

Appendix B
Arizona State Plan
Status of FY 2009 EFAME Findings and Recommendations

No.	Findings	Recommendations	Corrective Action	State Action Taken	Status
09-1	The 15-day due date for contesting citations and requesting informal conferences was not always entered into the IMIS system.	<p>Ensure that the 15 day due date is entered into IMIS for all cases where citations are issued.</p> <p>It is the right of the employer, after an OSHA inspection, to request an informal conference with OSHA to discuss the violations cited or any pertinent information that surrounded the inspection. The employer also has the right to contest the citations and penalties after an OSHA inspection. These rights afforded to the employer are to occur within 15 work days of the receipt of the notification of citation and penalty and must be entered into the computing system so that employer's rights are upheld. Arizona's program must ensure those same rights to the employer.</p>	Staff has been trained on the need to enter this data into IMIS.	Staff has been trained on the need to enter this data into IMIS.	Completed
09-2	Information and OSHA forms documenting citations, inspection activity, and contact information were not complete in many cases.	Ensure compliance officers understand the necessary documentation required for violations and completion of OSHA forms. Management should review case files on a regular basis to ensure documentation adequately supports violations and that forms are complete and up to date.	Additional training was provided to staff regarding employer knowledge; additional training was provided to supervisors regarding complaint definitions.	Additional training was provided to staff regarding employer knowledge; additional training was provided to supervisors regarding complaint definitions.	Completed
09-3	Several fatality case file investigations contained limited information and did not appear to be thoroughly documented and investigated. Additionally, it was difficult to determine whether ADOSH communicated with the victim's family concerning the	Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented.	ADOSH provided additional training to staff regarding fatality investigations, interviews and case file documentation. ADOSH modified its inspection narrative to document family contact and provided Federal OSHA a copy of the updated form. This item is completed and considered closed.	ADOSH provided additional training to staff regarding fatality investigations, interviews and case file documentation. ADOSH modified its inspection narrative to document family contact and provided Federal OSHA a copy of the updated	Completed

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	process and results of the investigations.			form. This item is completed and considered closed.	
09-4	Employee participation in the inspection process was not adequately documented in several case files.	Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented.	ADOSH responded that its compliance staff was asking for union involvement but were not documenting the contact in the case files. ADOSH has amended its inspection narrative form to document this contact/opportunity. A copy of the amended form was supplied to federal OSHA. This item is completed and considered closed.	ADOSH responded that its compliance staff was asking for union involvement but were not documenting the contact in the case files. ADOSH has amended its inspection narrative form to document this contact/opportunity. A copy of the amended form was supplied to federal OSHA. This item is completed and considered closed.	Completed
09-5	Interview statements were not documented in five fatality investigations.	Ensure employee interviews are obtained and documented in all fatality investigations.	ADOSH has provided additional training to staff on the documentation of all interviews related to a workplace fatality. This item is considered completed and closed, however will be monitored throughout the current year.	ADOSH has provided additional training to staff on the documentation of all interviews related to a workplace fatality. This item is considered completed and closed, however will be monitored throughout the current year.	Completed
09-6	Inspection files did not contain documentation of the informal conference discussions. Similarly, a complaint case file did not contain documentation of the informal conference discussions and rationale involving a penalty adjustment from \$2,500 to \$75.	Ensure that discussions of the main issues and potential courses of action during the post-citation process are summarized, documented and included in the case file as referenced in Pages 23 and 24 of Chapter IV in the ADOSH FIRM.	ADOSH now maintains documentation of post-citation actions in the case file. This item is considered completed and closed, however will be monitored throughout the current year.	ADOSH now maintains documentation of post-citation actions in the case file. This item is considered completed and closed, however will be monitored throughout the current year.	Completed

