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Recent Changes:

Added the Whistleblower Investigators training and updated the Course number on 3/31/2023

Change History:

Added requirement for #1410 and added University of Texas Arlington as primary OTI trainer. 3/21/2011

Cross-training for health and safety officers added. The incident command was added for health officers on 1/20/2010.

Alternative class numbers were added on 10/26/2009 Corrections to class numbers were made on 11/12/2008.

November 3, 2008

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 09-09

Subject: Initial Training for Compliance Officers and Whistleblower Investigators

The following policies and procedures describe the technical training program for OHSB Compliance Officers and Whistleblower Investigators.

Table of Contents

I.	Purpose.....	3
II.	Scope.....	3
III.	References.....	3
IV.	Cancellations.....	3
V.	Significant Changes.....	3
VI.	Federal Program Change	3
VII.	Goals and Objectives of Compliance Officer Training.....	3
VIII.	First Three Years of CO Training	4
IX.	First Three Years of Whistleblower Investigators Training	6
X.	Organizational Responsibilities	7
XI.	Waiver from Required Training Program.....	8
XII.	Time Extensions.....	9
XIII.	Monitoring the Training Program.....	9
XIV.	Evaluation	9

I. Purpose.

This instruction provides guidance for the technical training of OHSB Compliance Officers and Whistleblower Investigators.

II. Scope.

This Instruction applies state-wide and will remain in effect indefinitely.

III. References.

- A. TED 08-00-018 Initial Training Program for OSHA Compliance Personnel
- B. TED 01-00-019 Mandatory Training Program for OSHA Compliance Personnel
- C. TED 01-00-020 Mandatory Training Program for OSHA Whistleblower Investigators

IV. Cancellations.

- A. New Mexico OHSB document titled “Occupational Health and Safety Bureau Staff Training Program”

V. Significant Changes.

This instruction differs from the Federal training program, TED 01-00-019, and TED 01-00-020 in the following ways:

- Due to budgetary constraints, not all classes will be conducted through the OSHA Training Institute (OTI). Instead, identical, or equivalent training will be obtained through local sources. These sources include qualified instructors within OHSB, the University of Texas at Arlington (UTA), and the Texas Engineering Extension Service (TEEX).
- OHSB will recognize two, rather than three, career paths with Compliance Personnel.
- Authority for waivers and time extensions will reside with the New Mexico Bureau Chief.
- Training plans and records will be maintained by OHSB.

VI. Federal Program Change

This directive is the alternative approach to the Mandatory Training Program for OSHA Compliance Personnel TED 01-00-019 and Mandatory Training Program for OSHA Whistleblower Investigators TED 01-00-020.

VII. Goals and Objectives of Compliance Officer Training

The goal of this directive is to assist Compliance Officers (COs), Whistleblower Investigators and their managers with direction, guidance, and training options that directly contribute to

their ability to represent OHSB with a high degree of professional expertise.

A. Competency-based curriculum.

OHSB offers formal training for COs and Whistleblower investigators with a competency-based approach to curriculum. Achievement of this competency will be achieved through a mixture of formal training, on-the-job training, a personal initiative to develop the highest level of professionalism possible, and experiences over time.

B. Formal Training Program

The major component of the training program involves attendance at formal training classes offered by OTI, UTA, and TEEX. Some formal classes will also be taught by OHSB personnel who are qualified OSHA instructors. These training sessions will take advantage of technology-enabled learning and self-study packages where available.

C. Technical Training During the First Three Years

OHSB always attempts to hire personnel who have prior training and experience in safety. At the onset of their career with OHSB, their background will be evaluated to determine if certain training requirements can be waived due to experience. The plan will also take into consideration the immediate needs of the bureau caused by personnel activities and by known programmed inspection activity. An individual training program will be created and maintained by the Training Coordinator to provide individual training guidance.

D. Applicability to All Compliance Officers and Whistleblower investigators

When this directive is adopted, the training records and experiences of current Compliance Officers and Whistleblower investigators will be evaluated to ensure their training requirements have been met. A training plan will be created for each CO for which a training deficiency exists.

E. Budgetary Restrictions

It should be noted that OHSB's budget is limited and has not been growing at a pace to match the escalation of travel expenses associated with compliance and training needs. This training plan is designed to provide the necessary flexibility to balance OHSB's needs with its fiscal capabilities while ensuring qualified personnel is available to properly enforce workplace health and safety standards within New Mexico. To minimize expenses all attempts will be made to take advantage of local training events offered by UTA, TEEX, and others. The OSHA Training Institute will be utilized when less expensive alternative sources of training cannot be found.

F. Professional Certification

OHSB's articulated progression of training requirements for the first three-year period of a CO's and Whistleblower investigators career supports the pursuit of professional certification and encourages them to strive for the recognition that such certification provides.

VIII. First Three Years of CO Training

This section describes the process for determining the training plan for the first three years with OHSB.

