminal charges under the Act, what would be your best defense?
- How could you involve the OSHRC in the criminal case(s)?

Your response must be a minimum of two pages in length, using at least one reference. All sources must be cited in the text and on the reference page, using APA style.
Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

**APA Guidelines**

The application of the APA writing style shall be practical, functional, and appropriate to each academic level, with the primary purpose being the documentation (citation) of sources. CSU requires that students use APA style for certain papers and projects. Students should always carefully read and follow assignment directions and review the associated grading rubric when available. Students can find CSU’s Citation Guide by clicking [here](#). This document includes examples and sample papers and provides information on how to contact the CSU Success Center.

**Grading Rubrics**

This course utilizes analytic grading rubrics as tools for your professor in assigning grades for all learning activities. Each rubric serves as a guide that communicates the expectations of the learning activity and describes the criteria for each level of achievement. In addition, a rubric is a reference tool that lists evaluation criteria and can help you organize your efforts to meet the requirements of that learning activity. It is imperative for you to familiarize yourself with these rubrics because these are the primary tools your professor uses for assessing learning activities.

Rubric categories include: (1) Assessment (Written Response) and (2) Assignment. However, it is possible that not all of the listed rubric types will be used in a single course (e.g., some courses may not have Assessments).

The Assessment (Written Response) rubric can be found embedded in a link within the directions for each Unit Assessment. However, these rubrics will only be used when written-response questions appear within the Assessment.

Each Assignment type (e.g., article critique, case study, research paper) will have its own rubric. The Assignment rubrics are built into Blackboard, allowing students to review them prior to beginning the Assignment and again once the Assignment has been scored. This rubric can be accessed via the Assignment link located within the unit where it is to be submitted. Students may also access the rubric through the course menu by selecting “Tools” and then “My Grades.”

Again, it is vitally important for you to become familiar with these rubrics because their application to your Assessments and Assignments is the method by which your instructor assigns all grades.

**Communication Forums**

These are non-graded discussion forums that allow you to communicate with your professor and other students. Participation in these discussion forums is encouraged, but not required. You can access these forums with the buttons in the Course Menu. Instructions for subscribing/unsubscribing to these forums are provided below.

Once you have completed Unit VIII, you MUST unsubscribe from the forum; otherwise, you will continue to receive e-mail updates from the forum. You will not be able to unsubscribe after your course end date.

[Click here for instructions on how to subscribe/unsubscribe and post to the Communication Forums.](#)

**Ask the Professor**

This communication forum provides you with an opportunity to ask your professor general or course content questions. Questions may focus on Blackboard locations of online course components, textbook or course content elaboration, additional guidance on assessment requirements, or general advice from other students.

Questions that are specific in nature, such as inquiries regarding assessment/assignment grades or personal accommodation requests, are NOT to be posted on this forum. If you have questions, comments, or concerns of a non-public nature, please feel free to email your professor. Responses to your post will be addressed or emailed by the professor within 48 hours.

Before posting, please ensure that you have read all relevant course documentation, including the syllabus, assessment/assignment instructions, faculty feedback, and other important information.
Student Break Room

This communication forum allows for casual conversation with your classmates. Communication on this forum should always maintain a standard of appropriateness and respect for your fellow classmates. This forum should NOT be used to share assessment answers.

Grading

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Course Schedule/Checklist (PLEASE PRINT)

The following pages contain a printable Course Schedule to assist you through this course. By following this schedule, you will be assured that you will complete the course within the time allotted.
By following this schedule, you will be assured that you will complete the course within the time allotted. Please keep this schedule for reference as you progress through your course.

### Unit I: OSHA’s Inspection Priorities

| Review: | Unit Study Guide  |
| Read: | **OSHA’s Field Operations Manual (FOM):** |
| Read: | Chapter 1: Introduction |
| Read: | Chapter 2: Program Planning, pp. 2-1-2-13 |
| Read: | Chapter 9: Complaint and Referral Processing, pp. 9-1-9-17 |
| Submit: | Assignment |

#### Notes/Goals:

### Unit II: OSHA’s Inspection Process

| Review: | Unit Study Guide  |
| Read: | **OSHA’s Field Operations Manual (FOM):** |
| Read: | Chapter 3: Inspection Procedures |
| Read: | Chapter 9: Complaint and Referral Processing, pp. 9-11-9-12 |
| Submit: | Assessment |
| Submit: | Assignment |

#### Notes/Goals:

### Unit III: OSHA Violations and Fines

| Review: | Unit Study Guide  |
| Read: | **OSHA’s Field Operations Manual (FOM):** |
| Read: | Chapter 4: Violations |
| Read: | Chapter 5: Case File Preparation and Documentation |
| Read: | Chapter 6: Penalties and Debt Collection |
| Submit: | Assignment |

#### Notes/Goals:
## Unit IV
### Employer Rights and Responsibilities after an OSHA Inspection

| Review: | Unit Study Guide  
|         | Learning Activities (Non-Graded): See Study Guide  
| Read: | OSHA’s Field Operations Manual (FOM):  
|       | Chapter 7: Post-Citation Procedures and Abatement Verification  
|       | Suggested Reading: See Study Guide  
| Submit: | Assignment  

Notes/Goals:

## Unit V
### Informal Conference Procedures

| Review: | Unit Study Guide  
|         | Learning Activities (Non-Graded): See Study Guide  
| Read: | OSHA’s Field Operations Manual (FOM):  
|       | Chapter 7: Post-Citation Procedures and Abatement Verification  
|       | Suggested Reading: See Study Guide  
| Submit: | Assignment  

Notes/Goals:

## Unit VI
### Adjudicating OSHA Citations

| Review: | Unit Study Guide  
|         | Learning Activities (Non-Graded): See Study Guide  
| Read: | OSHA’s Field Operations Manual (FOM):  
|       | Chapter 15: Legal Issues  
|       | Suggested Reading: See Study Guide  
| Submit: | Assignment  

Notes/Goals:
### Unit VII: Criminal Proceedings under the OSH Act

**Review:**
- [ ] Unit Study Guide
- [ ] **Learning Activities (Non-Graded):** See Study Guide

**Read:**
- [ ] **OSHA’s Field Operations Manual (FOM):**
  - Chapter 4: Violations, pp. 4-30-4-35
- [ ] **Suggested Reading:** See Study Guide

**Submit:**
- [ ] Assignment

**Notes/Goals:**

### Unit VIII: OSHA’s Cooperative Programs

**Review:**
- [ ] Unit Study Guide
- [ ] **Learning Activities (Non-Graded):** See Study Guide

**Read:**
- [ ] **OSHA’s Field Operations Manual (FOM):**
  - Chapter 2: Program Planning, pp. 2-1-2-3
- [ ] **Suggested Reading:** See Study Guide

**Submit:**
- [ ] Assessment

**Notes/Goals:**