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09-7	Case file documentation in the majority of the files were not organized according to established case file set-up procedures and diary sheets or similar daily/chronological logs were not found in all of the case files reviewed.	Ensure consistent organization of inspection case files as referenced in the ADOSH FIRM or Appendix C of OSHA's Instruction ADM 03-01-005 (previously ADM 12-05.A), OSHA Compliance Records and that diary sheets or similar daily/chronological logs are maintained.	ADOSH partially corrected this finding. It has re-instructed staff on the proper order of documents within a file and updated their case file organization plan and provided a copy to Federal OSHA. ADOSH has not ensured that all files are organized accordingly or ensured the use of daily/chronological logs in each file.	ADOSH partially corrected this finding. It has re-instructed staff on the proper order of documents within a file and updated their case file organization plan and provided a copy to Federal OSHA. ADOSH has not ensured that all files are organized accordingly or ensured the use of daily/chronological logs in each file.	Pending
09-8	The IMMLANG policy is not consistently followed.	Review current procedures for IMMLANG and make a determination whether Arizona will adopt a policy to ensure consistency if followed	The adoption of the use and of the IMMLANG code is optional. Arizona has decided not to implement use of the code. ADOSH has discontinued the use of the IMMLANG code.	The adoption of the use and of the IMMLANG code is optional. Arizona has decided not to implement use of the code. ADOSH has discontinued the use of the IMMLANG code.	Completed
09-9	Citation penalties were not appropriate based on the hazard in three case files.	Ensure that citation penalties are assessed in accordance with Chapter IV in the ADOSH FIRM.	ADOSH met with federal OSHA to discuss the findings of the audit that support this finding. After a review, ADOSH has decided that closer internal oversight by compliance supervision is needed and additional training has been provided to the staff.	ADOSH met with federal OSHA to discuss the findings of the audit that support this finding. After a review, ADOSH has decided that closer internal oversight by compliance supervision is needed and additional training has been provided to the staff.	Pending
09-10	Two (2) cases files did not contain adequate abatement documentation to justify closing the case file.	Consider auditing closed fatality case files on occasion to ensure that appropriate documentation is included in the file. Ensure supervisors utilize the IMIS Abatement Tracking report and send appropriate follow-up letters to employers.	ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and considered closed.	ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and	Completed

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				considered closed.	
09-11	The CLAIMS Local Emphasis Program did not demonstrate successful targeting of high hazard, private sector, general industry employers.	Modify the scope and targeting mechanism of the CLAIMS LEP to ensure it is successful.	ADOSH has discontinued the use of this LEP and had it removed from the targeting system. Further discussion revealed that although the CLAIMS Local Emphasis Program was still noted in the system, Arizona was not using the LEP as a safety & health inspection targeting tool.	ADOSH has discontinued the use of this LEP and had it removed from the targeting system. Further discussion revealed that although the CLAIMS Local Emphasis Program was still noted in the system, Arizona was not using the LEP as a safety & health inspection targeting tool.	Completed
09-12	ADOSH's programmed inspection system resulted in high in-compliance rates.	Assess all programmed inspection systems and implement measures to improve in-compliance rates to ensure that the most hazardous industries and workplaces are being addressed.	Additional targeting methods have been implemented to focus resources on the most hazardous industries. ADOSH reviewed all of their targeting programs and realized that the problem lay in the construction targeting parameters. They have changed the selection parameters.	Additional targeting methods have been implemented to focus resources on the most hazardous industries. ADOSH reviewed all of their targeting programs and realized that the problem lay in the construction targeting parameters. They have changed the selection parameters.	Completed
09-13	ADOSH did not meet their inspection goals in FY 2009.	Evaluate resources and schedule inspections to ensure inspection goals are met.	Discussions were held with ADOSH to encourage the consideration staffing and targeting tools to ensure that the inspection goals are. ADOSH also considered adjusting the goals using historical data to estimate more achievable inspection goals.	Discussions were held with ADOSH to encourage the consideration staffing and targeting tools to ensure that the inspection goals are. ADOSH also considered adjusting the goals using historical data to estimate more achievable inspection goals.	Pending

