

**NATIONAL CEMETERY ADMINISTRATION
OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

1. **REASON FOR ISSUE:** This directive updates policies and responsibilities of the National Cemetery Administration (NCA) comprehensive Occupational Safety and Health program, established to assure safe and healthful working conditions.
2. **SUMMARY OF MAJOR CHANGES:** This directive:
 - a. Adds new and clarifies existing program responsibilities; and
 - b. Updates references.
3. **RESPONSIBLE OFFICE:** NCA, Human Capital Management Directorate, Training, Workforce Development and Safety Service, 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this directive.
4. **RELATED PUBLICATIONS:** VA Directive 7700 – Occupational Safety and Health (February 11, 2009).
5. **RESCISSIONS:**
 - a. NCA Directive 7700 - National Cemetery Administration Occupational Safety and Health (January 24, 2011);
 - b. NCA Notice 2003-03 – Occupational Safety and Health (December 4, 2003).
6. **RECERTIFICATION:** This directive is scheduled for recertification January 31, 2024.

/s/ Ronald E. Walters
Principal Deputy Under Secretary
for Memorial Affairs

**NATIONAL CEMETERY ADMINISTRATION
OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

1. PURPOSE/AUTHORITY:

a. This directive updates the policies and responsibilities of the National Cemetery Administration (NCA) comprehensive Occupational Safety and Health (OSH) program to assure safe and healthful working conditions. For the purposes of this directive, the term “facility” includes all Department of Veterans Affairs (VA) national cemeteries and any other NCA facility located outside of the VA Central Office campus area;

b. Statutory authority for this program is found in the OSH Act of 1970 (as amended), implemented by Executive Order (EO) 12196 (as amended), and Title 29, Code of Federal Regulations (CFR), Parts 1904, 1910, 1926 and 1960;

c. NCA OSH publications, such as this directive, are meant to supplement (not replace) VA policies and regulatory guidance.

2. POLICY: It is the policy of NCA to:

- a. Provide safe and healthful work environments;
- b. Comply with OSH requirements contained in Federal laws, regulations, EOs, VA directives, NCA Standard Operating Procedures (SOPs) and labor-management OSH agreements;
- c. Maintain a management infrastructure to achieve OSH program implementation;
- d. Prohibit reprisals against employees who exercise their rights under the VA OSH program; and
- e. Recognize significant contributions to the OSH program through special awards.

3. RESPONSIBILITIES:

a. **The Deputy Under Secretary for Finance and Planning** is responsible for ensuring occupational safety and health program goals, objectives, current milestones, and projected outcomes are published in the NCA Long Range Plan;

b. **The Deputy Under Secretary for Management** is responsible for ensuring an OSH program for NCA to assure safe and healthful working conditions and ensuring NCA construction project designs and specifications comply with applicable OSH requirements, and ensuring applicable Department of Labor Occupational Safety and Health Administration (OSHA) standards are inserted into awarded contracts.

c. **The Executive Director, Human Capital Management**, is responsible for:

(1) Serving as NCA's Designated Safety and Health Official (DSHO) and implementing all NCA OSH policies, standards, and programs;

(2) Representing the Under Secretary for Memorial Affairs on the VA Safety Steering Committee;

(3) Notifying the VA Office of OSH of directives and handbooks or other documents requiring coordination with another Federal agency and/or national memoranda of agreement impacting safety policy or implementation (excluding labor-management memoranda of understanding);

(4) Consulting with VA Office of OSH prior to contacting OSHA about negotiating notices of OSHA violations involving the death of any NCA employee from a work-related accident, the in-patient hospitalization of three or more NCA employees resulting from a work-related accident, or where a notice of an OSHA violation would have a penalty exceeding \$100,000 or where a violation is classified as "Willful" or "Repeat";

(5) Collecting accurate, valid, and reliable program data;

(6) Developing business and operations process strategies to achieve OSH program goals and objectives, including implementation of the following OSH programs in the absence of promulgated Federal standards and in accordance with professional consensus standards and other expert NCA guidelines:

(A) An ergonomic program;

(B) An active threat / shooter program;

(C) A workplace violence prevention program; and

(D) A biological and communicable disease prevention program for non-blood-borne pathogens.

