



ADMINISTRATIVE
COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION

DEPARTMENTAL DIRECTIVE

OM:2-105

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Distribution:
All Department of Education Employees

Approved by: _____/s/_____
JoAnn Ryan
Delegated Authority to Perform the
Functions and Duties of the Assistant
Secretary for Management

Safety and Health Committees

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For technical information regarding this directive, please contact the ED Safety and Occupational Health Office via e-mail at safetyandoccupationalhealth@ed.gov or on 202-401-2905.

Supersedes OM:2-105 “Safety and Health Committees” dated 01/12/2004.

I. Purpose

This directive provides the policy and procedures for establishing and implementing joint employee-management Safety and Health Committees in the U.S. Department of Education (ED) headquarters and in each of the Regional Offices. This directive is not intended to create claim of rights or benefits, substantive or procedural, against ED, its officers, or any other person.

II. Policy

It is the policy of ED to provide a safe and healthful work environment for all employees by minimizing (if not eliminating) safety and health hazards from the workplace. A joint employee-management Safety and Health Committee will be located in headquarters and in each regional office to assist and monitor ED's Safety and Health Program.

III. Authorization

Safety and Health Committees are required under the Collective Bargaining Agreement between ED and the National Council of Department of Education Locals, Council 252, AFGE, Article 34, Safety and Health. They are authorized under the authorities in the Occupational Safety and Health Act of 1970, Executive Order 12196 (Occupational Safety and Health Programs for Federal Employees), and the Basic Program Elements for Federal Employees OSHA (29 C.F.R. Part 1960), dated February 26, 1980.

IV. Applicability

This directive applies to all ED employees and to all ED-occupied space in headquarters and the regions.

V. Responsibilities

A. Designated Agency Safety and Health Official (DASHO) – The Secretary of Education has designated the Assistant Secretary for Management (OM) as ED's Designated Agency Safety and Health Official. To comply with the standards contained in the Occupational Safety and Health Act of 1970 and to ensure prompt abatement of unsafe or unhealthy working conditions whenever possible, or to develop an abatement plan if prompt abatement is not possible, the Designated Agency Safety and Health Official:

1. Ensures that there is a joint employee-management Safety and Health Committee in headquarters and in each region;
2. Appoints, in writing, three management representatives to the Headquarters Safety and Health Committee;

3. Ensures that annual inspections of all agency workplaces are performed by personnel with equipment and competence necessary to recognize hazards;
 4. Ensures that non-management employee representatives accompany and participate in the annual inspections of the agency workplaces;
 5. Ensures that management responds within 24 hours to employee reports if hazardous conditions exist; and
 6. Ensures that each Headquarters and Regional Committee maintains a copy of its annual inspection report.
- B. The Secretary's Regional Representatives (SRRs), as the designated agency Safety and Health Officials for their respective regions, serve as the management representatives to the Safety and Health Committees. This administrative responsibility may be reassigned to a management official, but may not be reassigned further.
- C. The Occupational Safety and Health Officer, Management Services Division, OM:
1. Serves as technical representative of the Headquarters and Regional Safety and Health Committees and as the liaison between the committees and the Director for Management Services Division, OM;
 2. Collaborates with the Executive Officer of the largest Principal Office (PO) in each headquarters building to identify "management" Safety and Health Committee members and assist in the arrangements for each member group to receive appropriate training; and
 3. Takes appropriate action to resolve safety and health problems that are reported by the Headquarters Safety and Health Committee members and Regional Committee members.
- D. The Safety and Health Committees monitor ED's safety and health program and assist in the execution of ED's safety and health policies within their jurisdiction concerning safety and health matters by conducting inspections, reporting results to the Occupational Safety and Health Officer, assist the Occupational Safety and Health Officer (or his/her designee) with annual inspections of their respective facilities, and maintain an open channel of communication between employees and management concerning safety and health matters.
- E. The Labor Relations Branch Chief, Human Resource Services, OM:
1. Serves as the liaison between management and the Union to facilitate communication and negotiate any disputes; and

2. Provides advice and assistance to supervisors and managers regarding interpretation and application of the Collective Bargaining Agreement.
- F. The Union will notify the Occupational Safety and Health Officer, in writing, of its three designated members to serve on the Headquarters Safety and Health Committee and one member to serve on each Regional Committee.

VI. Requirements and Procedures

A. Requirements

1. ED is required to have joint employee-management Safety and Health Committees.
2. Headquarters is required to have a six-member committee – three members representing management, to be appointed by the Designated Agency Safety and Health Official, and three members representing non-management employees, to be appointed by the Union. The parties are encouraged to identify a person with knowledge of disability issues. The members shall elect a committee chairperson to serve no more than two consecutive years.
3. Each region is required to have a three-member committee – one member representing management, one member representing bargaining unit employees, and one additional member who is employed in a non-supervisory position in ED and who is acceptable to both parties. The parties are encouraged to identify a person with knowledge of disability issues. The members shall elect a committee chairperson to serve no more than two consecutive years.
4. The Safety and Health Committees are required to conduct joint (employee-management) annual inspections of their respective worksites and make recommendations to the appropriate authorities with regard to occupational safety and health and with respect to the abatement of causes of occupational accidents, injuries, and illnesses pursuant to the Occupational Safety and Health Act and Executive Order 12196.
5. These annual inspections are in addition to any “special” inspections made by other Government agencies, such as the General Services Administration, the Occupational Safety and Health Administration, or the National Institute of Occupational Safety and Health. This requirement does not prevent management from taking timely action to identify or investigate hazardous conditions or to initiate abatement actions to eliminate identified hazards.

B. Procedures

1. The SRRs shall appoint, in writing, regional employees in supervisory or other management positions to represent them on the Regional Safety and Health

Committee, if they elect not to serve on the Regional Safety and Health Committee themselves. The SRRs will notify the Occupational Safety and Health Officer, in writing, of the designated members to serve on the Regional Safety and Health Committees.

2. The Occupational Safety and Health Officer will assist in the arrangements of each member group to attain training and provide guidance to committee members in headquarters and the regions. Subject to budgetary and/or other similar restrictions, this will be accomplished through site visits, directives, checklists, memoranda, and other forms of assistance. The Occupational Safety and Health Officer may visit each headquarters and regional office to provide training and assist with the annual inspections.
3. Safety and Health Committee members may use official time to participate in official safety and health inspection of ED-occupied space. Union representatives are granted official time for this and other safety and health committee activities in accordance with Article 14 of the Collective Bargaining Agreement.
4. Committee members, when applicable, shall accompany inspectors on the initial and final inspections related to any safety and health hazards at their respective ED locations.
5. The Committees will monitor and provide advice regarding cause and abatement practices, occupational accidents, injuries, and illnesses to the appropriate authorities and to the Occupational Safety and Health Officer.
6. The Headquarters and Regional Safety and Health Committees will report annual inspection findings to the Occupational Safety and Health Officer. The Occupational Safety and Health Officer will maintain a safety and health management system.
7. Approval by the Executive Officer is required if expenditure of ED funds is necessary.