

## **ARTICLE 37 SAFETY AND HEALTH**

**Section 37.01 - General.** The Department shall furnish to each employee a place of employment that is free from hazards that cause, or are likely to cause, accident, injury, or illness and that promotes a healthy work environment. The Department's Occupational Safety and Health Program shall comply with requirements of Executive Order 12196 and the basic program elements of the Department of Labor regulations (29 CFR 1960) and Occupational Safety and Health Act of 1970, as amended. In circumstances where there is no regulatory safety or health standard, nationally recognized sources of health and safety criteria will be utilized, as required. The source of the criteria will be identified in the Occupational Safety and Health program description on HUD at Work and other Departmental documents. The sources are, but not limited to: Center for Disease Control, National Institute of Environmental Health Sciences, the National Institute for Occupational Safety and Health (NIOSH), and the U.S. Department of Energy, etc.). Management will post in conspicuous locations the OSHA poster regarding the rights of employees for reporting unsafe or unhealthy working conditions.

**Section 37.02 - Dissemination of Occupational Safety and Health Program Information.** Each HUD facility will post the following information: 1) the name and contact information for the Agency's Local Safety and Health Representative and 2) a list of the Safety Committee members and their contact information in a location available to all employees.

### **Section 37.03 - Employee Training.**

- (1) The Department agrees to provide timely appropriate training to employees who are required to perform duties which involve potential hazards to safety and health.
- (2) The Department agrees to allow employees to attend with supervisory approval, on duty time, training it provides for safety and health.
- (3) The Department agrees that all designated safety representatives will receive safety and health training. Sources of training may include OSHA or National Safety Council.

**Section 37.04 - Safety Equipment.** The Department shall provide, at no cost to employees, all necessary personal protective equipment and other devices and procedures as defined by OSHA guidelines to protect themselves from hazards on the job. Employees shall be provided with appropriate training in the use of the equipment.

**Section 37.05 - Freedom from Reprisal.** Employees shall be guaranteed protection from any restraint, interference, coercion, discrimination, or reprisal for inspecting or filing a report of an unsafe or unhealthful condition, or for any other participation in the safety program.

**Section 37.06 - Management Safety and Health Representatives.** The Department will notify the Local Union representative of the name and location of Management's local committee representatives annually. The safety and health representative shall provide counseling and general information to employees and the Union upon request.

**Section 37.07 - Safety and Health Committees.**

- (1) The parties agree to Safety and Health Committees with equal numbers of Management and Union representatives in Headquarters and each local office with more than fifty (50) employees. The parties in the individual offices will decide the number of persons on the committee. In offices with fewer than fifty (50) employees, safety and health matters shall be addressed at Local Labor-Management Forums. The Union has the right to select their representatives on the committee. Management may select subject matter experts from the bargaining unit to serve on this committee as their representatives.
- (2) The Safety and Health Committee is an advisory committee to the Department. However, the Department is responsible for the safety and health of its employees and the workplace.
- (3) Safety and Health Committee functions may include, but are not limited to the following:
  - (a) Monitoring the operation of the local safety and health program and making recommendations to the official in charge for improvement.
  - (b) Monitoring findings and reports of workplace inspections.
  - (c) Participating in inspections of the office at least annually.
  - (d) Reviewing plans for abating hazards and preventative maintenance.
  - (e) Reviewing responses to reports concerned with allegations of hazardous conditions, alleged safety and health program deficiencies, and allegations of related discrimination. If half (<sup>1</sup>/<sub>2</sub>) of the members of record on the Committee are not substantially satisfied with a response, they may request an appropriate investigation to be conducted by the Occupational Safety and Health Administration (OSHA).
  - (f) Reviewing procedures for handling safety and health suggestions and recommendations from employees.
  - (g) Reviewing reports of unsafe and unhealthful conditions.
  - (h) When issues arise regarding building maintenance and security concerns that affect the safety and health of MID employees, Management will arrange a meeting with the owner/lessor and the Safety and Health Committee.

