



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: IPC 01-00-005

EFFECTIVE DATE: June 15, 2005

SUBJECT: OSHA E-Correspondence Policies and Procedures

ABSTRACT

Purpose: To establish policy and procedures for the OSHA E-Correspondence system, which provides for processing, routing, tracking, and responding to communications received from the public through OSHA's public Website. Safety and health complaints are covered in Complaint Policies and Procedures, CPL 02-00-115.

Scope: OSHA-wide

References: Department of Labor Electronic Correspondence Policy Secretary's Order 2-2000, Department of Labor Internet Services, Section 6a.
OSHA Instruction IRT 03-00-001 [ADM 1-0.20], OSHA Internet and Intranet Policy and Procedures of December 15, 2000.
OSHA Instruction ADM 03-00-002 [ADM 8-0.2], OSHA Policy Issuances of December 11, 2000.
OSHA Instruction ADM 03-00-004 [ADM 8-0.4], OSHA Non-Policy Issuances of December 11, 2000.

Cancellations: None

State Impact: States are expected to ensure timely response to inquiries received through the E-Correspondence system. See section V.

Action Offices: National Office, Regional Offices, Area Offices, and State Plan States

Originating Office: Directorate of Evaluation and Analysis

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By and under the authority of:

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Executive Summary

This Instruction provides policies and procedures for agency activities related to E-Correspondence from the public received through OSHA's public Website. The Instruction addresses responsibilities, administration, and other requirements that have been set by OSHA, the Department of Labor, and other Federal entities.

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- I. Purpose. To establish policy and procedures for the OSHA E-Correspondence system, which provides for processing, routing, tracking, and responding to the public on general safety and health questions received through OSHA's public Website.

- II. Scope. OSHA-wide.

- III. References.
 - A. Department of Labor Electronic Correspondence Policy.
 - B. Secretary's Order 2-2000, Department of Labor Internet Services, Section 6a.
 - C. OSHA Instruction IRT 03-00-001 [ADM 1-0.20], OSHA Internet/Intranet Policy & Procedures of December 15, 2000.
 - D. OSHA Instruction ADM 03-00-002 [ADM 8-0.2], OSHA Policy Issuances of December 11, 2000.
 - E. OSHA Instruction ADM 03-00-004 [ADM 8-0.4], OSHA Non-Policy Issuances of December 11, 2000.

- IV. Cancellations. None.

- V. State Impact. This instruction is a Federal program change that does not require State response.
 - A. Correspondence received in OSHA's E-Correspondence system relating to a specific State plan state will be forwarded to the appropriate State for response.
 - B. States must:
 - 1. Develop a system that ensures timely response to inquiries received through the OSHA E-Correspondence system.
 - 2. Notify OSHA through the Directorate of Cooperative and State Programs of any changes to the e-mail address designated to receive electronic correspondence.
 - 3. Maintain records of correspondence received and their responses to that correspondence.

- VI. Action Offices. National Office, Regional Offices, Area Offices, and State Plan States.

- VII. Actions Required. All offices shall implement the policies and procedures contained in this Instruction.

VIII. Background. At the Summit on the 21st Century Workforce, held June 20, 2001, in Washington, D.C., Secretary Elaine L. Chao announced the creation of a compliance E-Mail Initiative to ensure that the Department of Labor answers on a timely basis all electronic inquiries from DOL customers. This policy required all DOL agencies to establish and advertise electronic public contact mechanisms on DOL public Websites for collecting general comments, suggestions, or inquiries from the public and to develop procedures for handling electronic correspondence in accordance with this policy. This initiative provides the option for agencies to integrate electronic correspondence procedures with existing paper correspondence procedures.

This Directive is intended to set forth OSHA's procedures to afford the public an electronic means to contact OSHA with routine inquiries and requests for information and to enable OSHA to furnish a timely response to such requests electronically. OSHA believes this Directive will provide a useful and more expeditious alternative to phone or paper communication for the many members of the public who seek general information about OSHA and its programs, or who want to know whether OSHA has previously issued standards, regulations, or guidance that may affect them. It also provides for referrals of certain types of electronic inquiries for which an immediate reply is not appropriate (such as Freedom of Information/Privacy Act requests, inquiries concerning ongoing investigations or other proceedings, or requests that require a policy response by the agency) to the appropriate OSHA office. Inquiries from and responses to members of the public under this Directive will generally not be made accessible to the general public via the OSHA Website, but OSHA offices will consider developing Frequently Asked Questions or other guidance for presentation on the OSHA Website when the number of electronic inquiries suggests there is widespread public interest in a particular topic.