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09-14	ADOSH's rate of serious violations for programmed planned inspections is the lowest in the last five year	Ensure the most hazardous industries and workplaces are being inspected in an effective manner to identify serious hazards and consider conducting training on hazard classification to ensure consistency with violation classification.	ADOSH has provided additional instruction to staff regarding targeting methods and citation classification. This item is completed and considered closed.	ADOSH has provided additional instruction to staff regarding targeting methods and citation classification. This item is completed and considered closed.	Completed
09-15	The Commission's review of all cases with proposed penalties in excess of \$1,000 has adversely affected ADOSH's ability to issue citations in a timely manner.	Continue to work closely with the Commission and staff to ensure that citations are issued in a timely manner.	ADOSH is now tracking individual compliance officer citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval which will help to reduce lapse time.	ADOSH is now tracking individual compliance officer citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval which will help to reduce lapse time.	Completed
09-16	Employers were not always notified of the Abatement Documentation requirements and abatement was not always adequately documented in case files.	Ensure that adequate documentation is obtained from the employer to appropriately address citations. Provide training to Compliance officers regarding the requirement of abatement verification documentation as it relates to field 19 of the OSHA-1B form. Utilize the Default Violation Abatement Standard Report to identify and track cases with abatement outstanding and follow-up as directed under CPL 2-0.114, Abatement Verification Regulation, which may include the issuance of additional citations for violations of 29 CFR 1903.19. When appropriate, they should also expand the use of abatement codes W (not completed, worksite changed) and E (not completed, employer out of business).	ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January.	ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January.	Completed

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09-17	A designated IT Backup System Administrator was not designated.	Retain an IT Backup System Administrator to prevent a breakdown in the system in the event the IT Administrator is unable to perform these functions (OSHA ADM 1-1.30, Page II-1, paragraph B).	ADOSH checked with federal OSHA Directorate of Information to confirm the IT Backup system administrator's status. It was confirmed that the program does have an IT back up.	ADOSH checked with federal OSHA Directorate of Information to confirm the IT Backup system administrator's status. It was confirmed that the program does have an IT back up.	Completed
09-18	Appropriate and accurate information was not consistently entered into the IMIS system.	Ensure staff is properly trained on entering appropriate information in IMIS while handling complaints, abatement, and discrimination cases. Management should review case files and use IMIS reports on a regular basis to ensure that data is being entered correctly into IMIS.	ADOSH has started using many of the audit reports suggested, in addition to those already used. ADOSH also provided additional training to their employees and added additional oversight by management to ensure that reports are completed properly.	ADOSH has started using many of the audit reports suggested, in addition to those already used. ADOSH also provided additional training to their employees and added additional oversight by management to ensure that reports are completed properly.	Completed
09-19	ADOSH did not adopt new Federal OSHA standards in a timely manner.	Ensure standard adoption is within six months of the federal promulgation date.	Further discussions were held concerning ADOSH seeking a moratorium on the Arizona's standard adoption. Currently, all laws have to go before the Governor for approval. ADOSH is currently looking into trying to obtain a permanent exemption from the moratorium for the adoption of OSHA regulations.	Further discussions were held concerning ADOSH seeking a moratorium on the Arizona's standard adoption. Currently, all laws have to go before the Governor for approval. ADOSH is currently looking into trying to obtain a permanent exemption from the moratorium for the adoption of OSHA regulations.	Pending
09-20	Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for Compliance	Adopt a formal training program for compliance personnel and submit a Plan Change Supplement for OSHA's review. Arizona must also submit a State Plan Change Supplement with a description of their targeting	ADOSH submitted to OSHA for review a copy of a training plan they have been using. OSHA is currently reviewing the document.	Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for compliance	Pending

