

VOSH PROGRAM DIRECTIVE: 13-070

ISSUED: 15 July 2018

SUBJECT: VOSH - VADOC Challenge: A Strategic Partnership Program of the Virginia Occupational Safety and Health Program and the Virginia Department of Corrections

Purpose: This Directive establishes a strategic partnership program between the Virginia Occupational Safety and Health Program and the Virginia Department of Corrections.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope: This Directive applies VOSH-wide.

Reference: VOSH Directive 09-070, VOSH-VADOC Challenge Policies and Procedures Manual (15 July 2018)

Cancellation: Not Applicable

Effective Date: 15 July 2018

Expiration Date: Not Applicable – remains in effect until cancelled or superseded.

Action: Directors and Managers shall ensure that policies and procedures established in this Directive are uniformly enforced and field personnel understand and comply with the requirements included in this Directive.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & OIS Staffs

Director of Cooperative Programs
VOSH Compliance & Cooperative Programs Staffs
OSHA Region III & OSHA Norfolk Area Offices VOSH

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Agency

Department

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Regional Solicitor

Attorney General or VOSH
Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

Definitions:

Administrator: Selected individuals in organizations such as corporations, state agencies or non-profit associations that have met VOSH Challenge criteria including, dedicated resources to administer the Challenge program for their worksites/members or other organizations' worksites/members. Administrators are involved in the application and review processes.

Annual Report: An annual report prepared by Challenge Administrators that summarizes Challenge Participants' progress throughout the course of the year and provides up-to-date information.

Candidate: An employer that has elected to submit a Challenge application to a Challenge Administrator. The employer will remain a Candidate until receiving notification from VOSH that it has been accepted into Challenge as a Participant.

Catastrophe: A work-related incident resulting in the in-patient hospitalization of three or more persons.

Challenge Stages (I, II, and III): Challenge Stages serve as "roadmaps" or guides for achieving VPP status. Each stage has requirements that define the necessary, knowledge, actions, outcomes, and documentation for successful completion and implementation of an effective safety and health management system.

Contract Employees: Employees who are employed by a company that provides services under contract to a Challenge Candidate or Participant, usually at the Candidate's or Participant's worksite.

Coordinator: Persons appointed by a Challenge Administrator to manage program implementation for its designated Challenge Participants.

Loss Incident Rate: The loss incidence rate represents the number of workers' compensation claims that incur costs (medical or indemnity) per 100 filled full-time positions. This rate is calculated using data from the Commonwealth's third party administrator for workers' compensation and the Department's Budget Unit.

NAICS: North American Industrial Classification System

OCTPS form: OSHA Challenge Tracking Participant Status (OCTPS) form that is submitted every quarter on the status of each Challenge Participant.

Participant: A Candidate that has been accepted into Challenge for the purpose of developing or improving its safety and health management system.

Private Industry Volunteer: A qualified volunteer from a VPP worksite available to serve on the VOSH/VADOC onsite review team.

Quarterly report: A report completed by Challenge Administrators on a quarterly basis stating if there has been a significant change to any of its Participants' sites.

Safety and Health Management System (SHMS): A method of preventing worker fatalities, injuries and illnesses through the ongoing planning, implementation, integration, and control of four interdependent elements: Management Leadership and Employee Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training.

Stage I – Assess, Learn and Develop

This is the VADOC Challenge Stage in which Participants are introduced to the basic VPP elements that are necessary to launch the development and implementation of an effective safety and health management system. The activities normally are related to the following:

- Assessing performance of existing safety and health programs and policies,
- Providing training to management and employees on effective safety and health management system programs and activities, and
- Developing strategies, programs, policies, and expected outcomes to accomplish Stage 1.

Stage II – Implement, Track, and Control

This is the VADOC Challenge Stage in which the basic actions and outcomes of Stage I have been completed and the worksites are beginning to implement more thorough safety and health management system processes. The activities are generally related to the following:

- Continuing to enhance and develop the site's safety and health management system,
- Fully implementing and tweaking the site's safety and health management system, and
- Begin to incorporate policies for contractor/special trade contractor Safety and Health program requirements.

Stage III – Reassess, Monitor, and Improve

This is the VADOC Challenge Stage in which the Participant site's safety and health management system has been fully implemented and the site is continuing to assess its effectiveness and improving its performance where necessary. The activities are generally related to the following:

- Monitoring the Participant site's safety and health management system,
- Refining and enhancing the Participant site's safety and health management system, and
- Reassessing and continuously improving the Participant site's safety and health management system.

