Course Description

A comprehensive study of the Occupational Safety and Health (OSH) Act and the authority of the Occupational Safety and Health Administration (OSHA). Review of employer’s legal responsibilities and proactive measures to ensure compliance with OSHA's General Duty Clause.

COURSE OVERVIEW

Beginning with an overview of the OSH Act, the course describes the factors that created the framework for this regulatory landscape and mandate. This is complemented with a discussion of rulemaking processes that incorporates both general administrative law concepts as well as those features unique to the OSHA. The course addresses universal compliance issues involving OSHA standards, the general duty clause, and OSHA's seemingly ever-present recordkeeping and reporting requirements.

To be well understood, OSHA needs to be viewed within the broader context of employment law. Units discuss employers' and employees' rights, including thorough discussions of issues relating to refusal-to-work and whistle-blowing, aptly provide this framework.

Chemical and physical hazards are prevalent in today's industrial and business society. Communication surrounding these hazards and the consequential aspects of employee right-to-know issues are both broadly applicable and the source of many citations and violations. It is for this reason that the course has a significant concentration on the Hazard Communication Standard. From there the course transitions from compliance to enforcement by reviewing OSHA's audit policy and OSHA inspections. The course then explores various enforcement scenarios that focus on contesting OSHA violations and penalties, criminal prosecutions, and civil litigation.

Finally, the course examines imminent dangers and special criteria governing these situations, and concludes by recognizing the importance of individual states in this regulatory setting of shared jurisdiction.

Prerequisites

None

Course Textbook


The *Occupational Safety and Health Law Handbook* is also attached as a PDF file and is located in the Introduction section of the course menu in Blackboard.

Course Learning Objectives

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

1. Practice work related functions that are within the legal framework for assuring safe and healthful workplaces in the U.S.
2. Describe and participate in the rulemaking, enforcement, and adjudication in the occupational health and safety regulatory system.
3. Illustrate the relationship of the Occupational Safety and Health Act with other Employment Laws.
4. Discuss the duty to comply, the general duty clause, and employee and employer rights associated with each.
5. Recognize specific employee rights associated with refusal to work and whistleblower protection.
6. Describe the need for self-audits and inspections and discuss the ramifications of each.
7. Identify how an employer can contest a citation and a penalty associated with an OSHA finding.
8. Discuss the enforcement of criminal violations and the judicial review process of said violations.
9. Appraise and explain the need for imminent danger inspections.

Credits

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

Course Structure

1. Unit Learning Objectives: Each unit contains learning objectives that specify the measurable skills and knowledge students should gain upon completion of the unit.
2. Unit Summaries: Each unit contains an overview, or summary, of the information to be covered.
3. Reading Assignments: Each unit contains Reading Assignments from one or more chapters from the textbook. Assigned readings are not limited to textbook chapters, but may include supplemental books, professional journals, and internet sites.
4. Key Terms: Key terms are intended to guide students in their course of study. Students should pay particular attention to key terms as they represent important concepts within the unit material and reading.
5. Discussion Boards: Discussion Boards are a part of all CSU term courses. Information and specifications regarding these assignments are provided in the Academic Policies listed in the Course Menu bar.
6. Unit Assessments: This course contains six unit assessments, one to be completed at the end of Units I-III and V-VII. Grading rubrics are included with the Unit II and VII Assessments. Specific information about accessing these rubrics is provided below.
7. Assignments: Students are required to submit for grading Unit Assignments in Units IV, and VIII. Specific information and instructions regarding these assignments are provided below. A grading rubric is included with the assignment in Unit IV. Specific information about accessing this rubric is provided below.
8. Ask the Professor: This communication forum provides you with an opportunity to ask your professor general or course content related questions.
9. Student Break Room: This communication forum allows for casual conversation with your classmates.

Assignments

Unit IV Article Critique

The Article Critique assignment for this course should include the following components:

- A brief introduction of the article
- A statement on the legal aspects of the OS&H topic
- Analysis of the key points in the article
- Summary of the article's conclusions and your own opinions

The article you select to critique should come from the journals and articles that are available in our CSU Library Databases. The Article Critique should be a minimum of two pages to a maximum of four pages, and should be double-spaced. The critique must also be written following APA style guidelines.

For comprehensive information on APA formatting, you are encouraged to use the Research Database found in the CSU Online Library located in the course menu. Another helpful link titled "Writing Guide" is located in the myCSU Student Portal, and will provide additional links to Internet sites which offer information on APA formatting, including examples and sample papers.

The Ebsco Database (Business Source Complete) is the best source of journals for safety related articles. Students can access the CSU Online Library resources using the "My Library" button located in the course menu.
Information about accessing the Blackboard Grading Rubric for this assignment is provided below.

