

State of Alaska  
Department of Labor  
Division of Labor Standards and Safety

DOSH Program Directive 89-6

Date: June 16, 1989

To: All LS&S/OSH Staff

From: Tom Stuart, Director

Subject: Handling Complaints from Employees Who Work on State Ferries

- A. Purpose. This program directive guidelines for handling complaints from state employees who are employed aboard the state ferries.
- B. Directive Affected.
1. Compliance Manual Chapter IX. A, "Complaints and Referrals".
  2. DOSH Program Directive 83-1 is cancelled.
- C. Background.
1. The U.S. Coast Guard has primary jurisdiction over the state ferries because the ships are ocean going vessels. However, the Department of Labor per AS 18.60.030(6) has the responsibility to protect state and local government employees from occupational safety and health hazards and, therefore, it will be our policy to assist the U.S. Coast Guard to provide safe and healthful working conditions for state workers who are employed on the state ferries.
  2. The Division of Marine Highway System of the Department Transportation and Public Facilities (DOT-PF) as the employer also has responsibility for the safety and health of the employees and therefore the department will also provide DOT-PF assistance, upon their request, on occupational safety and health matters.
  3. The department has a responsibility to respond to occupational safety and health complaints from employees. (AS 18.60.088) This directive sets forth a procedure to respond to such complaints from state employees working aboard the state ferries, while recognizing the jurisdiction of the U.S. Coast Guard and the responsibility of DOT-PF.

D. Procedures.

When a complaint is received from an employee or employee representative of the Marine Highway System, the compliance officer or supervisor taking the complaint will ascertain whether the complaint involves a working condition at a shore facility or aboard ship. If the complaint involves a shore facility, the complaint will be processed per Compliance Manual Chapter IX. A, "Complaints and Referrals", as such facilities fall within the department's jurisdiction. If the complaint concerns a working condition aboard ship, the following procedures will be initiated:

1. Inform the complainant that the U.S. Coast Guard has primary jurisdiction over the ferries and that his/her complaint will be transferred to that agency. Be sure to indicate that the department will, if requested, keep his/her identity confidential. The complainant will also be informed of the department's policy to offer assistance to the U.S. Coast Guard.
2. Transfer the complaint to the Marine Safety Office, U.S. Coast Guard, Juneau at 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801. In the cover letter, request that the department be informed of the action that will be taken by the U.S. Coast Guard to resolve the complaint and indicate that the department will provide assistance if requested. The cover letter should request that the U.S. Coast Guard inform the department of the action that will be taken within two weeks from the date of the letter.
3. If the Chief classifies the complaint as imminent danger or serious, he or she will telephone in the Marine Safety Office in Juneau and request that the U.S. Coast Guard inform the department as soon as possible what action will be taken or if they require assistance in responding to the complaint. If the U.S. Coast Guard requests assistance, an inspection will be scheduled within 24 hours for imminent danger complaints and within five working days for serious complaints.
4. If the U.S. Coast Guard requests assistance or if the action taken by the U.S. Coast Guard, in the opinion of the Chief of Safety Compliance or Chief of Industrial Health does not satisfy the complainant, a letter will be written to the Director of the Division of Marine Highway System, requesting that they investigate the complaint. The letter should also offer the assistance of the Consultation and Training Section to evaluate or resolve the complaint.
5. If the Division of Marine Highway System does not respond to the complaint, the Chief of Safety Compliance or Chief of Industrial Health will refer the complaint to the Director of the Labor Standards and Safety Division who will contact the

Director of the Marine Highway System Division to try and resolve the problem.

6. If the Director of the Labor Standards and Safety Division cannot resolve the complaint with the Director of the Marine Highway System Division, the Director of the Labor Standards and Safety Division will exercise the authority of AS 18.60.030(6) and the complaint procedures outlines in Chapter IX of the Compliance Manual will be followed except that the following special inspection procedures will be followed:
  - a. An opening conference will be held with the administrative officials of the Division of Marine Highway System in person or by phone before boarding the ship. Another opening conference will be held with the Master and Chief Engineer of the ship before starting the physical inspection of the ship. A closing conference will be held with the Master and Chief Engineer when the inspection is completed on the vessel and either in person or by phone with the administrative officials of the Division of Marine Highway as soon as possible.
  - b. If the Compliance Officer (CO) or Industrial Hygienist (IH) decides to expand the scope of the inspection beyond the complained items, this change will be explained to the Master and/or the Chief Engineer before the scope is expanded.
  - c. Before a citation is issued, the CO or IH will check with the U.S. Coast Guard to determine if there are U.S. Coast Guard regulations that cover the violations. If they have regulations that covered the situation, such violations will be referred to the U.S. Coast Guard so that they may take the appropriate action. Only violations of regulations and standards that are not covered by the U.S. Coast Guard will be cited.