(7) Implementing written VA Safety Strategic Plan strategies pertaining to NCA;

(8) Requesting and maintaining adequate resources to develop and implement a comprehensive, compliant safety program;

(9) Meeting safety training needs in accordance with EO 12196 and standards in Title 29, CFR, Parts 1904, 1910, 1926 and 1960 and any OSH articles of collective bargaining agreements in place at the time this directive becomes effective;

(10) Providing relevant NCA data to the VA Office of OSH for completion of the OSHA Annual report to the President and other reporting requirements;

(11) Recognizing significant contributions by NCA employees to NCA's OSH program through special awards.

d. **The NCA OSH Manager** is responsible for:

(1) Developing NCA OSH policy and procedures with assistance from the NCA Safety Steering Committee, NCA District Collateral Duty Safety Officers (DCDSOs), Facility Collateral Duty Safety Officers (FCDSOs), and national union safety and health representatives;

(2) Providing OSH program guidance and training through the appropriate authority DCDSOs and FCDSOs to ensure that all NCA employees, contractors, and volunteers are aware of OSH policies, requirements, and responsibilities, and implementing them consistently;

(3) Ensuring Annual Workplace Evaluations are conducted every 9-15 months of all NCA facilities by a "competent person" (as defined by OSHA)¹, with notice to the union safety representative at all bargaining unit facilities;

(4) Ensuring NCA-wide compliance with OSH program reporting requirements;

(5) Analyzing NCA OSH performance data to identify areas of poor performance or non-compliance and recommending and monitoring corrective actions;

(6) Informing the DSHO immediately after being notified of an injury or illness resulting from a documented on-the-job injury that results in a fatality, hospitalization of three days or longer, loss of an eye, or property damage that affects the safe working conditions of employees and contractors, or the general safety of visitors while on cemetery grounds;

(7) Gaining DSHO approval of acquisition actions of appropriate employee personal protective equipment (PPE) (as designated in the NCA PPE Matrix) or upon learning of new OSHA requirements, as well as appropriate Equipment Operator training that includes safe operation instruction;

(8) Managing the NCA Safety Recognition and Awards Program to identify significant OSH program contributions;

(9) Managing the NCA Safety Steering Committee; and

¹ The Department of Labor defines a "competent person" as: "One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them."

(10) Annually reviewing this directive and informing the NCA Legislative and Regulatory Service of any necessary updates.

e. **The Deputy Under Secretary for Field Programs and Cemetery Operations and the Executive Director, Cemetery Operations** are responsible for ensuring District Executive Directors comply with the responsibilities assigned to them in this Directive.

f. **District Executive Directors** are responsible for designating a district office employee as the DCDSO.

g. **District Executive Directors and their DCDSOs** are responsible for:

(1) Notifying the NCA OSH Manager immediately of any occupational accident:
(A) Involving a fatality;
(B) Resulting in the hospitalization of any individual;
(C) Loss of an eye; or
(D) Involving property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on cemetery grounds.

(2) Conducting timely investigations of accidents on NCA premises and implementing follow-up corrective actions as soon as practicable;

(3) When notified of OSHA violation(s), documenting the circumstances, determining appropriate action, and reporting to NCA OSH Manager as soon as practicable with a recommendation for corrective action(s);

(4) Notifying the NCA OSH Manager of any official safety inspection or audit by VA staff or by Federal or State enforcement agency staff;

(5) Responding to requests from the NCA OSH Manager for data about safety-related losses and costs, injury/illness causes, corrective actions and initiatives taken;