Unit VIII Case Study Scenarios

SCENARIO # 1: An Unannounced Inspection

The Situation: An OSHA inspector arrives at your worksite requesting to talk with you about an inspection based on the health and safety complaints of a worker. You are in your office and the OSHA inspector is at the reception office. You know this worker to be a highly disgruntled individual who is constantly questioning all aspects of his job and the work environment. The area he works in is currently undergoing a major renovation for a process change for the product in the line, but it is still trying to produce the older version of the product at a lower volume than before. Your area supervisor is a competent individual, but they are working under a lot of stress with the changeover; therefore, you are only 80% sure that the claims listed in the complaint are groundless and without merit. The worker is also heavily involved in an effort to unionize the plant employees. In addition, your plant manager is in another state at corporate headquarters for some important meetings.

The Questions: How would you act, what actions should you take, and what would you do? Should you challenge the validity of the OSHA inspector's request, or their right to enter the workplace? Or should you request a warrant to enter the workplace, and thereby gain some time to make sure everything is in order back in the plant? Can you gain any time to check with your in-area safety supervisor first? Or, should you immediately comply with the request for the inspection? Explain your answers.

SCENARIO # 2: Serious Near-Miss Crane Incident

The Situation: You are the EH&S professional at your company's shipyard. You have just received a call from a production supervisor that there has been a very serious near miss accident out in the assembly area. Your company is manufacturing the second Littoral Combat Ship (LCS) for the US Navy. This new generation high speed, trimaran design warship has been designed to carry out a wide range of tactical, combat, and support operations in the near-shore (littoral) environment. The project is severely over budget and has received a considerable amount of criticism for it. Successful completion of the project at this phase will be a prime determinant in your companies securing the very lucrative follow-up contracts for more LCS's. Everyone in the shipyard feels the pressure to complete this project ASAP.

Apparently a very large 20 ton overhead crane had some cables snap and has partially collapsed while trying to hoist a large section of the vessel into place for its final welding operation. When you arrive on scene, you see the section wedged overhead between some support beams and walkways. About a dozen hourly workers are scattered about as they leaped to safety after hearing the cables snap. There are many bumps, bruises and scratches on the workers, but they all are able to be treated internally at your nurse's office. In this initial assessment, there appears to be no need for, or request on the part of the employees, to go to any outside medical consultant or hospital emergency room.

Almost immediately you can hear the men complaining that the first attempt to lift the unit did not work and then the production engineer's decided to “jury rig” some extra cables to lift the unit in place. In addition, one individual said that they were trying to hoist about 28-30 tons, and that was just too much for the old crane. Another offered that the cables themselves had not been changed out in a couple of years and that was against OSHA regulations. Everyone said that they could hear the unit groan and screech before the cables snapped and the crane partially collapsed.

Before you walk off with the supervisors to inspect the damage one of the workers offers the opinion that this is an “imminent danger” situation. About 30 minutes later, you are meeting with the engineers and supervisors on one the overhead platforms continuing your inspection of the damage: when a supervisor comes up and tells you that he has heard that an hourly employee has just called OSHA and told them of the situation and that they used the term “imminent danger” in their conversation.

The Questions: What are your most important concerns? What should you do next? What information is the most critical for you to have right away? What directions would you give to the supervisors and engineers? When should you inform your facility manager and what should you tell him/her? Should you meet with the hourly employees and what will you discuss with them? How will you handle the OSHA inspector should one show up in the next few hours?

Instructions: For Scenario # 1 AND # 2, you are required to discuss a sequential Action Plan on your part that addresses all of the issues presented. It should be a minimum of about 500-600 words (that's about two pages when double spaced, 12 pt type, 1” margins) and must follow the APA formatting guidelines.
APA Guidelines

CSU requires that students use the APA style for papers and projects. Therefore, the APA rules for formatting, quoting, paraphrasing, citing, and listing of sources are to be followed. A document titled “APA Guide” is available for you to download from the APA Guide link, found in the Learning Resources area of the myCSU Student Portal. It may also be accessed from the Student Resources link on the Course Menu. This document includes examples and sample papers and provides links to The CSU Success Center and the CSU Online Library staff.

Blackboard Grading Rubrics

Unit Assessment Rubrics

One or more “written response” questions in this course utilize a Blackboard Grading Rubric. A rubric is a tool that lists evaluation criteria and can help you organize your efforts to meet the requirements of the written response question. Your professor will use the Blackboard Grading Rubric to assign points and provide feedback.

You are encouraged to view the rubric before submitting your response. This will allow you to review the evaluation criteria as you prepare your response. You may access the rubric by clicking on the “View Rubric” icon next to the written response question within the assessment. Upon receiving your assessment grade, you may view your grade breakdown and feedback in the rubric within the assessment.