IX. Definitions:

- A. Electronic Correspondence (E-Correspondence) refers to inquiries, comments, suggestions, or other correspondence sent by the public using the Web-based form from the OSHA "Contact Us" page, "Electronic Mail Form." For the purposes of this policy, fax or telephone inquiries are not considered electronic correspondence. Certain categories of correspondence (such as FOIA requests or inquiries requiring a response to issues or circumstances not addressed by previously-issued OSHA guidance, see Background section and Section X.F. and X.G.7 of this Directive) are not treated as electronic correspondence subject to this Directive, even though they may be accepted electronically and forwarded to the appropriate office for processing.
- B. Federal Records Repository refers to a DOL central database of all electronic correspondence received and disseminated by Internet Correspondents for the purpose of ensuring compliance with the Federal Records Act.
- C. Gatekeeper(s). Federal staff assigned to review and route all incoming E-Correspondence to appropriate offices for response.

- D. Internet Correspondent/E-Correspondent. The person or persons who have been assigned by their office to monitor, respond to, and coordinate responses to all E-Correspondence.
- E. Pre-Approved Response refers to answers to commonly asked questions that have been prepared and approved by DOL agencies for purposes of ensuring that DOL staff provides consistent and accurate responses to public correspondence.
- F. OSHANET. This is OSHA's wide-area network (WAN) that supports agency-wide e-mail applications and provides access to the OSHA Intranet servers.
- G. OSHA Website. <http://www.osha.gov>.
- H. URL. A URL (Universal Resource Locator) is an address that points to a Website, document, image or other resource on an Internet or Intranet server.

X. Objectives. This directive delegates authority and assigns responsibility for managing OSHA's E-Correspondence System.

XI. Responsibilities.

- A. The Office of the Assistant Secretary for Policy (OASP), in coordination with the Executive Secretariat, will monitor agency compliance with the DOL E-Correspondence Policy, and review and approve OSHA's E-Correspondence policy.
- B. The Office of the Assistant Secretary for Administration and Management (OASAM) will establish and maintain the Federal Records Repository.
- C. Directorate of Evaluation and Analysis (DEA). The Director is responsible for:
 1. Designating Gatekeeper(s) (and a backup) and providing training to them as needed to monitor and route incoming E-Correspondence to appropriate offices on days when the Federal government is operating.
 2. Providing continuing program evaluation of the agency E-Correspondence program.
 3. Evaluating procedures to ensure that responses to E-Correspondence are being provided in a timely (within three business days of receipt from the Gatekeeper) and effective manner.
 4. Monitoring the system for timely responses (within three business days of receipt from the Gatekeeper) to all E-Correspondence.
 5. Reporting E-Correspondence performance measures, statistics, and problems to the Assistant Secretary.
 6. Maintaining a roster of all active E-Correspondents. A list is available on the OSHA Intranet.
 7. Budgeting and planning for resources required to provide a Gatekeeper(s) to support E-Correspondence.

D. Director of Information Technology (DIT). The Director is responsible for:

1. Ensuring that the Agency's Internet, Intranet, and Extranet systems are operational twenty-four hours a day, seven days a week.
2. Providing development and maintenance support of OSHA web services including the E-Correspondence system.
3. Planning and budgeting for hardware, software, and programming required to maintain and enhance the E-Correspondence application.
4. Ensuring that the E-Correspondence application assigns a unique identification code to all incoming E-Correspondence in order to maintain an audit trail.
5. Ensuring that the E-Correspondence application will support automated forwarding of a copy of all incoming E-Correspondence and /or responses to a mailbox set up by OASP and OASAM as part of the Department-wide Federal records repository. Copies of E-Correspondence that do not require a response should have the statement "Does not require a response," recorded for the response for forwarding to the DOL repository.
6. Ensuring that the Gatekeeper is informed of any substantive changes to the E-Correspondence system so that an updated Handbook can be issued if appropriate.
7. Ensuring that the following disclaimer is automatically added to every response:

This response is for information purposes only and does not constitute an official communication of the U.S. Department of Labor or OSHA. For an official response, please write to:

OSHA Correspondence Control Unit
200 Constitution Avenue, N.W., Room N3626
Washington, D.C. 20210

E. Directorate Heads, Directors of Free-standing Offices, Regional Administrators, and Area Directors. Directors, Regional Administrators, and Area Directors are responsible for:

1. Designating, supporting, and budgeting sufficient resources for E-Correspondents (and backups) representing their organizational units.
2. Developing internal office procedures for handling E-Correspondence forwarded to their office by the Gatekeeper. For example, a Directorate Head may delegate to staff the responsibility for deciding whether a particular response is written or telephonic.
3. Ensuring training of all staff responsible for using the E-Correspondence system.