(6) Notifying facilities in their District of the appropriate occupational safety and health related notices to be posted at each facility as required by OSHA (to include VA Form 2180), the Environmental Protection Agency, the Federal Emergency Management Agency, and other regulatory agencies;

(7) Providing timely notification of the requirement to accurately complete and post the OSHA 300A Summary Form in the employee's lounge or break room from 1 February through 30 April of each year;

(8) Participating in meetings, conference calls and training conducted by the NCA Safety Officer and holding meetings and training as appropriate to ensure District and facility staff are aware of OSH policies, requirements, and responsibilities;

(9) Working with the appropriate authority when responding to suggestions or concerns submitted by employees, contractors, or volunteers, or, if the issue is NCA-wide or further action is necessary, forwarding suggestions/concerns to the NCA OSH Manager and the national union safety and health representatives for action; and

(10) Ensuring district-wide compliance with all NCA Safety SOPs.

h. **Senior Management Officials (including Cemetery Directors)** at facilities located outside the immediate vicinity of VA Central Office are responsible for:

(1) Designating an employee to serve as FCDSO;

(2) Supporting the NCA Safety Program and the DCDSO and/or the FCDSO in implementation of OSH programs and initiatives designed to prevent employee/volunteer injury or illness, or reduce the likelihood of employee/volunteer injury or illness by:

(A) Supporting establishment of facility safety and occupational health programs and committees that enable employees/volunteers to work in a safe environment free from recognized hazards;

(B) Ensuring full-time and collateral-duty safety/health staff and committee members attend professional development education, and training is provided for;

(C) Encouraging employee participation in safety and/or health organizations; and

(D) Including OSH participation and compliance in performance standards, where appropriate.

(3) Facilitating inspections of facilities by a competent person as outlined in 3.d.(3) at least annually, with notice to the union safety representative at all bargaining unit facilities;

(4) Notifying and providing opportunities for the NCA OSH Manager to be present at any official safety inspection or audit by VA or NCA staff, or by Federal or State enforcement agency staff, along with employee representative(s); and

(5) Ensuring compliance with all NCA Safety SOPs for all personnel and facilities under their authority.

i. **FCDSOs** are responsible for:

(1) Notifying the DCDSO and NCA OSH Manager immediately of any occupational accident that:

- (A) Is fatal to any individual;
 - (B) Results in the hospitalization of any individual; or
 - (C) Involves property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on cemetery grounds;
- (2) Investigate the circumstances of any accident or incident on NCA premises that results in injury or illness, mission interruption, or property damage affecting employee safety, and ensure documentation is completed (VA Form 2162 / OSHA 301 - Report of Accident, and OSHA 300 Log Form) before discussion of the accident at a facility safety meeting or as a member of a Veterans Health Administration Accident Review Board;
 - (3) When notified of OSHA violation(s), document the circumstances, determine appropriate action, and report to the DCDSO and NCA OSH Manager as soon as possible with a recommendation for corrective action(s);
 - (4) Notify the DCDSO and NCA OSH Manager of any official safety inspection or audit by VA staff or by Federal or State enforcement agency staff;
 - (5) Respond to requests from the DCDSO and NCA OSH Manager for data about safety-related losses and costs, injury/illness causes, corrective actions and initiatives taken;
 - (6) Display as required occupational safety and health notices by OSHA, Environmental Protection Agency, Federal Emergency Management Agency, and other regulatory agencies;
 - (7) Enlist support from the appropriate authority for establishment of occupational safety and health committees or groups at the facility, as appropriate, to assist in executing OSH program responsibilities;
 - (8) Participate in meetings, conference calls and training conducted by the NCA OSH Manager and/or DCDSO and hold facility meetings and training as appropriate to ensure facility staff are aware of OSH policies, requirements, and responsibilities;
 - (9) Work with the appropriate authority to respond to suggestions or concerns submitted by employees, contractors, or volunteers, or, if the issue is NCA-wide or further action is necessary, forward suggestions/concerns to the DCDSO, NCA OSH Manager, and the local Union Safety and Health Representative(s) for action;
 - (10) Ensure compliance with all NCA Safety SOPs for all personnel and/or facilities within their area of collateral duty responsibility.