Assignment Rubrics

One or more assignments in this course utilizes a Blackboard Grading Rubric. A rubric is a tool that lists evaluation criteria and can help you organize your efforts to meet the requirements of an assignment. Your professor will use the Blackboard Grading Rubric to assign points and provide feedback for the assignment.

You are encouraged to view the assignment rubric before submitting your work. This will allow you to review the evaluation criteria as you prepare your assignments. You may access the rubric in “My Grades” through the “Tools” button in your course menu. Click the “View Rubric” link to see the evaluation criteria for the assignment. Upon receiving your assignment grade, you may view your grade breakdown and feedback in the rubric.

CSU Grading Rubric for Papers/Projects

The course papers will be graded based on the CSU Grading Rubric for all types of papers, unless otherwise specified within assignment instructions. In addition, all papers will be submitted for electronic evaluation to rule out plagiarism. Course projects will contain project specific grading criteria defined in the project directions. To view the rubric, click the Academic Policies link on the Course Menu, or access it through the CSU Grading Rubric link found in the Learning Resources area of the myCSU Student Portal.

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.

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**

- Unit Assessments (6 @ 10%) = 60%
- Discussion Boards (8 @ 1%) = 8%
- Unit IV Article Critique = 16%
- Case Study Scenarios (2 in Unit VIII) = 16%
- **Total** = **100%**

**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.
# Course Schedule

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 and Rule Making Process

**Review:**
- □ Unit Study Guide

**Read:**
- □ Chapter 1: Occupational Safety and Health Act
- □ Chapter 2: OSHA: The Rulemaking Process

**Discuss:**
- □ Discussion Board Response: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)

**Submit:**
- □ Assessment by Tuesday, Midnight (Central Time)

**Notes/Goals:**

## Unit II: The Duty to Comply, General Duty Clause, and Record Keeping

**Review:**
- □ Unit Study Guide

**Read:**
- □ Chapter 3: The Duty to Comply with Standards
- □ Chapter 4: The General Duty Clause
- □ Chapter 5: Recordkeeping
- □ Supplemental Reading:
  - OSHA – Recordkeeping
  - [http://www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping)

**Discuss:**
- □ Discussion Board Response: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)
- □ Discussion Board Comment: Comment on another student's Discussion Board response by Tuesday, Midnight (Central Time)

**Submit:**
- □ Assessment by Tuesday, Midnight (Central Time)

**Notes/Goals:**
### Unit III

**Employers' and Employees' Rights, Refusal to Work and Whistleblower Protection, and Hazard Communication**

<table>
<thead>
<tr>
<th>Review:</th>
<th>☐ Unit Study Guide</th>
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</table>
| Read:  | ☐ Chapter 6: Employers’ and Employees’ Rights  
☐ Chapter 7: Refusal to Work and Whistleblower Protection  
☐ Chapter 8: Hazard Communication |
| Discuss:  | ☐ **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
☐ **Discussion Board Comment:** Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit:  | ☐ **Assessment** by Tuesday, Midnight (Central Time) |

### Unit IV

**Article Critique**

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<th>☐ Unit Study Guide</th>
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<td>Read:</td>
<td>☐ None</td>
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| Discuss:  | ☐ **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
☐ **Discussion Board Comment:** Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit:  | ☐ **Article Critique** by Tuesday, Midnight (Central Time) |

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<tr>
<td>Read:</td>
<td>☐ Chapter 9: Voluntary Safety and Health Self-Audits</td>
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<td>☐ Chapter 10: Inspections and Investigations</td>
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<td>Discuss:</td>
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Notes/Goals:

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<th>Understanding and Contesting Citations, Enforcement, and Judicial Review</th>
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<tr>
<td>Review:</td>
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<tr>
<td>Read:</td>
<td>☐ Chapter 11: Understanding and Contesting OSHA Citations</td>
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<td>☐ Chapter 12: Criminal Enforcement of Violations</td>
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<td>☐ Chapter 13: Judicial Review of Enforcement Actions</td>
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Notes/Goals:
## Course Schedule

### Unit VII

**Imminent Danger Inspections and OSHA-Approved State Plans**

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<tr>
<th>Review:</th>
<th>Unit Study Guide</th>
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| Read: | **Chapter 14**: Imminent Danger Inspections  
**Chapter 15**: OSHA-Approved State Plans |
| Discuss: | **Discussion Board Response**: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
**Discussion Board Comment**: Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit: | **Assessment** by Tuesday, Midnight (Central Time) |

**Notes/Goals:**

### Unit VIII

**Case Study Scenarios**

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| Discuss: | **Discussion Board Response**: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
**Discussion Board Comment**: Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit: | **Case Study Scenarios** by Tuesday, Midnight (Central Time) |

**Notes/Goals:**