Temporary Employees: Employees hired on a non-permanent basis by the Applicant/Participant site that they direct and control as their own.

Unprogrammed inspection: An inspection performed in response to a report of imminent danger, a fatality, catastrophe, in-patient hospitalization, amputation, loss of an eye, referral or employee complaint.

VADOC: Virginia Department of Corrections

VADOC Challenge: A Strategic Partnership Program of the Virginia Department of Corrections and the

VOSH Program.

Vetting: A process where VOSH accepts the Challenge Candidates as Participants.

A. Background

Virginia VPP has attracted a wide spectrum of employers, from smaller companies with limited resources to large industrial sites with full-time safety and health professional staff. VPP has gained international recognition for its championing of exceptional safety and health management systems that dramatically reduce injuries, illnesses, and fatalities in the workplace. Virginia VPP STAR sites regularly report decreased bottom line costs associated with dramatically reduced injury and illness rates (an average of over 60% below the respective industry average), and improved productivity and employee morale. As the program has grown, so has the interest.

The VADOC Challenge is a VPP strategic partnership of the VOSH program and VADOC. VADOC has a long history of participating in and supporting Virginia VPP. The first and only two correctional facilities in the country that have achieved VPP STAR status are VADOC's Augusta and Lunenburg Correctional Facilities. The participation of these two facilities, Lunenburg since 2002 and Augusta since 2006, has resulted in substantial cost savings to the Commonwealth and greatly enhanced working conditions for VADOC employees.

The current partnership was established as a result of a series of meetings where the VADOC and VOSH met to discuss a partnership that would mutually recognize the importance of providing a safe and healthful work environment at correctional facilities, operations and sites (hereinafter "sites") in Virginia. The parties agreed to pursue a cooperative relationship that encourages VADOC sites to develop exceptional safety and health management systems and recognize that achievement through the VADOC Challenge program.

B. VADOC Challenge Strategic Partnership Program

1. Purpose

To improve best practices, compliance efforts and injury and illness prevention at correctional sites in Virginia through recognizing the outstanding efforts of exemplary sites. The program will work with highly successful sites that have demonstrated continual improvement in the area of occupational safety and health and who are willing to share resources, best practices and advise other state and federal correctional facilities and local government detention facilities at large in developing and implementing successful safety and health management systems.

2. Scope

The VADOC program applies specifically to state correctional facilities, operations and sites and does not apply to administrative offices.

3. Program Expectations

This strategic partnership has been developed jointly with input from both parties tailored to the unique characteristics of the corrections industry.

- a. Implementation of this program is expected to result in decreased serious injuries, illnesses and fatalities for participating sites; and the improvement of existing safety and health management systems throughout the Commonwealth of Virginia.
- b. The VADOC Challenge provides for incentives to sites that voluntarily participate in the program and demonstrate their achievement of effective and successful safety and health management systems.
- c. This program will not in any way affect the employer's or the employees' ability to exercise their rights under VOSH laws, standards and regulations, or the Occupational Safety and Health Act of 1970 (OSH Act).

4. Specific Goals of the Partnership

- a. To reduce by three (3) percent annually the loss incident rate of participant sites.
- b. To increase the number of correctional sites that implement effective safety and health management systems and provide proactive safety and health training for management, supervisors and employees.
- c. To recognize those sites where managers and employees work together to develop safety and health management systems that meet and exceed basic compliance with all applicable VOSH laws, standards and regulations; and result in immediate and long-term prevention of job-related injuries and illnesses.
- d. To promote open lines of communication between VOSH and VADOC in pursuit of improving safety and health protections for Virginia's correctional employees and management personnel:
 - i. To increase the overall safety awareness of all management and employees on the participant's work sites.
 - ii. To reduce the number of hazards on the participant's work sites.
 - iii. To establish a list of "leading indicators" that can be monitored and evaluated in order to achieve items i-ii above.
 - iv. To create ways to share expertise and other resources among participating sites and the corrections community as a whole (e.g., attend the Virginia Annual Safety and Health Conference, make presentations to outside organizations, including in Virginia local government settings (e.g. local government jails) and corrections agencies in other states and the federal government, etc.
 - v. To recognize best practices that exceed VOSH/OSHA laws, standards and regulations at covered work sites.