4. Ensuring timely responses to E-Correspondence.
5. Developing, clearing, maintaining and performing periodic reviews of responses to all E-Correspondence submitted to their organizations.
6. Ensuring accuracy and currency of information contained in responses to E-Correspondence produced and maintained by their organizations.
7. Cooperating with efforts to ensure that OSHA's mission and customers are well-served through effective use of the Agency's E-Correspondence system.
8. Ensuring that staff not authorized to respond to issues raised in E-Correspondence are instructed to forward any public E-Correspondence received directly to the office's designated E-Correspondent.
9. Establishing office procedures to identify frequently requested information and, when appropriate, developing content pages to make the information more readily available on the OSHA public Website.
10. Regularly reviewing E-Correspondence and developing mechanisms to allow quick responses to recurring correspondence. Such mechanisms include agency pre-approved Internet responses and/or developing "Frequently Asked Questions" for adding to the FAQs page on the OSHA Website, when appropriate.
11. Using their own discretion to determine the response vehicle (e.g., postal mail, telephone, electronic, etc.). Responses to electronic correspondence should be electronic whenever possible. If another response vehicle is used, Directors, Regional Administrators, Area Directors and State Plan Agency Heads shall ensure that a summary of the response provided by phone or in writing is entered into the E-Correspondence system by the E-Correspondent.
12. Notifying the Director of DEA whenever there is a change in the designated E-Correspondent or backup.
13. Ensuring that when the E-Correspondent is absent that the backup E-Correspondent takes over the responsibilities.
14. Ensuring compliance with relevant laws and regulations concerning the use of the E-correspondence system and coordinating with the Office of the Solicitor, as necessary, to resolve issues concerning the application/interpretation of relevant laws and regulations.

F. Gatekeeper(s). The Gatekeeper(s), assigned by the Director, Directorate of Evaluation and Analysis are responsible for:

1. Routing. Incoming E-Correspondence will be routed daily during normal business days and hours to appropriate offices. Correspondence received during Federal holidays, nights or weekends will be routed the next business day.

2. Imminent Threats. Any correspondence stating or indicating an imminent threat to individuals or property immediately must be electronically forwarded to the Director of the Office of Security and Emergency Management (Security – OASAM). The person electronically forwarding the correspondence will promptly follow-up with a phone call to ensure that the electronically forwarded correspondence has been received. The Office of Security and Emergency Management can be contacted at 202-693-7990 (202-693-7777, after normal work hours). The threatening correspondence also must be electronically forwarded promptly to the Director of Evaluation and Analysis with an indication of the date and time on which the threat was forwarded to the Office of Security and Emergency Management. No notification will be sent to the individual who sent the correspondence.
3. Correspondence Not Requiring a Response. Some correspondence does not require or request a response. These may include advertisements, junk mail, spam mail, and some comments. It is the Gatekeeper’s responsibility to make this determination. Comments should be forwarded within the agency, as appropriate. No response or notification will be sent to the inquirer.
4. Correspondence Received from the Press Community, Congress, or for FOIA. The Gatekeeper will route E-Correspondence received from the press community or FOIA-related E-Correspondence to the Office of Communications. Congressional E-Correspondence will be routed to the Directorate of Evaluation and Analysis. The system does not allow the Gatekeeper to forward E-Correspondence to multiple locations.
5. Correspondence Addressed to the Secretary’s Office. The Gatekeeper promptly will forward all e-correspondence addressed to the Secretary of Labor, the Deputy Secretary of Labor, or the DOL Chief of Staff to the Executive Secretariat for assignment and response. All e-correspondence forwarded to the Office of the Executive Secretariat will contain the inquirer’s electronic mailing address, as well as any additional contact information contained in the e-correspondence. The Gatekeeper will notify the inquirer that the e-correspondence has been forwarded for response to the Office of the Executive Secretariat.
6. Correspondence about Employee Conduct. The Gatekeeper will route E-Correspondence complaining about the conduct of OSHA employees to the Director of the Office of Human Resources and inform the submitter that the complaint has been forwarded to the Director for action. Correspondence complaining about the conduct of State plan states’ employees will be routed to the appropriate OSHA Regional Office with the notation: “this is to be handled as a CASPA.”
7. Public Folder. The Gatekeeper is to enter into the E-Correspondence system safety and health e-mails received from the public by the

Department and www.firstgov.gov and sent to the Gatekeeper through the e-mail system.