A. Determination of career path

OHSB employs two types of compliance officers – safety and health. In conjunction with the CO, the Compliance Manager will determine whether the new officer will be designated as a safety officer or a health officer. This determination will in most cases be dictated by the specific job opening which was filled by the compliance officer. The specific training courses differ for each career path.

B. Initial courses and training (Safety and Health Officers)

The following training activities will apply to all COs:

1. OTI Course #1000 or #1001 Initial Compliance
2. Defensive Driving
3. Review of Field Operations Manual
4. IMIS/OIS Usage
5. Introduction to Federal OSH Act and State of New Mexico OHS Act.
6. Introduction to Privacy Act
7. Environment Department New Employee Orientation Training
8. Title VII of the Civil Rights Act
9. Sexual Harassment Reporting and Prevention

C. Safety Officer – First 18 Months

Unless a waiver or time extension is granted by the Bureau Chief, the following training will be provided during the first 18 months of employment as a safety officer:

One of the following courses

1. 1050 Introduction to Safety Standards for Safety Officers or
2. 500 Trainer Course in OSHA Standards in Construction or
3. 510 OSHA Standards for Construction or
4. 501 Trainer Course for Standards in the General Industry or
5. 511 Standards for General Industry
6. 1310 or 1311 Investigative Interviewing Techniques
7. 1410 Inspection Techniques and Legal Aspects
8. 2450 or 2451 Evaluation of Safety and Health Management Systems
9. 1230 or 1231 Accident Investigation (previously called 1020 or 7505)

D. Safety Officer – Second 18 Months

Unless a waiver or time extension is granted by the Bureau Chief, at least four of the following classes will be provided for safety officers during the second 18 months of the employment:

1. 2050 or 2055 Cranes in construction
2. 2260 or 2264 Permit-required Confined Spaces
3. 3010 or 3015 Excavation, Trenching and Soil Mechanics
4. 3030 Concrete, Forms and Shoring
5. 3080 or 3085 Principles of Scaffolding
6. 3090 or 3095 Electrical Standards

7. 3110 or 3115 Fall Protection
8. 3160 Steel Erection
9. 2010 or 2015 Hazardous Materials
10. 3090 or 3095 Electrical Standards
11. LS101 Life Safety Code or
12. FS 1500 Fire Safety and health Management
13. 1080 or 1081 Health Hazard Awareness for Safety Officers

E. Health Officer – First 18 Months

Unless a waiver or time extension is granted by the Bureau Chief, the following training will be provided during the first 18 months of employment as a health officer:

1. 521 OSHA Guide to Industrial Hygiene
2. 1310 or 1311 Investigative Interviewing Techniques
3. 1410 Inspection Techniques and Legal Aspects
4. 2450 or 2451 Evaluation of Safety and Health Management Systems
5. 1230 or 1231 Accident Investigation (previously called 1020 or 7505)

F. Health Office – Second 18 Months

Unless a waiver or time extension is granted by the Bureau Chief, at least four of the following classes will be provided for health officers during the second 18 months of the employment:

- 2200 Industrial Noise
- 2210 Principles of Industrial Ventilation
- 2220 or 2225 Respiratory Protection
- 2340 Biohazards
- 2250 Ergonomics Applied to Musculoskeletal Disorders and Nerve Disorders
- 3280 Industrial Hygiene Chemistry
- 1050 Safety Hazard awareness for Industrial Hygienists

G. Continuing Education

As new occupational health and safety issues arise, OTI and others offer electronic training sessions called Webinars. Where schedules permit, all Compliance Officers will attend these sessions if they apply to New Mexico OHSB areas of jurisdiction.

IX. First Three Years of Whistleblower Investigators Training

Unless a waiver or time extension is granted by the Bureau Chief, the following training will be provided during the first 12 months of employment as a Whistleblower Investigators

- A. Course #1420 or 1421 Whistleblower Investigation Fundamentals Course This course must be completed within the first year of a Whistleblower Investigator's career. It is a pre-requisite for all additional courses. During the first year, additional courses can be taken at the Bureau Chief's discretion

Unless a waiver or time extension is granted by the Bureau Chief, the following training will be provided during the 2nd and 3rd year of employment as a

Whistleblower Investigators

B. Technical Courses:

- Course #1610 or 1611: Interviewing Techniques for Whistleblower Investigators
- Course #1630 or 1631: Written Communication and Report Writing for Whistleblower Investigators
- Course #2710 or 2711: Legal Concepts for Whistleblower Investigators
- Course #2720 or 2721: Whistleblower Complaint Resolution

X. Organizational Responsibilities

A. Bureau Chief

The Bureau Chief shall serve the training program by reviewing annual training plans, approving waivers and time extensions as appropriate, and auditing the training program as part of the State Internal Evaluation Program.