5. Responsibilities of Participants

- a. Administrators:** The VADOC Challenge Administrators' primary role is to guide their Participants through a structured series of stages making incremental improvements in their safety and health management system through a combination of development, implementation, and training steps. They may also perform routine evaluations, on-site visits, and data collection to track progress. Administrators have an important role in collecting and

reporting information on each Candidate and Participant to the VOSH VPP Office, such as injury and illness data and progress reports. The Administrator's work eases the burden on VOSH's limited resources, and allows Participants to work towards developing a world-class safety and health management system with little or no VOSH intervention. Administrators are the Participants' primary contact and liaison with the VOSH VPP office. Some specific responsibilities of Administrators include:

- Providing assistance to Candidates in developing Candidate applications;
 - Reviewing Candidate applications;
 - Compiling and sending Candidate applications to the VOSH VPP Office for review and approval;
 - Evaluating and reporting on Participants' progress to the VOSH VPP Office by sending quarterly and annual reports;
 - Sending Stage Completion forms; and
 - Reviewing, verifying, and forwarding information on elements of stage completion to the VOSH VPP Office.
- b. Sponsoring VADOC Challenge Participants:** Each Administrator is required to commit to sponsoring a specified number of Participants over a period of time, typically three years. An administrator may sponsor more participants upon a showing of willingness and adequate resources as well as consideration of past performance. Factors to be considered will include but are not limited to formal evaluations, participation in quarterly conference calls and face-to-face meetings and progress reports.
- c. Coordinators:** Coordinators are appointed by the Administrator and approved by VOSH. They may perform a number of tasks under the direction of the Administrator. At the discretion of the Administrator, Coordinators may help manage the program at the Participant level which may include providing training, monitoring, guidance, and verifying Challenge Stage implementation and completion.
- d. Participants:** Once a Candidate is accepted by VOSH as a Participant in VADOC Challenge, the Participant is responsible for performing the following actions:
- Taking the necessary actions to meet the requirements for the various VADOC Challenge Stages in a manner that reflects the size and nature of the business and to the satisfaction of the Challenge Administrator and VOSH VPP;
 - File timely progress reports as required by the Coordinator and/or the Administrator; and
 - Continually assess their progress and improve as necessary.
- e. VOSH's Role in VADOC Challenge:** VOSH's role is primarily related to:
- Program design and policy;
 - Managing/controlling the program for the purpose of program assessment, and improvement;
 - Approval of Administrators, Coordinators, and Candidates;

- Acceptance and Recognition of Participants at inception, Stage completion, and graduation; and
- Program evaluation.

The specific responsibilities of various VOSH Offices are described in the following paragraphs. (See the VADOC Challenge Process Flowchart (Appendix A) in VOSH Directive 09-070, VOSH-VADOC Challenge Policies and Procedures Manual).

f. Division of Legal Support, VPP, Office of Research and Analysis (ORA), Office of Policy and Planning (OPP) and Office of Whistleblower Protection (OWP) (hereafter "Division): The Division reviews and approves VADOC Candidate packages. Upon vetting by the VOSH VPP Office, the Division either may or will:

- Notify Participants of acceptance;
- Enter pertinent information in database;
- Review Administrators' quarterly and annual progress reports;
- Enter the Administrators' quarterly and annual progress information into a database;
- Review stage completion materials;
- Issue appropriate congratulatory letters to the Commissioner for signature;
- Develop and maintain a VADOC Challenge web page for the general public, Administrators, and Participants, which will contain information pertinent to the program including a listing of Administrators, Participants, and Coordinators;
- Maintain statistics on a monthly basis;
- Provide continuous monitoring and a formal evaluation annually;
- Conduct quarterly meetings with Administrators either by telephone or in person;
- Follow-up meeting outcomes and develop program changes as necessary;
- Form workgroups to address and resolve issues as they arise;
- Provide outreach and training as necessary to all parties in the program and general public; and
- Participate in conferences, roundtable discussions, and the development of informative briefings for the Commissioner.

g. VPP Office: The VPP Office will send congratulatory letters signed by the VPP Program Manager to VADOC Participants upon completion of Stage I with copies sent to the participant's Administrator.

h. Division: The Division Director will send congratulatory letters signed by the Assistant Commissioner to VADOC Participants upon completion of Stage II with copies sent to the participant's Administrator. VOSH VPP will send congratulatory letters signed by the Commissioner of the Department of Labor and Industry to the Participants upon completion of Stage III with copies sent to the Participant's Administrator.

