

	State of Indiana Indiana Department of Correction	Effective Date	Page 1 of	Number
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<p>POLICY AND ADMINISTRATIVE PROCEDURE Manual of Policies and Procedures</p>				

<p>Title</p> <p>COMPLIANCE WITH FEDERAL AND STATE FIRE, HEALTH, AND SAFETY REGULATIONS</p>

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8) IC 11-10-3-4(b) IC 11-11-6-2 IC 13-11-1-1 IC 16-19-1-1	00-02-101 01-02-101 02-03-102 04-01-301 04-02-101	ACA Safety, Sanitation and Fire Standards

I. PURPOSE:

This policy is to establish a uniform method for the development, modification, and approval of programs at Department of Correction facilities for compliance with fire, public health, environmental health and safety regulations.

II. POLICY STATEMENT:

It is the responsibility of the Indiana Department of Correction to provide a safe and healthful environment and working conditions for all staff and offenders. The Department shall adhere to all statutes and regulations administered by the Indiana Department of Labor, the Indiana Department of Homeland Security Fire and Building Safety, the Indiana Department of Environmental Management and the Indiana State Department of Health.

In order to comply with these statutes and regulations, the Department shall establish an Inspection Services Section. The Inspection Services Section of Construction Services shall be responsible for the management of the above programs and shall serve as an independent consultant to Department facilities and Central Office to ensure the effectiveness and compliance with regulations and statutes concerning safety, fire safety, and environmental health issues.

Inspection Services shall have the responsibility of informing the divisions and facilities of applicable health and safety statutes and regulations and assisting with appropriate inspections to ensure compliance. Those health and safety standards involved include, but are not limited to: IOSHA requirements, Indiana State

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Department of Health requirements, Indiana Department of Homeland Security Fire and Building Safety, and requirements of various environmental agencies and requirements of applicable professional licensing agencies.

The goals of Inspection Services are to bring the Department's facilities into compliance with applicable statutes and regulations and to provide an inspection of the facilities as necessary to maintain compliance. Inspection Services shall act as both a centralized internal auditor and a consultant to monitor and ensure uniform compliance with all applicable federal and State health and safety statutes and regulations at all Department facilities. This program shall be pursued actively with the assistance of facility Safety Hazard Managers, Physical Plant Directors, and Safety Officers and/or Fire Chiefs, as appropriate.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **DEFICIENCY/VIOLATION:** Any condition, process, action or activity determined to be substandard or in non-compliance with federal, State or local laws, rules, regulations and/or Department policies and procedures.
- B. **DIRECTOR OF CONSTRUCTION AND INSPECTION SERVICES:** The Central Office staff member reporting to the Chief of Staff and responsible for overseeing the Department's compliance with federal, State and local fire, health, environmental and safety laws, rules, ordinances, regulations and applicable Department policies and procedures.
- C. **FIRE CHIEF:** A staff member with the specific experience and qualifications to handle the operation of a facility fire department and has been classified as such.
- D. **FREQUENT:** From one (1) day to one (1) month in accordance with Indiana Occupational Safety and Health Administration (IOSHA) rules.
- E. **IMMINENT DANGER:** A condition or practice that could reasonably be expected to cause death or serious injury/illness to staff or offenders.
- F. **INDEPENDENT CONSULTANT: (Independent Qualified Source):** An individual who does not report to the chief executive officer of the facility in which they are serving and whose current job duties, education, training, or experience specifically qualifies them to perform life safety, fire safety, and health inspections.

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- G. PERIODIC: From one (1) month to one (1) year in accordance with IOSHA rules.
- H. SAFETY HAZARD MANAGER (SHM): A staff member with the specific experience and qualification to handle the health and safety responsibilities for one (1) or more facilities.
- I. SAFETY OFFICER: Any qualified staff person assigned safety and health duties at a facility not requiring the expertise of the SHM.
- J. SERIOUS INJURY / ILLNESS: Any injury/illness resulting in loss of consciousness; chemical or electrical burn; amputation with or without loss of bone; sutures or a wound that should have been sutured or the use of butterfly sutures; or, any permanent, prolonged or temporary impairment of any part of the body.
- K. STAFF: Full-time and part-time Department employees, including contractual workers and volunteers.

IV. INSPECTION SERVICES SECTION / CONSTRUCTION SERVICES RESPONSIBILITIES:

The Inspection Services Section shall administer the Department's health and safety program. Section staff shall ensure uniform compliance with all applicable codes at Department facilities and offices.

