

## **Appendix C**

### **Tips for Making an Inspection a Cooperative Rather Than an Adversarial Experience**

A strongly expressed desire by the vocational educational program administrators, as well as by the enforcing agencies, has been that inspections be cooperative rather than adversarial events. To do this, inspectors need to be understanding of the obstacles you face in controlling hazards and considerate of your time and efforts. Although you have no control over this, there are some things you can do on your own to make inspections less adversarial. The following recommendations are divided into:

- General Practices That Will Help All Inspections;
- Preparing for a Pre-Arranged Inspection; and
- What To Do During An Inspection.

#### **General Practices That Will Help All Inspections**

Have an ongoing environmental, safety, and health program in place. Most inspectors are impressed when they see that a school is concerned with a safe environment on a daily basis, not just before or after an inspection. Surveys of New Jersey enforcement agencies show that they value a pro-active approach to safety. For this reason, it is important that there be an on-going program and that you make the inspector aware of it. The elements of a good program are described in “Chapter 2: How to Establish an Effective Environmental, Safety and Health Program.”

Invite the enforcement agencies to do pro-active training and education. Part of an environmental, safety, and health program involves training and educating key personnel and high risk employees and students. Take advantage of the enforcement agencies to do this. Many of them offer free training, informational sessions, information bulletins, videos, etc. They are often willing to send staff to regional or annual conferences, meetings, or training programs. You could have them speak about their inspection procedures or particular hazards or policies. This will give you an opportunity to get to know some of the enforcement staff and also for them to hear about and appreciate your problems in implementing programs and controlling hazards.

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Use the available agency free consultation and technical assistance services in advance of inspections. Part of a pro-active approach is to deal with problems before you receive a citation. The enforcement agencies would rather help you in advance of an inspection (when resources permit) than have to cite you. If you have a suspected violation or hazard, call the appropriate agency and ask for help. If the agencies are not available to help, ask them to refer you to someone who can.

Have designated safety representatives and personnel. When an inspector arrives it is important for him/her to have access to people with a good overview of the safety program. It helps you, too, to have representatives who can speak informatively, and non-defensively, about what pro-active steps have already been taken to solve problems.

### Preparing for a Pre-Arranged Inspection

Find out the scope of the inspection. Find out if the inspection will be limited to a specific complaint or if it will be broader, who will be interviewed, what locations will be inspected, what records will be reviewed and what practices will be observed. This way you can get prepared. Ask the inspector what documents would be helpful and who it would help to talk to. Do not be reluctant to call the inspector back and ask more questions.

Notify the appropriate people in your school district of the upcoming inspection. Enforcement agencies have different protocols for who to contact about an inspection. For example, some inspectors may contact only the county superintendent; others may contact the business administrator or the district superintendent. You need your own internal protocol of who should be notified. No one likes to be taken by surprise. Make sure either you or the inspector notify those who want to be involved. It is often very helpful for the inspector and it is required by some regulations to have the union representative present because:

1. They can coordinate and prioritize employee complaints;
2. Confusion is avoided by having all sides of an issue aired at once; and
3. It is easier to arrive at abatement procedures and dates that are acceptable to all parties involved.

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Schedule the inspection for a convenient time. It may be difficult to find an ideal time for an inspection, because often the inspector has to observe a class or process in progress. However, most enforcement agencies will try to accommodate you if you offer reasonable opportunities for the critical personnel to be present. You may also want to aim for a date that is not as busy for you or key personnel. Remember that the inspector may need adequate notice to re-schedule inspections, especially ones that involve numerous parties.

Gather necessary documents in advance. Have appropriate blue prints, purchase orders, organization charts, injury records, accident reports, material safety data sheets, Right to Know Survey forms, etc. available for inspection. It may save your and the inspector's time to have extra copies made in advance.

Gather important information in advance. Other than the above documents, it may help to have certain information in advance (for example, the status of obtaining parts or services to correct a problem). To keep a general inspection focused, and to save time, a union representative may wish to survey employees for complaints or health symptoms in advance.

Arrange for necessary access to equipment or locations. The inspector may not realize that he or she will need access to areas or equipment that are normally locked or require security clearance. It may also save time to anticipate the need for a ladder or flashlight. Always have spare hard-hats, safety goggles, etc. for people who may wish to, or have the right to accompany the inspector.