8. Handbook. The Gatekeeper, with support from IT, will issue a handbook on the E-Correspondence system's operation.

G. Internet Correspondents/E-Correspondents. E-Correspondents (Internet correspondents) are responsible for:

1. Providing users with OSHA pre-approved responses; links to existing information on the public Website; or appropriate authoritative responses.
2. Checking at least daily for incoming E-Correspondence for their offices and for monitoring overdue E-Correspondence.
3. Following internal office procedures for handling E-Correspondence forwarded to their office by the Gatekeeper and developed pursuant to Paragraph X.E.2 of this directive.
4. Returning misrouted E-Correspondence to the Gatekeeper for forwarding to the appropriate office and, whenever possible, identifying the appropriate office.
5. Coordinating clearance and posting of responses to E-Correspondence assigned to their organizations.
6. Not forwarding correspondence to non-DOL agencies. However, the E-correspondent may respond to the user with information about other sources of help to resolve their issues, including reference to non-DOL agencies.
7. Ensuring that a response is sent to the inquirer within **three business days of receipt of the E-Correspondence from the Gatekeeper** in which the inquirer is provided with either an answer or an approximate date when an answer can be expected.
8. Notifying the inquirer, for policy-related questions, that they need to provide a written request for all policy related questions and include an address for the Correspondence Control Unit in the reply.
9. Ensuring that standardized responses to E-Correspondence that refer the inquirer to contact the agency by phone or in writing, also include the unique system ID assigned by the E-Correspondence application to provide an audit trail for follow-up responses.
10. Ensuring that a summary of the response provided by phone or in writing is entered into the E-Correspondence system.

XII. Clearing Responses to E-Correspondence.

- A. Responses to general safety and health questions received from the public through the E-Correspondence system should be consistent with clearance procedures for non-policy issuances as defined in OSHA Instruction, ADM 03-00-004 [ADM 8-

0.4]. A disclaimer outlining what type of questions can be addressed through E-Correspondence is included on the “Contact Us” Web page. As stated in the “Background” section (*supra*), certain types of electronic inquiries, for which an immediate electronic reply as provided in this Directive are not appropriate (such as Freedom of Information/Privacy Act requests, inquiries concerning ongoing investigations or other proceedings, or requests that require a policy response by the agency) shall be referred to the appropriate OSHA office.

- B. While the E-correspondence system is not intended to be a mechanism for responding to questions concerning agency policy or the interpretation/application of a statute or regulation, there may be limited instances in which a Directorate Head, Director of a Free-standing Office, Regional Administrator, Area Director, or State Plan Official determines that an electronic response to such an inquiry is proper. In such instances, agency responses to electronic correspondence will follow a review and approval process that generally is consistent with OSHA’s Instruction ADM 03-00-002 [ADM 8-0.2] for policy issuances and with the Department’s policies concerning the review and approval of paper correspondence. This includes the appropriate review by the Solicitor’s Office of any correspondence requesting compliance assistance information or interpretation of statute, regulation, or agency program, where the response to the correspondence would have legal consequences on the Department’s ability to carry out its mission. An alternative response to such policy questions is to request that the inquirer submit their question in writing.

XIII. Applicable Laws and Regulations. The following laws and regulations, in addition to the programmatic laws administered by the Department, may be applicable to electronic correspondence:

- A. Federal Records Act. This law requires the proper maintenance and disposition of agency records to ensure adequate and proper documentation of the policies and transactions of the Federal Government. There are criminal sanctions for improper handling of Federal records. [44 U.S.C. 2101 et seq., 2501 et seq., 2701 et seq., 2901 et seq., 3101 et seq.]
- B. Privacy Act. This law establishes fair information practices for the collection, maintenance, and use of personal information by Federal agencies. It provides for civil and criminal penalties for failure to comply. [5 U.S.C. 552a]
- C. Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, October 1, 2001. All DOL public Website materials must be in compliance with the OMB guidelines on information quality, ensuring that the information is being presented in an accurate, clear, complete, and unbiased manner and is protected from unauthorized access or revision.
- D. Government Paperwork Elimination Act. This law seeks to promote the use of technology to ease paperwork burdens on the public by promoting the use and

acceptance of electronic signatures and allowing the storage and filing of forms electronically. [44 U.S.C. 3504 and notes]

- E. Paperwork Reduction Act. This law seeks to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public. [44 U.S.C. 3501]
- F. Small Business Regulatory Enforcement Fairness Act of 1996. This law requires agencies to establish programs for providing guidance in response to correspondence from small businesses about applicable statutes and regulations and allows a small business to rely on the guidance provided in future enforcement actions by the agency. [Public Law 104-121, section 213]
- G. Office of Government Ethics Regulations. 5 C.F.R. 2635.702 (may not endorse outside entities or their products or services); 5 C.F.R. 2635.703 (may not release nonpublic information) and 5 C.F.R. 2635.704 (may use government property only for official purposes).
- H. Rehabilitation Act. This law requires that agencies seek to ensure that individuals with disabilities have access to and use of information and data that is comparable to the access to and use of the information and data by individuals who do not have disabilities. [29 C.F.R. 794d]
- I. Trade Secrets Act. A broadly worded statute that carries a criminal penalty for the unauthorized disclosure of commercial information by Federal employees. [18 U.S.C. 1905]