6. Participant Requirements: All applicants must meet the following minimum requirements:

- a. For the purpose of evaluating the implementation of safety and health management systems, the participant must be a VADOC correctional facility, operation or other site eligible for

participation; and must allow the VADOC and VOSH designated representative(s) access to site when requested subject to the facility's security requirements. Coordination for visits will be made through the facility's safety specialist and is subject to the approval of the Warden or VADOC facility manager.

- b. The existence of any of the following precludes the filing of an application:
- Open VOSH enforcement investigations,
 - Pending or open contested VOSH citations or notices under appeal at the time of application,
 - Whistleblower violations during the 12 months prior to application,
 - Unresolved, outstanding VOSH enforcement actions, such as long term abatement agreements or contests.
- c. Assign at least one trained employee with responsibility for employee safety and health to administer the participant's safety and health management system. A trained employee is one who has completed the 30 hour certification course for general industry, the Virginia Risk Control Institute's safety track, as well as the Special Government Employee (SGE) course within the previous 12 months before applying to join VADOC Challenge.
- d. Provide for direct employee involvement in safety and health management systems. A safety committee, comprised of employees and management, or participation of employees in self-inspections, site inspections, job hazard analysis, safety and health program reviews, safety training and incident investigations would be acceptable.
- e. Maintain a total case injury/illness incidence rate (three-year average) that is below the most current Bureau of Labor Statistics rate for the applicant's North American Industrial Classification System (NAICS) code.
- f. Have no fatalities, catastrophes, amputations or loss of an eye that resulted in serious or willful citations related to the incident within the three years prior to application.
- g. Have no willful, repeat or failure to abate violations that became final within the three years prior to application.
- h. Develop, implement and maintain a prohibited substance policy and testing program that complies with applicable laws and regulations.

7. Benefits for Participants

a. Recognition for Accomplishment of VADOC Challenge Stages:

i. **Completion of Stages:** When a VADOC Participant believes it has completed Stage I, II, or III, as specified in the Stage Status Reports, it should notify their Administrator or Coordinator and provide a copy of the completed and updated Stage Status Report showing that the actions and outcomes have been completed.

ii. Administrator Verification: The Administrator must verify that the Stage actions and outcomes have been completed using a Stage Evaluation Checklist (see the VADOC Participant OCTPS Form (Appendix B) – in VOSH Directive 09-070, VOSH - VADOC Challenge Policies and Procedures Manual) through an onsite visit, teleconference, and/or document review. Once the Administrator has verified that the actions have been carried out at a Participant site, it sends a Stage Completion Letter and the Stage Evaluation Checklist to the VOSH – VADOC Challenge Coordinator.

iii. VOSH VPP Actions When Stages Are Completed:

- a) Stage I Completion:** The VOSH - VADOC Challenge Coordinator reviews the Stage Completion materials and e-mails a draft Congratulatory Letter to the VPP Program Manager. The VPP Program Manager signs and sends the Congratulatory Letter to the Participant.
- b) Stage II Completion:** The Division Director sends a Congratulatory Letter to the Assistant Commissioner for signature and transmittal to the Participant.
- c) Stage III Completion:** The Division Director sends a Congratulatory Letter for the Commissioner’s signature for transmittal to the Participant. In addition to the congratulatory message, the letter advises the Participant that it now has an opportunity to request an expedited onsite VPP evaluation.

iv. Expedited VOSH VPP Onsite Evaluation: If the VADOC Challenge Graduate asks the VOSH VPP Office for an onsite evaluation then the VPP Program Manager may place the Participant on the VPP onsite evaluation schedule as quickly as possible.

C. Eligibility Requirements

1. The VOSH - VADOC Challenge program will be implemented in three stages:

Stage I – Assess, Learn and Develop

This is the Challenge Stage in which introduces Participants to the basic VPP elements that are necessary to launch the development and implementation of an effective safety and health management system.

Stage II – Implement, Track, and Control

This is the Challenge Stage in which the basic actions and outcomes of Stage I have been completed and the worksites are beginning to implement more thorough safety and health management system processes.

Stage III – Reassess, Monitor, and Improve

This is the Challenge Stage in which the Participant site’s safety and health management system has been fully implemented and the site is continuing to assess its effectiveness and improving its performance where necessary.

