

Table of Contents

Chapter 1 Introduction

I. Introduction	1 – 1
II. Functional Responsibilities	1 – 3
A. Responsibilities	1 – 3
B. Personal Conduct and Activities	1 – 5

Chapter 2 Intake and Evaluation of Complaints

I. Scope	2 – 1
II. Receipt of Complaint	2 – 1
III. Screening and Docketing	2 – 1
IV. Timeliness of Filing	2 – 2
V. Scheduling the Inspection	2 – 4

Chapter 3 Conduct of the Investigation

I. Scope	3 – 1
II. General Principles	3 – 1
III. Case File	3 – 1
IV. Preliminary Investigation	3 – 2
A. Intake and Evaluation	3 – 2
B. Early Resolution	3 – 2
C. Additional Case Information	3 – 2
D. Coordination with Other Agencies	3 – 3
V. Weighing the Evidence	3 – 3
A. Investigative Standard	3 – 3
B. Causation Standards	3 – 4
C. Gatekeeping Provisions	3 – 4
VI. The Field Investigation	3 – 5
A. The Elements of a Violation	3 – 5
B. Contact with Complainant	3 – 7
C. Field Investigation	3 – 9
D. Complainant Interview	3 – 9
E. Contact Respondent	3 – 10
F. Uncooperative Respondent	3 – 13

G. Early Joint Review with Legal Staff	3 – 13
H. Further Interviews and Documentation	3 – 13
I. Resolve Discrepancies	3 – 14
J. Analysis	3 – 14
K. Closing Conferences	3 – 14
L. Document File	3 – 15

Chapter 4 Case Disposition

I. Scope	4 – 1
II. Preparation	4 – 1
A. Investigator Reviews the File	4 – 1
B. Investigator and IA/Legal Staff Discuss the Case	4 – 1
III. Report of Investigation	4 – 1
IV. Case Review	4 – 1
A. Review	4 – 1
B. Approval	4 – 2
C. Legal Requirements	4 – 4
V. Appeals and Objections	4 – 4
VI. Approval for Litigation	4 – 5

Chapter 5 Report Writing and Case File Documentation

I. Scope	5 – 1
II. Administratively Closed Complaints	5 – 1
III. Case File Organization	5 – 1
IV. Documenting the Investigation	5 – 2
A. Report of Investigation	5 – 2
B. ROI Format	5 – 2

Chapter 6 Remedies and Settlement Agreements

I. Scope	6 – 1
II. Remedies	6 – 1
A. Reinstatement and Front Pay	6 – 1
B. Back Pay	6 – 2
C. Compensatory Damages	6 – 3
D. Punitive Damages	6 – 3
E. Interest	6 – 4
F. Expungement	6 – 4
G. References	6 – 4
H. Training	6 – 4

I. Posting	6 – 5
III. Settlement Policy	6 – 5
IV. Settlement Procedures	6 – 5
A. Requirements	6 – 5
B. Adequacy of Settlements	6 – 5
C. The Standard IOSHA Settlement Agreement	6 – 7
D. Sections of an IOSHA Settlement Agreement	6 – 8
E. Settlements to which IOSHA is not a Party	6 – 9
F. Criteria by which to Review Private Settlements	6 – 11
V. Bilateral Agreements	6 – 13
VI. Enforcement of Settlements	6 – 14

Chapter 7

Section 9(3) of Iowa Code Chapter 88 – the Iowa Occupational Safety and Health Act

I. Introduction	7 – 1
II. Coverage	7 – 1
III. Protected Activity	7 – 1
IV. Relationship to State Plan States	7 – 3
A. General	7 – 3
B. State Plan State Coverage	7 – 3
C. Overview of the 11(c) Referral Policy	7 – 4
D. Procedures for Referring Complaints to State Plans	7 – 4
E. Procedures for Processing Dually Filed 11 (c) Complaints	7 – 5
F. Referral Procedure – Complaints R’cvd by State Plan States	7 – 7
G. Complaints About State Program Administration	7 – 9

Chapter 8

Other Whistleblower Statutes

I. Scope	8 – 1
1. Asbestos Hazard Emergency Response Act (AHERA)	8 – 1
2. International Safe Container Act (ISCA)	8 – 1
3. Surface Transportation Assistance Act (STAA)	8 – 1
4. Safe Drinking Water Act (SDWA)	8 – 2
5. Federal Water Pollution Control Act (FWPCA)	8 – 2
6. Toxic Substance Control Act (TSCA)	8 – 2
7. Solid Waste Disposal Act (SWDA)	8 – 2
8. Clean Air Act (CAA)	8 – 2
9. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)	8 – 2
10. Energy Reorganization Act (ERA)	8 – 3
11. Wendell H Ford Aviation Investment and Reform Act for the 21 st Century (AIR21)	8 – 3
12. Sarbanes-Oxley Act (SOX)	8 – 3

13. Pipeline Safety Improvement Act (PSIA)	8 – 3
14. Federal Railroad Safety Act (FRSA)	8 – 4
15. National Transit Systems Security Act (NTSSA)	8 – 4
16. Consumer Product Safety Improvement Act (CPSIA)	8 – 5
17. Affordable Care Act (ACA)	8 – 5
18. Seaman’s Protection Act (SPA)	8 – 5
19. Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA)	8 – 5
20. FDA Food Safety Modernization Act (FSMA)	8 – 6