**Section 37.08 - Training for Safety and Health Committee members.** Consistent with Executive Order 12196 and 29 CFR 196.59, the Department shall provide training as necessary within 6 months of appointment to the committee. Training can include occupational safety and health training, including introductory and specialized courses and materials that will enable Union representatives to function appropriately in ensuring safe and healthful working conditions and practices in the workplace and enable them to effectively assist in conducting workplace safety and health

inspections. Union representatives will receive duty time to attend training and related activities. When necessary, HUD shall pay for all costs for travel per diem for committee members.

**Section 37.09 - Reporting and Correction/Abatement of Unsafe and Unhealthy Working Conditions.**

- (1) The Department agrees to make a timely response to employee reports of unsafe and/or unhealthy working conditions.
- (2) Employees are encouraged to report unsafe or unhealthy conditions to their immediate supervisor, the local designated Safety & Health officer, or the Chairperson of the Safety and Health Committee. While the Department strives to respond immediately to reports of unsafe or unhealthy conditions, at a minimum, the Department will inspect within 24 hours if the conditions pose an imminent danger, within 3 working days for potentially serious conditions, and within 20 days for other than serious safety and health conditions.
- (3) Where the designated Departments' safety representative determines that an unsafe or unhealthy condition exists, the Department shall post notices prominently at or near the location until the cited condition has been corrected and shall make reasonable efforts toward prompt abatement. The Union will be notified of significant conditions warranting postings.
- (4) Whenever the Department cannot remedy a safety and health condition within 30 calendar days, the Department will develop a plan, in conjunction with the responsible parties, with a timetable including a schedule and summary of interim corrective steps. When abatement is dependent upon the General Services Administration (GSA), the plan shall be prepared in conjunction with them. Employees exposed to such conditions shall be informed of the abatement plan and advised as to measures which should be taken to safeguard their health.
- (5) The Department will address with GSA any hazardous conditions affecting walkways and sidewalks.
- (6) The Department will provide to the Union the results of any and all health and safety testing, within a timely manner but no later than thirty (30) days of receipt of the testing.

**Section 37.10 - Imminent Danger Situations and Threats to Safety and Health.**

- (1) In the case of imminent danger situations, the persons reporting such situations shall make the reports in the most expeditious manner available. The Department recognizes that employees have a right to decline to perform their assigned task because of a reasonable belief that, under the circumstances the task poses an imminent risk of death or serious bodily harm, and that there is insufficient time to effectively seek corrective action through normal hazard reporting and abatement procedures. The Department agrees to make every effort to ensure an appropriate response to imminent danger situations.
- (2) Immediately upon identifying any condition that could reasonably be expected to cause death or serious physical harm, the Department shall immediately inform all employees at risk and where necessary, evacuate staff.

**Section 37.11 - Emergency Information.** The Department shall use the HUD Emergency Information Hotline (866-463-6483) to provide employees with instructions for reporting to duty during an emergency and to find out the status of their individual offices. The Emergency Hotline shall be used in the event of any incident causing the disruption of HUD operations, office closures or delayed arrivals. The Department shall provide emergency information through other appropriate means, including HUD's internal Web site (HUD@Work), e-mail notices, radio/television announcements, or text messages.

**Section 37.12 - First Aid.** The Department shall ensure that there is reasonable access to adequate first aid kit(s) for each local office. The kit(s) shall be maintained in designated areas and replenished by the Department. Contents must have current expiration dates.

**Section 37.13 - Safety and Health Records.** The Department shall provide the Union access to records maintained under the Occupational Safety and Health Act, consistent with the Privacy Act. The Department shall make available to the National Council President, or designee, a copy of the Department's annual reports to OSHA, including the accident and illness report logs as required by 29 CFR Part 1960.

**Section 37.14 - Inspections.** Where the Department is aware that an inspection is to be conducted by an outside authority, the Union will be notified at least 48 hours in advance where possible. The Local President or his/her designee is entitled to accompany any inspector conducting inspections of HUD controlled space. During the course of any inspection, any employee may bring to the attention of the inspector or the participating representative any unsafe working conditions. If necessary, safety equipment will be provided to the Union representative during the inspection.

**Section 37.15 - Union Notification.** The Department shall notify the Union of the report of any job-related injury or illness, subject to privacy constraints, by forwarding a copy of all appropriate reports, such as form 795 to the Union within three (3) days of receipt by the Department. Upon request, the Department shall provide to the Union available appropriate safety data regarding chemicals that are used at the work site.