2. Participant Actions to Achieve VADOC Challenge Stages

- a. **Working Toward Attainment of VPP STAR Status:** A main objective of the VOSH - VADOC Challenge is to guide Participants in accomplishing specific actions that will improve their safety and health management system programs ultimately to the VPP STAR level. To assist the Participant sites in this improvement, VOSH VPP has developed the three Challenge Stages which define a less than fully effective safety and health management system (Stage I) up to a fully implemented and effective safety and health management system (Stage III) that when implemented should meet all VPP requirements.
- b. **Determination of Challenge Stage for New Participants:** VOSH VPP accepts participation in VADOC Challenge at any of the three stages depending on the safety and health management system elements and activities that have been implemented at the Participant site. To determine the stage in which the new Participant enters Challenge, the Participant uses the OCTPS Forms to determine that it has implemented the actions necessary for Stage I. This is in effect, the baseline on which the VADOC Participant's progress in their safety and health management system is measured.
- c. **Administrator/Coordinator Assistance:** The VADOC Administrator and Coordinators are to assist their Participants in obtaining training, developing experiences, and sharing information that are necessary for the Participants to learn about and perform the actions and outcomes that will improve their safety and health management systems following the roadmaps defined in the three VOSH - VADOC Challenge Stages.
- d. **Administrator Verification:** The Administrators are to verify their Participants' performances by reviewing reports submitted by Participants in addition to onsite visits performed by the Administrator or Coordinator and/or teleconferences. This verification is important because VOSH VPP relies on the Participants to self-assess and report on their performance. A Participant that has completed all the Stage I, II, and III actions should then have a safety and health management system in place that would meet the VPP requirements. A VOSH VPP onsite evaluation would serve to validate that the self-assessing and reporting processes were effectively performed.

3. Reporting on Progress

a. VADOC Participant Progress Reports

Reporting on the Participant's progress is a key element of Challenge which keeps Administrators updated on Participants' activities and progress, as well as helps VOSH VPP to measure the overall outcomes of VADOC Challenge and the Participants' progress.

- i. **VADOC Participants Submission of OCTPS Reports:** Participants must submit an updated VADOC Participant OCTPS Form every three (3) months to their Administrator. The report includes a Participant Status Summary, and the Stage I, II, or III Status Reports. The OCTPS's Participant Status Summary Report provides an "at a glance" view of the Participant's status in completing the activities for each Stage and provides the percentage of activities completed for each stage. The Stage I, II, and III Status Reports serve as a

tracking system for the Participants and reviewers to use in assessing the Participants' progress in each of the three Stages. It also informs the Administrator of the progress made by each of their Participants.

The due dates for the Participant reports are:

Table 1-A

Reporting Period	Months Covered	Report Due to Administrator
Q1	January - March	April 15
Q2	April - June	July 15
Q3	July – September	October 15
Q4	October - December	January 15

Detailed instructions for preparing the VADOC Participant OCTPS Form are contained in VOSH Directive 09-070, VOSH - VADOC Challenge Policies and Procedures Manual.

ii. **Verification of Participants' Progress:** Administrator must verify the progress of each Participant that they sponsor to ensure the Participants effectively understand and are implementing the guidance provided through Challenge. This ensures that Participants who complete Stage III are prepared for submitting VPP applications which can then be expeditiously reviewed by the VOSH VPP Program Manager. The methodology used by Administrators for verification is included in the periodic progress reports submitted to VOSH and is discussed below.

b. **VADOC Administrator Progress Reports to VOSH:** Administrators submit a number of quarterly and annual reports to the VOSH - VADOC Challenge Coordinator on the progress made by their sponsored Participants.

The following table provides the due dates and the relationships between the various Administrator reports:

Quarter	Months Covered	Type Report Due	Due Date
Q1	January - March	Quarterly (if changes)	April 29
Q2	April - June	Quarterly and OCTPS	July 29
Q3	July - September	Quarterly (if changes)	October 29
Q4	October - December	Annual and OCTPS	February 28

Table 1-B

i. **OSHA - Recipient of Administrator Reports:** All the VADOC Administrator reports will be sent electronically to the VOSH VPP Office:

**VOSH - VADOC Challenge Coordinator
Virginia Occupational Safety and Health**

ii. **Quarterly Reports:** The VADOC Administrator will prepare and send VOSH an Administrator's Quarterly Report if there have been significant changes to any of its participating sites. Examples of significant changes requiring this report include:

- Changes in the Administrator or Participant contact information
- The addition of a new Participant to Challenge
- Participants removing themselves from Challenge.

Table 1-B above shows that the Quarterly Report for the Q2 should be transmitted along with the VADOC Participant OCTPS Forms for the preceding three months (discussed in more detail below). The Q4 Administrator's Quarterly Report can be satisfied with the submission of the Administrator's Annual Report which is also discussed below.