Inspection Services Section staff serve as independent consultants and conduct annual life safety, fire safety, and health inspections of each Department facility and Central Office. Additional unannounced or scheduled inspections may be conducted in order to evaluate the effectiveness of individual facility safety programs to ensure compliance with applicable safety, environmental, fire and health codes and statutes.

If an inspecting agency has cited a facility, that facility may contact Inspection Services Section staff with questions concerning citations, deficiencies, and compliance interpretation or intent for assistance and disposition. The facility shall provide the Inspection Services Section with a copy of the notification of abatement for review and approval prior to forwarding to the inspecting agency.

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V. DEPARTMENT SAFETY HAZARD COMMITTEE:

The Department shall establish a Safety Hazard Committee to review all matters pertaining to life, health, and safety issues. The Director of Construction Services or designee shall serve as chairperson. The committee shall present specific life, health, and safety recommendations to the Department's Executive Staff. The committee shall meet quarterly. This committee shall be comprised of the following permanent members or their designees:

- A. Executive (Regional) Directors of Adult Facilities;
- B. Executive Director of Youth Services;
- C. Director of Policy Development and Accreditation;
- D. Director of Contract Compliance;
- E. Director of Contract Compliance Health Care Services;
- F. Director of PEN Products;
- G. Director of Legal Services;
- H. Director of Risk Management;
- I. Director of Fire Risk Management

VI. FACILITY HEAD RESPONSIBILITIES

The Facility Head shall:

- A. Commit management support to injury/illness reduction and personally monitor the effectiveness of the program;
- B. Ensure compliance with Department policy and procedure and the regulations and statutes of: Indiana Occupational Safety and Health Administration (IOSHA), Indiana State Department of Health (ISDH), Indiana Department of Homeland Security (IDHS), Indiana State Fire Marshall (ISFM), Indiana Department of Environmental Management (IDEM), Indiana State Building Commission (ISBC), International Fire Code (IFC), International Building Code (IBC), Environmental Protection Agency (EPA), American Correctional Association (ACA), Department of Transportation (DOT) and other applicable regulations and statutes;
- C. Ensure compliance with Procedure XVII, "Inspections," of this policy and administrative procedure;
- D. Ensure that management information systems and records are accurately maintained and posted annually for accidents, injuries and illnesses;

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- E. Ensure that staff is not subject to restraint, interference, coercion, discrimination or reprisal for exercising their rights under IOSHA or other regulatory agency rules;
- F. Ensure that adequate safety and health training is provided to management and supervisory staff, safety staff, collateral duty safety staff, and other facility staff;
- G. Encourage active participation in the Safety Committee and Health/Safety Hazard programs;
- H. Appoint a qualified SHM with the assistance of the Inspection Services Section and ensure that this staff maintains an open line of communication with the Inspection Services Section;
- I. Review external agency reports, abated deficiency reports and monitor compliance; and,
- J. Ensure that annual staff performance appraisals include safety performance.

VII. **SAFETY HAZARD MANAGER (SHM):**

The duties of the SHM shall be limited to matters of safety, fire safety, and health as defined in this policy and administrative procedure. The SHM shall serve as an advisor to the Facility Head on safety, fire safety, and health matters. The SHM functions at the department head level, reports to the Facility Head, and has a direct line of communication with the Inspection Services Section of Construction Services.

The SHM shall:

- A. Inspect all areas of the facility monthly for safety, fire safety and health compliance;
- B. Provide written reports as required and upon request on State Form 48072, "Statement of Deficiencies and Plan of Correction;"
- C. Monitor all systems related to safety, fire safety, and health for code compliance;
- D. Schedule all required inspections and testing of systems related to safety, fire safety, and health;

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- E. Accompany all external agency inspectors while on facility grounds;
- F. Provide information on required facility staff training;
- G. Conduct accident investigations which result in injuries involving care above First Aid. The Director of Risk Management in Construction Services shall be notified immediately to determine if additional on-site investigation is necessary.
- H. Conduct investigations of fires which result in injuries involving care above First Aid and or the destruction of State property. The Director of Fire Risk Management in Construction Services shall be notified immediately to determine if additional on-site investigation is necessary.
- I. Set the agenda for safety meetings; and,
- J. Carry out other responsibilities and duties as outlined in this policy and administrative procedure.

VIII. ALTERNATE SAFETY HAZARD MANAGER:

In facilities with only one (1) SHM, the Facility Head shall appoint one (1) or two (2) staff persons qualified for full-time relief to act as the SHM during the SHM's absences. The SHM shall provide training to this staff person(s).