B. Compliance and Enforcement Section Chief

The Compliance and Enforcement Section Chief shall be responsible for ensuring Whistleblower officers are trained to conduct Whistleblower investigations and shall support the training program as appropriate, by providing policy guidance, subject matter expertise, and current information on the status of agency programs, statutes, regulations, and directives.

C. Compliance Manager

The Compliance Manager shall be responsible for ensuring and facilitating the development and training of all CO's. The Compliance Manager shall ensure the successful implementation of the training program for compliance personnel as described in this directive. Specifically, the Compliance Manager shall:

1. Evaluate the employment and educational history of each new CO to determine which training activities can be recommended for waiver.
2. In cooperation with the Training Coordinator, determine a training plan for each new CO.
3. Evaluate the training and experiences of current COs to determine any training deficiencies and create a training plan if needed.
4. Review and discuss training progress with each CO during employee evaluations.
5. Assign experienced personnel to assist in the on-the-job training of newly hired CO's.
6. Submit written waiver and time extension requests to the Bureau Chief.

D. Compliance Officer and Whistleblower Investigator

The Compliance Officer and Whistleblower Investigator have the responsibility to perform to the best of his or her ability in all training programs and to take an active role in the process of obtaining training.

Specifically, they shall:

1. Discuss individual performance and training progress with his or her supervisor/Compliance manager.
2. Participate in the planning of training activities.
3. Fully attend, participate in, and complete all assigned training courses.

E. Training Coordinator

The Training Coordinator shall be responsible for maintaining all training records and assisting in the development of training plans. Specifically, the Training Coordinator shall:

1. Maintain a file on each Compliance Officer containing certificates for all completed training events.
2. Maintain an electronic file summarizing the training events for all Compliance Officers.
3. Facilitate the registration of COs in training events.
4. Assist the Compliance Manager in the preparation of training plans for compliance officers.
5. Search for and publicize training events.

XI. Waiver from Required Training Program

A. Waiver Conditions

Waivers from the training program can be granted by the Bureau Chief for the following reasons:

1. Upon initial hiring, the Compliance Manager will review the employment and training history of each new Officer. If an officer's prior training or history is deemed to provide the knowledge that would be obtained by a specific class, the Bureau Chief can waive the requirement for a specific class for that officer.
2. The Compliance Manager can make a determination that the existing compliance staff has sufficient experience in a certain area of occupational health or safety. In this case, it may not be economically justifiable to train another employee in a given area.
3. The Compliance and Enforcement Section chief must assess and document that the Whistleblower Investigator has demonstrated mastery of the tasks listed in the course objectives for the course being waived.

* Waivers shall not be granted for the #1410 Inspection Techniques and Legal Aspects course and #1420 or 1421 Legal Concepts for Whistleblower Investigators course to the Compliance officer and WB Investigators respectively.

B. Assessment and Documentation

When the Compliance & Enforcement Section Chief and Compliance Manager determine that an officer should be exempt from taking a particular training event, they will submit a waiver request to the Bureau Chief. The request shall document why the

CO/WB Investigator does not need specific training. The documentation will include how the CO or WB Investigator has acquired the levels of knowledge, skills, and abilities taught in the course for which the waiver is being requested. The documentation shall also indicate that the Investigator has an institutional understanding of OSHA-specific policies and procedures.

C. Waiver Approval

Only the Bureau Chief may grant the waiver approval. The approval will be made in writing and a copy will be placed in the training files which are maintained by the Training Coordinator.

XII. Time Extensions

If extenuating circumstances arise, such as severe budgetary constraints, the time required for a CO/WB Investigator to complete his or her initial training can be extended from three to four years. In this case, the Compliance and enforcement section chief will submit a written request to the Bureau Chief for approval. If the Bureau Chief approves the extension, the approval will be placed in the training files maintained by the training coordinator.

XIII. Monitoring the Training Program

Monitoring the progress of the officers is critical to ensure the success of the training program. Monitoring determines the benefits and effectiveness of the training received and evaluates the ability of the Compliance officer and Whistleblower Investigator to achieve training goals and objectives.

- A. The completion of a training activity by a CO does not necessarily mean the CO is qualified and equipped to perform specific inspections associated with the training event. It is expected the Compliance Manager will assign a mentor for new COs when they begin performing inspections. The mentor will assist in the performance of on-the-job training (OJT) for the CO. After the participation in an inspection by a new CO, the Compliance Manager and mentor will assess the capability of the new CO to determine if additional OJT is required before allowing the new CO to conduct inspections and prepare case files on their own.
- B. The Compliance and Enforcement section chief shall review the Whistleblower Investigator's performance of recommended self-instruction (SI) and on-the-job training (OJT) assignments and identify areas requiring further training.

XIV. Evaluation

An overall evaluation of the training program for OHSB compliance personnel effectiveness will be conducted as part of the State Internal Evaluation Program by the Management Analyst Team.