The details of the information to be included in the Quarterly Reports are described in VOSH Directive 09-070, VOSH - VADOC Challenge Policies and Procedures Manual.

iii. **Annual Reports:** The VADOC Administrator must prepare and submit to the VOSH VPP Office an Administrator's Annual Report by February 28 of each calendar year. The annual report takes the place of the Q4 Administrator's Quarterly Report (discussed in the preceding paragraph) since to require a Q4 report would constitute redundant reporting. The annual report should be accompanied with updated OCTPS Forms for the Participants sponsored by the Administrator for the latter three months of the calendar year (also due February 28).

The Administrator's Annual Report must contain, as a minimum, an Administrator's Annual Report; Summary of Annual Rates by Participant; Summary of Hazards Identified and Corrected by Participant; Summary of Leading Indicators by Participant; and Annual Rates/Hazards Identified/Leading Indicators for Each Participant. Details on submission of the report are provided in VOSH Directive 09-070, VOSH - VADOC Challenge Policies and Procedures Manual.

iv. **VADOC Administrator OCTPS Form:** Administrators must update the VADOC Participant OCTPS Form for each Participant every quarter and send them to the VOSH - VADOC Challenge Coordinator at the address provided (above) or electronic submission. A separate spreadsheet must be provided for each Participant. The VADOC Administrator Quarterly and Annual Summary Report must include a Verification Summary, Participant Status Summary, Stage I Status Report, Stage II Status Report, and Stage III Status Report. Details on submission of this report are in VOSH Directive 09-070, VOSH - VADOC Challenge Policies and Procedures Manual.

v. **Verification Summary:** As part of the VADOC Participant OCTPS Form, the Administrator must describe in the Verification Summary of the Administrator's OCTPS Report the methods used to verify the actions and outcomes of the Participant sites sponsored by the Administrator. Methods may include review of draft/final documentation, monthly or quarterly conference calls, site visits, or e-mail correspondence.

vi. VOSH Actions upon Receipt of Administrator Reports: The VOSH - VADOC Challenge Coordinator reviews the reports to obtain an understanding of the Participants' Safety and Health Management System progress in order to determine Challenge's progress and continuation. The data is entered into a database to enhance VOSH's decision-making capabilities.

c. Program Confidentiality

Information submitted by sites as part of the application or renewal process, as well as information obtained by virtue of the site's application or participation in the program, will be held in confidence within the confines of the VOSH - VADOC Challenge Strategic Partnership Program, and Va. Code §40.1-11. The information will be used only to measure the effectiveness of the program. However, in the event of a VOSH inspection, information that is relevant to the investigation and normally is available (such as site safety programs) will be provided to VOSH upon request. Results of self-assessments and self-inspections made by the applicant cannot be used for the purposes of issuing citations.

D. Withdrawal, Suspension and Termination

- 1. Request for Withdrawal:** A VADOC Candidate, Participant, Coordinator, or Administrator can withdraw from the VOSH – VADOC Challenge program at any time. Such Candidates, Coordinators, and/or Participants seeking to withdraw should notify their Challenge Administrator in writing of their intent to withdraw and the reasons why. For Administrators and Administrator Applicants, they should notify their VOSH – VADOC Challenge Coordinator in writing of their intent to withdraw and the reasons why.
- 2. VOSH Request Withdrawal:** VOSH may ask VADOC Coordinators or Participants to withdraw for such reasons including but not limited to lack of resources or participation, not submitting the required data, or other reasons indicating roles and responsibilities are not being fulfilled.
- 3. Participant Suspension:** A Participant may be suspended from the program by the Commissioner of Labor and Industry during the investigation of a fatality or major incident at a covered site. A participant will be automatically suspended from the program during the pendency of a termination process initiated by either VADOC or VOSH under the procedures in paragraph D.4. below. The timing for reinstatement from the suspension will be at the sole discretion of the Commissioner. VOSH or VADOC may also move to terminate the participant from the program as provided in paragraph D.4. below.
- 4. VOSH Termination Actions:** VOSH will notify any Administrator or Participant of the termination by letter. The effective date of the termination is 30 days from the date of the letter. The Administrator or Participant has 30 days to appeal this proposed termination in writing to the Commissioner of Labor and Industry. After reviewing an appeal or in the absence of an appeal, VOSH will send a final termination letter. The effective date of the termination is the date of the letter. A terminated Administrator or Participant may reapply upon mutual agreement between VOSH and VADOC.