The alternate SHM shall be assigned full-time to the Safety Office for on-the-job training at least one (1) day per week or one (1) week per month. The alternate SHM shall attend courses and seminars for safety hazard training. Those facilities with a "Fire Chief" shall designate the Fire Chief as an alternate SHM. The Fire Chief shall report to the SHM.

IX. FIRE CHIEF:

The duties of the Fire Chief shall be limited to matters of safety, fire safety, and health as defined in this policy and administrative procedure. The Fire Chief shall serve as an alternate to the Safety Hazard Manager. The Fire Chief shall report to the SHM and has a direct line of communication with the Inspection Services Section of Construction Services. The Fire Chief shall:

- A. Inspect all areas of the facility monthly for safety, fire safety, and health compliance to include but not limited to all fire extinguishers, emergency lights, exit lights, and fire doors;

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- B. Provide written reports as required and upon request on State Form 26458, "Report of Monthly Inspection." If assisting the SHM with the monthly facility inspection, use State Form 48072, "Statement of Deficiencies and Plan of Correction;"
 - C. Conduct all required monthly and quarterly fire drills on each shift as required by the IFC;
 - D. Assist the SHM in monitoring all systems related to safety, fire safety, and health for code compliance;
 - E. Assist the SHM in scheduling all required inspections and testing of systems related to safety, fire safety, and health;
 - F. Accompany all external agency inspectors while on facility grounds;
 - G. Schedule all required fire department training;
 - H. Schedule fire department equipment testing to include pump test, ladder test, self-contained breathing apparatus flow testing, and fire hose testing;
 - I. Conduct fire investigations which results in injuries involving care above First Aid and or the destruction of State property. The Director of Fire Risk Management in Construction Services shall be notified immediately to determine if additional on-site investigation is necessary;
 - J. Assist with Department fire training academy;
 - K. Carry out other responsibilities and duties as outlined in this policy and administrative procedure.
- X. SUPERVISOR (FOREMAN, WORK SITE SUPERVISOR, INDUSTRY) RESPONSIBILITIES:

All supervisors (foreman, work site supervisors, industry) shall:

- A. Operate safety programs as part of their position description. They shall be evaluated on the operation of these safety programs as a critical element of their staff performance appraisal;
- B. Train staff and offenders in safe practices and encourage good safety attitudes;

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- C. Familiarize themselves with the job hazards and the physical surroundings of staff and offenders and oversee accident and fire prevention training;
- D. Report and record all accidents, injuries, illnesses and their causes as prescribed by the current Department of Labor and IOSHA regulations and Department procedure;
- E. Ensure that all staff and offenders are provided proper equipment and detailed instruction in the safe use of the equipment; and,
- F. Post, record, and maintain documentation of all staff and offender training in accordance with applicable State retention schedules.

XI. STAFF AND OFFENDER DUTIES

All staff and offenders shall:

- A. Perform their duties in the safest possible manner and encourage fellow workers to do the same;
- B. Comply with IOSHA, IBC, IFC, IDEM, IDHS, EPA, ACA, ISDH, DOT and other applicable rules, regulations, statutes, and Department policy and procedure;
- C. Immediately report all hazards or unsafe acts to their supervisor(s); and,
- D. Immediately report all accidents, injuries, and illnesses to their supervisor(s).

XII. HEALTH AND SAFETY MANUAL:

The Indiana Department of Correction Health and Safety Manual contains the minimum health and safety requirements of the Department and external agencies including, but not limited to, ISDH, EPA, IDEM, IOSHA, IBC, and IFC. This manual provides all Department facilities with required information in a timely and consistent manner and supports health and safety efforts. Application of the *Manual* requirements should result in a reduced number of accidents, injuries, illnesses, and related litigation.

The *Manual* shall be issued by the Inspection Services Section of Construction Services through the Department Policy Manager to each Facility Head as an aid for compliance with all federal and State rules and regulations governing affected Department activities. The Facility Head shall provide a copy of the *Manual* to the

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Physical Plant Director (PPD), SHM or Safety Officer, Food Services Administrator, and Health Services Administrator, where applicable.

The *Manual* shall be reviewed and updated by the Inspection Services Section annually and as rules, regulations, conditions, and technologies change. The Inspection Services Section shall coordinate changes to the *Manual* and other affected policies and procedures with the Department Policy Manager.

