

The Maine Department of Labor, Workplace Safety & Health Division has adopted the OSHA Whistleblower Investigations Manual (WIM) CPL 02-03-011 04/29/2022 version except for section on appeals and settlement agreements. MDOL internal policy for appeals and settlement agreements is listed below.

<https://www.osha.gov/enforcement/directives/cpl-02-03-011-0>

APPEALS AND SETTLEMENT AGREEMENTS

1. Appeals:

Any person aggrieved by an order or act of the director or of an inspector of the bureau or wishing to contest any citation or penalty issued under sections 45 and 46 may, within 15 working days after notice thereof, appeal from the order, act, citation or penalty to the board, which shall hold a hearing pursuant to Title 5, section 9051 et seq., and the board shall, after the hearing, issue an appropriate order either approving, disapproving or modifying the order, statute, finding or settlement.

2. Settlement Agreements:

If upon investigation the director determines that the provisions of this chapter have been violated, the director shall bring an action in the Superior Court in the county in which the alleged violation occurred. In any action, the Superior Court has jurisdiction, for cause shown, to restrain violations of this section and order all appropriate relief, including rehiring or reinstatement of the employee to the employee's former position with back pay. Any order by a board created and established under this Title, or any rule, regulation, determination or declaration formulated by the board or by the Director of the Bureau of Labor Standards is subject to review by the Superior Court, pursuant to Title 5, section 8058 or section 11001 et seq.

3. Board of Occupational Safety & Health:

The Board of Occupational Safety and Health as established by Title 5, section 12004-G, subsection 24, shall consist of 10 members of which 9 shall be appointed by the Governor. Of the 9 appointed members of the board, 3 shall represent employers; 3 shall represent employees; one shall represent an insurance company licensed to insure workers' compensation within the State and 2 shall represent the public. The 10th member of the board shall be the director. Of the 3 employer members, one shall represent state agencies, one shall represent counties within the State, and one shall represent municipalities within the State. Of the 3 employee members, one shall represent state employees, one shall represent county employees and one shall represent municipal employees.

Referenced from Maine Revised Statutes (MRS) – Title 26, Labor and Industry

All correspondence should be sent to:

Director, Bureau of Labor Standards
Maine Department of Labor
45 State House Station
Augusta, Maine 04333-0045



Only those with authorized to conduct Whistleblower investigations and/or those authorized to access will be allowed access the electronic file for Whistleblower cases. Only those with authorized to conduct Whistleblower investigations will be granted access to the electronic file. Authorized Maine Department of Labor (MDOL) employees are limited to Division Director, Enforcement Program Manager, Chief Labor Safety & Health Inspector, and Records Manager.

The secured electronic case file cloud based software used is OneDrive-State of Maine.

All documents that may contain Personal Identification Information (PII) will be password protected, as a secondary secure electronic file method. This password will only be known by those authorized to access the folder.

Amanda:

For case management, a request for services will be entered into the State of Maine's Amanda Case Management System. Cases will be classified as Whistleblower. The *Row ID or Amanda file* number, employer name, and complainant name will be used to identify the Whistleblower case.

Documents:

Documents and or Folders for case files are:

For all case files in each folder, a Table of Contents will be created. As documents are added, they will be added to Table of Contents.

To Password Protect:

Word and Excel Documents:

- Select File
- Select Protect Document
- Select Encrypt with Password

Any Documents including Word, Excel or Adobe .pdf

- Right click on the desired document/file to be password protected
- Click on McAfee File and Removable Media Protection
- Choose "Create Self-Extractor"
- Create and enter the password
- Confirm Password
- Click OK
- This will create a new version of the file/document that is password protected
- Delete original file/document

Whistleblower Case - Table of Contents

Case Name and #:

AMANDA #:

EXHIBIT	DESCRIPTION
Exhibit 1	Complainant
Exhibit 2	Complainant Interview
Exhibit 3	Respondent Statement Exhibit 3-A
Exhibit 4	Witness Interview
Exhibit 5	Documents submitted by Complainant
Exhibit 6	Investigators Notes
Exhibit 7	Phone Activity Log
Exhibit 8	ROI
Exhibit A	Complainant Notification
Exhibit B	Respondent Notification
Exhibit C	Government Correspondence
Exhibit D	Complainant Correspondence
Exhibit E	Respondent Correspondence
Exhibit F	Outside Correspondence
Exhibit G	BOSH Board Findings
Exhibit H	IMIS Case Summary
Exhibit I	Appeal Folder