j. **Managers/supervisors** are responsible for:

(1) Monitoring employee, contractor, and volunteer compliance with NCA OSH standards, regulations, and applicable guidance;

(2) Taking appropriate action to correct occupational safety and health hazards and attain compliance with safe work policies and practices;

(3) Facilitating prompt medical attention when necessary to any individual on NCA premises in the event of an injury or illness;

(4) Completing accident reports and other documentation, submit to the appropriate authority and maintain as required for injury, illness, mission interruption, or any property damage affecting the safe working conditions of employees and contractors, or the general safety of visitors while on cemetery grounds;

(6) Reporting all accidents involving employees using the Workers Compensation Occupational Safety and Health Management Information System (WC-OSH/MIS) and complete VA Form 2162 (Report of Accident) within 24 hours of the accident; further, if the accident involved an employee, volunteer or contractor with an OSHA recordable injury or illness (see 29 CFR 1904), also ensure that OSHA 300 Log and OSHA 301 forms are accurately completed within seven days of the occurrence;

(7) Providing PPE to employees and volunteers in accordance with OSHA and NCA OSH program requirements, ensure individuals receive proper training on the equipment, and requirements of the NCA PPE Matrix are followed; and

(8) Ensuring compliance with all NCA Safety SOPs for all personnel and facilities within their area of management/supervisory authority.

k. **NCA employees and volunteers** are responsible for:

(1) Following all relevant EOs and OSHA, VA, and NCA safety requirements;

(2) Reporting unsafe or unhealthy working conditions to their immediate supervisor (NOTE: If corrective actions or abatement plans are not completed in a reasonable period, report to the second-line supervisor and/or FCDSO. If no actions are taken, report to the DCDSO and NCA OSH Manager);

(3) Reporting the following incidents to their supervisor immediately, and provide all known information within 24 hours of the occurrence:

(A) All property damage that results in unsafe working conditions for employees and contractors, or that affects the general safety of visitors on cemetery grounds; and/or

(B) All workplace accidents or injuries of employees, contractors, or visitors.

(4) Participating in meetings, conference calls and training conducted by the DCDSO, NCA OSH Manager or FCDSO, as required by the Cemetery Director or other management official;

(5) Communicating any suggestions or concerns regarding OSH to the FCDSO and have the right to:

(A) Anonymously disclose occupational safety or health information to the VA Office of the Inspector General and/or to the closest OSHA Regional Office; and

(B) Be protected from any reprisal arising from notification of unsafe and/or unhealthful working conditions and operations.

4. REFERENCES:

a. EO 12196 "Occupational safety and health programs for Federal employees" (February 26, 1980, as amended) <http://www.gsa.gov/portal/content/103012>.

b. Occupational Safety and Health Act of 1970 (Public Law 91-596), as amended through January 1, 2004
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=OSHACT&p_id=2743.

c. "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; Subpart I for Recordkeeping and Reporting Requirements" – 29 CFR Part 1960 (DOL – OSHA)
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTR&p_id=23861.

d. Title 5 (Government Organization and Employees), United States Code (U.S.C.), Part III (Employees), Chapter 79 (Services to Employees)
<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title5/pdf/USCODE-2011-title5-partIII-subpartF-chap79-sec7901.pdf>.

e. Title 29 (Labor) U.S.C., Chapter 15 (Occupational Safety and Health)
<https://www.gpo.gov/fdsys/granule/USCODE-2011-title29/USCODE-2011-title29-chap15/content-detail.html>.

f. Title 29 Code of Federal Regulations (CFR), Part 1900 et seq.
https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1910.

g. Negotiated Collective Bargaining Unit Agreements.