### Unannounced Inspections

Accept unannounced inspections gracefully. Some agencies are mandated to conduct unannounced inspections.

Immediately notify the appropriate people to participate in the inspection. This action will avoid delays in beginning the inspection.

Have someone meet with the inspector as soon as possible or explain why there is a delay in proceeding with the inspection. This will avoid creating suspicion and/or harsh feelings which can set the tone for the inspection.

Respond politely and courteously to the inspector's questions or comments.

They are made with the intent of identifying and correcting hazards.

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## What To Do On An Inspection

Explain the chain of command and key responsibilities. Make sure the inspector understands who is responsible for what. It helps to have an organization chart to show him/her.

Send the appropriate people. The people sent on the inspection should include someone knowledgeable about the particular hazards being investigated as well as the person responsible for the entire safety program at that site.

Explain what actions have already been taken. If environment, safety and health are high priorities for your school or program, take the time to communicate this to the inspector. Also tell him/her what you have already done to address any specific problems that were raised by the inspector.

Be honest. Inspectors can usually sense when they are getting inaccurate information. If there are contradictions, they will try to sort them out. To do this, they need information. It will only hurt your case if they suspect you are not giving them all the facts. It is not a good idea, however, to indicate that you were aware of the hazardous condition and did not or could not get it corrected. This potentially makes the condition a much more serious "willful" violation.

Save time by delegating the search for documents and personnel. If an inspection is not pre-arranged, you can end up wasting a lot of time waiting around for certain people or waiting or searching for documents. Try to delegate the responsibility of digging out and copying records to someone who does not have to attend the inspection. Get only those documents requested by the inspector. Similarly, have someone else schedule time for the inspector to meet with key individuals (i.e. maintenance personnel, safety officer, teacher). The sooner they begin the process, the sooner the inspection will be over. Offer to mail documents or set up telephone interviews if that will save time.

Accompany the inspector on his walkthrough. Have someone, preferably the site safety person, stay with the inspector during the entire course of the inspection. Have that person take notes and pictures, as appropriate.

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Make yourself accessible. If asked to do so, give out the business cards or names, phone numbers, and titles of key personnel who may not have been able to attend the inspection, as well as those on the inspection.

Insist (politely!) on explanations for citations. Sometimes regulations seem absurd or irrelevant. In most cases, the inspector probably had no input into writing the regulation. The inspector should, however, be able to give you an adequate explanation of why the regulation exists, especially if you do not put him/her on the defensive.

Elicit the inspector's help in abating a violation. Don't passively accept punishment! If the inspector is going to cite you, at least get him or her to take some responsibility for the problem by helping you think out a feasible solution. Inspectors generally have ideas for correcting problems, since they have been to many other locations with similar problems. In some cases, the law requires inspectors to provide a feasible solution. Ask them for contacts in other vocational education programs that have dealt with similar problems.

Calmly explain the obstacles you face in trying to correct a problem. It may be hard not to say "And are you going to pay for it?" to the inspector, but obviously this is not going to be a productive approach. (Common variations are "Is Trenton going to pay for this," "Where do you expect me to get the money?") Calmly explain the budget process and time constraints you are under. If an inspector feels you are showing good faith, she or he often has the flexibility to arrange abatement deadlines around your schedule. In some cases, abatement time requirements may need to be discussed with the inspector's supervisor. If necessary, ask the inspector about the procedures for contesting abatement deadlines.

If you have problems with the inspection, let the inspector and/or his/her supervisor know. If you did not like something about the inspection, discuss it as soon as possible with the inspector (sometimes there is a lag time between an inspection and a report or citations). In some cases, you may lose your rights to contest a citation if you do not respond quickly. If you are not satisfied, tell the inspector you want to discuss it with his/her supervisor. Abatement orders or dates may be changed by this process. It is a waste of time to go to a higher authority without informing the inspector, since the higher authority will have to get facts from the inspector before making a decision. The higher the authority, the less knowledge they have about daily inspection activities, and the more likely your actions will result in delay, confusion, anger, and time wasted on the part of all parties involved.

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