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	personnel and for their targeting system which differ from the Federal system.	systems.		personnel and for their targeting system which differ from the Federal system. This item will be monitored throughout the year.	
09-21	Discrimination investigations took an average of 190 days to complete. Only 56.6% of discrimination investigations were completed within the targeted 90 days.	Continue efforts to complete discrimination investigations within 90 days.	ADOSH is working to create a “separate” discrimination section that will focus on 11c discrimination complaints and processing. The “separate” section will not include the hiring of new employees, just dedicated employees to processing the 11c complaints and file management. ADOSH will be presenting its plan to the ICA for approval.	ADOSH is working to create a “separate” discrimination section that will focus on 11c discrimination complaints and processing. The “separate” section will not include the hiring of new employees, just dedicated employees to processing the 11c complaints and file management. ADOSH will be presenting its plan to the ICA for approval.	Pending
09-22	ADOSH did not always send letters to Complainants and Respondents informing them that the investigation has been opened or closed as appropriate.	Ensure policies and procedures are updated and discrimination investigators are appropriately trained and that files are reviewed on a regular basis to ensure that appropriate letters to complainants and respondents are sent informing them that the investigation has been opened and to ensure that both parties receive a closing letter after the investigation is closed.	Discussions with ADOSH revealed that due to budget cuts and other constraints they could not send all discrimination investigators to attend training at the Federal OSHA training institute. In the future ADOSH will make provisions for the lead investigator to receive Whistleblower training at the OSHA training institute. ADOSH stated they provide a letter to the respondent at the opening of the investigation and call the complainant to inform them of the opening of the investigation. This contact with the complainant has not been documented on a telephone log that is supposed to be in the case file. These findings will be	Discussions with ADOSH revealed that due to budget cuts and other constraints they could not send all discrimination investigators to attend training at the Federal OSHA training institute. In the future ADOSH will make provisions for the lead investigator to receive Whistleblower training at the OSHA training institute. ADOSH stated they provide a letter to the respondent at the opening of the investigation and	Pending

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			further monitored in FY 2011.	call the complainant to inform them of the opening of the investigation. This contact with the complainant has not been documented on a telephone log that is supposed to be in the case file. These findings will be further monitored in FY 2011.	
09-23	ADOSH did not appropriately accept and docket orally filed discrimination complaints.	Ensure policies and procedures are updated and discrimination investigators are trained to accept and docket orally filed complaints and not require a complainant to submit a complaint in writing as referenced in OSHA's whistleblower manual, DIS 0-0.9, Chapter 2 and Chapter 7, Section V(A).	Arizona state law requires <i>all</i> discrimination complaints, regardless of the type, to be in writing. Current discussions are focused on how ADOSH can get this requirement waived because federal policy mandates that orally filed complaints are to be handled the same as written.	Arizona state law requires <i>all</i> discrimination complaints, regardless of the type, to be in writing. Current discussions are focused on how ADOSH can get this requirement waived because federal policy mandates that orally filed complaints are to be handled the same as written.	Pending
09-24	All discrimination cases were not properly coded in IMIS.	Review discrimination cases on a regular basis to ensure that discrimination complaints are properly coded in IMIS.	ADOSH has implemented a review process and conduct audits twice per year (January and July) to ensure proper coding within IMIS.	ADOSH has implemented a review process and conduct audits twice per year (January and July) to ensure proper coding within IMIS.	Completed
09-25	Closing conferences were not documented in the case files.	Review case files on a regular basis to ensure that closing conferences are documented in the case files as referenced in ADOSH's discrimination manual, Chapter 3, Section E.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.J6.	ADOSH provided OSHA with a copy of its amended narrative to include the closing conference. The case files are also being reviewed by the supervisor and program director.	ADOSH provided OSHA with a copy of its amended narrative to include the closing conference. The case files are also being reviewed by the supervisor and program director.	Completed
09-26	Interview statements or interview memos detailing the relevant information were not obtained during	Ensure required statements and information are obtained in interview statements as required in ADOSH's discrimination manual, Chapter	ADOSH provided OSHA with a copy of its amended narrative to include interview statements within the case file.	ADOSH provided OSHA with a copy of its amended narrative to include interview statements	Completed

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	witness interviews.	3, Section C.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.G.		within the case file.	
09-27	The majority of the case files reviewed were not organized in the manner prescribed in ADOSH's discrimination manual, Chapter 5, Section B, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section III.	Ensure that the case files contain adequate documentation and the case files are properly organized, in line with the requirements outlined in ADOSH's discrimination manual, Chapters 3 and 5, and OSHA's whistleblower manual, DIS 0-0.9, Chapters 2 and 3.	ADOSH provided additional training on case file organization.	ADOSH provided additional training on case file organization.	Completed
09-28	The Final Investigative Reports that were included in the case files did not follow the identical format prescribed in ADOSH's discrimination manual, Chapter 5, Section C, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section IV.	The Final Investigative Report template must be amended to follow the identical format prescribed in ADOSH's discrimination manual. The report must be dated and signed by the investigator and the approving supervisor for accountability.	ADOSH provided OSHA with an updated investigative report template. The modified template includes a location for the investigator and supervisor to date and sign.	ADOSH provided OSHA with an updated investigative report template. The modified template includes a location for the investigator and supervisor to date and sign.	Completed
09-29	ADOSH did not ensure that the Complainants and all relevant witnesses were interviewed and statements were documented in the investigation files.	Instruct investigators and review case files on a regular basis to ensure that the complainants in all cases are interviewed, as well as all relevant witnesses, including management and third parties	ADOSH has retrained investigators to interview each complainant and all relevant witnesses. Files are reviewed regularly by supervisors to ensure this occurs. A new report template was created which includes an area for witness statements. This item is completed and considered closed.	ADOSH has retrained investigators to interview each complainant and all relevant witnesses. Files are reviewed regularly by supervisors to ensure this occurs. A new report template was created which includes an area for witness statements. This item is completed and considered closed.	Completed