XIII. IMMINENT DANGER

When an SHM, Fire Chief, Safety Officer, or supervisor determines that a condition or practice exists in the work place which could reasonably be expected to cause death or serious physical harm, the affected staff supervisor(s) shall be informed of the danger and the work or process shall be shut down until such danger can be eliminated. The staff supervisor making such a decision shall immediately verbally inform the Facility Head, appropriate facility administrative staff, and the Inspection Services Section of Construction Services through the SHM/Safety Officer or alternate. The SHM shall send written notice of the hazardous condition or practice and corrective action needed/taken to the Facility Head and the Inspection Services Section.

XIV. TRAINING

The Inspection Services Section shall assist the Facility's Regional Training Manager and other appropriate staff to ensure that proper and adequate training is provided for the SHM, the alternate SHM, Fire Chief, supervisors, staff on all life, health, safety, and environmental issues annually, or more frequently as needed.

Facility department heads shall be trained minimally on an annual basis in inspection techniques for compliance with safety, fire safety, and sanitation standards. Such training may be part of the annual refresher training.

Supervisors and line staff shall be trained in emergency plans, First Aid and the use of fire protection equipment. Additional training shall include:

- A. Supervisory responsibility for providing and maintaining safe and healthful working conditions for staff and offenders;
- B. Safety Programs;
- C. Standards applicable to the assigned work place(s);
- D. Procedures for reporting hazards;

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- E. Procedures for abatement of hazards; and,
- F. Development of needed skills in managing safety and health programs within the work place, including staff and offender motivation techniques to ensure safe and healthful work environments.

Hazardous materials and hazardous waste training shall be provided at least annually for all affected staff. Training shall include, but not be limited to, hazardous material and hazardous waste handling and immediate actions to take in the event of a hazardous material or hazardous waste release.

XV. LIBRARY

The SHM shall maintain a current library of reference books and manuals on health and safety related matters. These manuals include, but are not limited to, International Building Code, International Fire Code, OSHA 29 CFR 1910 and 1926.

XVI. FACILITY SAFETY HAZARD COMMITTEE

A facility Safety Hazard Committee shall be established to review all matters pertaining to life, health, and safety and to make recommendations on the same to the Facility Head.

The facility Safety Hazard Committee shall be comprised of department heads designated by the Facility Head. Other staff may be invited to attend committee meetings as appropriate.

The Facility Head shall designate an Assistant Facility Head or equivalent to serve as the committee chairperson. The chairperson or designee must be present at all meetings.

The SHM shall select a recorder. The recorder shall prepare an agenda for each meeting and distribute the agenda at least two (2) business days prior to the meeting. The recorder shall keep the minutes of each meeting. The minutes of the meeting, after review and approval by the Facility Head, shall be forwarded to the Inspection Services Section. At a minimum, the following topics shall be covered at each meeting:

- A. Pest control;
- B. Hazardous materials;
- C. Fire safety issues;

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- D. Facility inspection reports;
- E. Staff and offender accidents and injuries; and,
- F. Ongoing projects.

The facility Safety Hazard Committee shall meet quarterly, or more frequently if necessary. The Inspection Services Section shall be notified in a timely manner of each meeting.

The SHM shall be appointed to any other facility committee having life, health, safety, or environmental concerns.

The facility Safety Hazard Committee shall make recommendations to appropriate staff regarding offender job assignment transfers, if:

- A. An offender has repetitive accidents;
- B. An offender refuses to follow established safety procedures; or,
- C. An offender is considered unsuited for that position by the job supervisor.

XVII. INSPECTIONS

The Facility Head shall designate staff to inspect all areas of the facility for fire and safety issues on a regularly scheduled basis. The SHM shall review and forward all inspection reports to the Facility Head. The minimum inspection requirements are:

- A. SHMs, accompanied by the appropriate department head, shall inspect each area of the facility at least monthly for safety, fire safety and sanitation (particularly hazardous materials, pest control and hygiene issues). State Form 48072, "Statement of Deficiencies and Plan of Correction," shall be used for recording these monthly inspections. The Inspection Services Section shall be provided with a completed copy of this form that includes any plan of correction no later than the tenth (10th) of the following calendar month; the response shall be in an electronic format and, contain at a minimum a three-part response:
 - 1. How did/will the deficiency get corrected?
 - 2. Who did/will correct the deficiency?
 - 3. The date the deficiency was/will be corrected.
- B. A qualified, trained staff member shall conduct a comprehensive and thorough monthly inspection of the facility. State Form 26458, "Report of Monthly Inspection," shall be used for recording these monthly inspections. In facilities with a fire department, the fire chief shall conduct this

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inspection. State Form 26458, "Report of Monthly Inspection," or if assisting the SHM, State Form 48072, "Statement of Deficiency and Plan of Correction," shall be used for recording these monthly inspections and the completed form shall be retained in the Safety Office.

