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 employers’ legal responsibilities and proactive measures to ensure compliance with the OSH legal and regulatory framework in America.

Course Material(s)

This course does not have a textbook. Instead, students will refer to the OSHA Field Operations Manual (FOM) for Required Reading assignments. The specific chapters are listed in each unit.

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.

Academic Integrity

Honesty and integrity are taken very seriously at Waldorf University. All students should be familiar with the Waldorf University Academic Integrity Policy (found in the current Student Handbook) and the consequences that will result from breaches of this policy.

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. **Discussion Boards**: Discussion Boards are part of all Waldorf courses. More information and specifications can be found in the Student Resources link listed in the Course Menu bar.

8. **Unit Assessments**: This course contains three Unit Assessments, one to be completed at the end of Units II and VIII. Assessments are composed of written response questions.

9. **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.

10. **Ask the Professor**: This communication forum provides you with an opportunity to ask your professor general or course content related questions.

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

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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 ellipsis 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 operation or inspection.
- Employees are using chemicals that could be absorbed through the skin and are not using any gloves.
- Employees are performing maintenance inside a press with no lock-out/tag-out applied.
- No written lock-out/tag-out program is available at the time of the inspection.
- Welding operation is performed near flammable materials, and no fire watch present.
- There is no record of training for fork truck drivers.
- Extension cords are stretched across walkways.
- Three containers are present in the plant with no label present on any of the containers.
- An employee could not find a SDS for the chemical he or she was using.

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.
Submitting Course Papers/Projects

Once you have completed your papers/projects, submit your completed papers/projects by uploading through the Assignment tab in each unit. Do not e-mail your paper directly to your professor. By using the Assignment tab, your record will automatically be updated to indicate you have submitted your papers/projects and the assignment will be provided to your professor for grading. Instructions for submitting your assignment can be found under the Assignment tab in each unit.

APA Guidelines

Waldorf University requires that students use APA style for papers and projects. Therefore, the APA rules for formatting, quoting, paraphrasing, citing, and listing of sources are to be followed. Students can find Waldorf’s Citation Guide in the myWaldorf Student Portal by clicking on the “Citation Guide” link under the “Resources” heading. This document includes examples and sample papers.

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) Discussion Board, (2) Assessment (Written Response), and (3) 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 Discussion Board rubric can be found within Unit I’s Discussion Board submission instructions.

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 the “Grades” link.

Again, it is vitally important for you to become familiar with these rubrics because their application to your Discussion Boards, 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.

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.
# OSH 3525, Legal Aspects of Safety and Health

## 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’s Inspection Priorities

<table>
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<th>Review</th>
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<tr>
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<td>Unit Study Guide</td>
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<td><strong>Learning Activities (Non-Graded):</strong> See Study Guide</td>
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<td><strong>Chapter 1:</strong> Introduction</td>
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<td><strong>Chapter 2:</strong> Program Planning, pp. 2-1-2-13</td>
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### Unit II: OSHA’s Inspection Process

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<td><strong>Chapter 3:</strong> Inspection Procedures</td>
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Notes/Goals:
### Course Schedule

#### Unit III: OSHA Violations and Fines

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

**Read:**
- Chapter 4: Violations
- Chapter 5: Case File Preparation and Documentation
- Chapter 6: Penalties and Debt Collection
- **Suggested Reading:** See Study Guide

**Discuss:**
- **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
- **Discussion Board Comment:** Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

**Submit:**
- **Assignment** by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

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

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

**Read:**
- Chapter 7: Post-Citation Procedures and Abatement Verification
- **Suggested Reading:** See Study Guide

**Discuss:**
- **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
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**Submit:**
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**Notes/Goals:**
OSH 3525, Legal Aspects of Safety and Health

### Course Schedule

#### Unit V: Informal Conference Procedures

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

**Read:**
- Chapter 7: Post-Citation Procedures and Abatement Verification
- **Suggested Reading:** See Study Guide

**Discuss:**
- **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
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**Submit:**
- **Assignment** by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

#### Unit VI: Adjudicating OSHA Citations

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

**Read:**
- Chapter 15: Legal Issues
- **Suggested Reading:** See Study Guide

**Discuss:**
- **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
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| **Read:** | □ Chapter 4: Violations, pp. 4-30-4-35  
□ **Suggested Reading:** See Study Guide |
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| **Read:** | □ Chapter 2: Program Planning, pp. 2-1-2-3  
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