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09-30	In two (2) cases discrimination investigators did not sufficiently analyze and document factors relating to the final disposition of the case, such as work refusals and nexus.	Provide additional guidance to discrimination investigators on analyzing and documenting pertinent factors relating to discrimination cases, including work refusals and nexus.	ADOSH has updated the Final Investigative Report template to prompt investigators for the required information and report elements.	ADOSH has updated the Final Investigative Report template to prompt investigators for the required information and report elements.	Completed
09-31	Of the five worksites reviewed, Medical Access Orders (MAOs) were not provided prior to the onsite visit as required under OSHA's CPL 02-02-072 and ADOSH's policy 2007-1, Access to Employee Medical Records.	Implement a system to ensure Medical Access Orders are obtained prior to the VPP onsite visit.	ADOSH has implemented a system similar to federal OSHA for obtaining MAO's prior to onsite visits where employees' records will be accessed.	ADOSH has implemented a system similar to federal OSHA for obtaining MAO's prior to onsite visits where employees' records will be accessed.	Completed
09-32	ADOSH allowed 23(g) grant funds to be lapsed and failed to timely notify Federal OSHA.	Ensure funds that will not be spent by September 30 are appropriately returned to federal OSHA with adequate time to allocate	ADOSH hired a new accounting representative that will be overseeing the timeliness of funds being returned to federal OSHA and monitoring due dates.	ADOSH hired a new accounting representative that will be overseeing the timeliness of funds being returned to federal OSHA and monitoring due dates.	Pending
09-33	ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period.	Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel.	ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. ADOSH will ensure the inspector positions are fully staffed to the extent possible and finalize the hiring plan.	ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. ADOSH will ensure the inspector positions are fully staffed to the extent possible and finalize the hiring plan.	Pending
09-34	Several of the compliance staff have not received all the required classes	Ensure that compliance staff receives at least the basic required courses as required by federal OSHA's Directive	ADOSH has submitted a training plan to OSHA that they believe meets the intent of the federal directive. Further monitoring is needed for this item.	ADOSH has submitted a training plan to OSHA that they believe meets the intent of the federal directive. Further monitoring is needed for this item.	Pending

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09-35	Arizona conducted 50 inspections of framing contractors, which was below their goal of 150. This resulted in the identification of 88 hazards, which was below their goal of 300.	Evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections.	ADOSH has met the overall goal of a reduction of injury and illnesses within the framing industry, yet for a secondary outcome measure they did not allot resources to have the inspection goal met.	ADOSH has met the overall goal of a reduction of injury and illnesses within the framing industry, yet for a secondary outcome measure they did not allot resources to have the inspection goal met. This item will be further monitored in FY 2011.	Pending
09-36	The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five Year Strategic Plan goal.	Re-evaluate efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.	ADOSH did not meet the performance goal in this area.	ADOSH did not meet the performance goal in this area. This item will be further monitored in FY 2011.	Pending
09-37	Citation lapse time for safety citations remains above the FY 2007	Develop a plan to reduce safety citation lapse time.	ADOSH is now tracking individual CO citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval. The presentation of cases before the Commission can add at least 1 week to the citation lapse time.	ADOSH is now tracking individual CO citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval. The presentation of cases before the Commission can add at least 1 week to the citation lapse time. This will continued to be monitored in FY 2011.	Pending