- C. Supervisory staff shall inspect their area(s) of responsibility at least weekly for safety, fire safety and sanitation. The inspection findings shall be reported to the SHM using State Form 44109, "Report of Weekly Inspections," no later than Monday of the following week. The completed State Form 44109 shall be retained in the safety office.

- D. The Facility Head shall establish a formal inspection team for the Food Services and the Health Care areas that, at a minimum, shall be comprised of an Assistant Facility Head, or equivalent, Physical Plant director or qualified designee and SHM. The inspection team shall inspect the Food Services and Health Services areas weekly to ensure compliance with ISDH and other regulatory and professional licensing agency requirements. The Food Services inspection findings shall be documented using State Form 17416, "Food Services Weekly Inspection." The inspection findings shall be reported to the Facility Head. The completed State Form 17416 shall be retained in the Safety Office. The Health Services inspection findings shall be documented using State Form 26458, "Report of Weekly Inspection." The inspection findings shall be reported to the Facility Head. The completed State Form 26458 shall be retained in the Safety Office.

- E. Annual external inspections by regulatory agencies should be conducted in accordance with applicable legal mandates. Regulatory agencies also are responsible for conducting investigations of complaints received by the agencies. The Facility Head or designee shall notify the Inspection Services Section when a representative of a regulatory agency is at the facility to conduct an inspection for any reason. Copies of the inspection reports shall be submitted to the Facility Head and the Inspection Services Section;

- F. Facility inspections shall be conducted annually or as needed by the Inspection Services Section. The Inspection Services Section shall provide the inspection report on State Form 48072, "Statement of Deficiency and Plan of Correction," in an electronic format to the Facility Head. The facility shall respond to the inspection report by returning the copy of the State Form 48072 with a completed Plan of Correction within fifteen (15) business days of receipt of the inspection report at the facility. The facility response should be in an electronic format and, contain at a minimum a three-part response:

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1. How did/will the deficiency get corrected?
2. Who did/will correct the deficiency?
3. The date the deficiency was/will be corrected.

G. Technical assistance visits from the Inspection Services Section may be requested by the Facility Head and/or the SHM. Department Safety Hazard Committee members also may be contacted for technical assistance when a problem arises.

XVIII. REPORTING HAZARDS

Any staff person or offender who believes that an unsafe or unhealthful condition exists in any work place where the staff or offender is assigned shall report the unsafe or unhealthful working condition to the SHM, the Facility Head, Inspection Services Section, or directly to the Department of Labor and/or IOSHA. The formal channel of communication shall not preclude immediate corrective action by a staff person's supervisor in response to oral reports of unsafe or unhealthful working conditions when such action is possible. Staff and offenders are encouraged to report unsafe and unhealthy conditions internally; however, they have the right to file a report with external regulatory agencies.

Each report of an existing or potential unsafe or unhealthful working condition shall be recorded in a log maintained at the facility. This log shall contain the following information:

- A. Date and time;
- B. Code/reference/file number;
- C. Location of condition;
- D. Brief description of condition and classification (imminent danger, serious, or other);
- E. Date and nature of action taken; and,
- F. Any other information deemed necessary.

A copy of each report shall be presented to the facility Safety Hazard Committee and filed in the SHM's office.

The SHM or alternate shall personally conduct an inspection of the applicable area(s) within twenty-four (24) hours of a report of an imminently dangerous condition, within three (3) business days of a report of a potentially serious safety and health condition, and within ten (10) business days for all other reported conditions.

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Staff who submitted a report of an unsafe or unhealthful condition shall be notified in writing within fifteen (15) business days if the official receiving the report determines that reasonable grounds do not exist to believe such a hazard exists and does not plan to make an inspection based on such a report. The investigation or inspection report, if any, shall be available to the reporting staff person within fifteen (15) business days after completion of the inspection for reports of safety violations or within thirty (30) calendar days for reports of health violations.

Facilities receiving a report of a hazardous condition shall notify immediately the Inspection Services Section and all appropriate staff.

XIX. APPLICABILITY:

This policy and administrative procedure are applicable to all Department staff and facilities, including Parole District Offices.

signature on file
Robert E. Carter, Jr.
Commissioner

Date