



Date: March 6, 2001
Reviewed: November 18, 2007
From: Marilyn Schuster, Policy Manager
Subject: Jurisdiction of city, state & county employees

This issue originated as an employer initiated email question

Issue: Please provide citations from the OR-OSHA regulations and/or what is considered by your enforcement division as acceptable practice with regards to the following issues:

1. Are city or county government officials exempt from OSHA regulations or site safety policies when visiting construction sites on official business?
2. Is the wearing of shorts ever considered acceptable on construction site where there are multiple physical and chemical hazards to unprotected workers?

Answer: Instead of providing copies of inspection records involving government agencies cited by OR-OSHA (which would only include those inspections that have not been purged and which might be found by a random search of the files), the answers to your two questions will be provided. While the following answers reflect normal OR-OSHA procedures, they are intended only to respond to the questions that you asked and should not be freely interpreted and applied to other situations.

City, county and state agencies are covered by OR-OSHA's jurisdiction and their employees are expected to comply with OR-OSHA's standards. When instances of noncompliance are determined by OR-OSHA to exist, then routine enforcement action is taken to eliminate the hazardous conditions. Since OR-OSHA does not control on-site company safety policies, OR-OSHA does not have the authority to require compliance with such policies. OR-OSHA only has authority to require compliance with OROSHA's standards. That is normally accomplished by holding employers accountable for the actions of their employees. On some work sites involving more than one employer, other employers (controlling, creating, exposing and/or correcting) may be held accountable.



OR-OSHA does not have a standard that specifically prohibits the wearing of shorts on construction sites. OR-OSHA does have a standard that requires employees to wear clothing that is appropriate for the work performed and conditions encountered. The employer of an employee who is exposed to hazardous condition is normally held accountable for requiring the appropriate clothes to be worn. Since the general contractor of a construction site is required to oversee overall safety of the site, it would seem appropriate that if the wearing of shorts was believed to be hazardous, then long pants should be worn. Again, OR-OSHA does not control on-site safety policies and only gets involved when there is a conflict with the standards or when a hazardous condition exists.

If you have further questions, please call OR-OSHA, Technical section at (503)378-3272, or refer to the OR-OSHA Internet site at www.orosha.org. Thank you for your interest in occupational safety and health.