

Appendix B
Connecticut State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region I
Status of Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-1	Complaint and Referral Response (SAMM#1) —CONN-OSHA's FY2009 average of 7.24 days did not meet the five-day standard for average number of days to initiate a complaint inspection.	Meet the five-day standard.	CONN-OSHA will run the SAMM monthly to monitor its performance with regard to this measure. <i>(The SAMM for April 2011 will reflect that the standard has been met.)</i>	CONN-OSHA runs the SAMM monthly.	This finding is pending correction.
09-2	Fatality Case Files/Diary Sheets —Case diary sheets relating to fatality investigations did not contain notes on important discussions that occurred between the compliance officers and the supervisors.	Document all information relevant to fatality investigations in the case file diary sheet (including important discussions between CSHOs and supervisors). Review Chapter 5 of the FOM, Section X.	CONN-OSHA will develop a case file review check and the manager will review all case files to ensure that diary sheets contain all required entries.	The manager reviews all case files but the case file review check list has not been implemented.	This finding is pending correction.
09-3	Case file organization — Some case files' documents were not in the order established by Appendix C of ADM 03-01-005.	Use files with paper fasteners and review OSHA's guidance on case file organizations, Appendix C of ADM 03-01-005.	All CSHOs will review OSHA's guidance document; case files will be reviewed by management; and a case file review check list will be implemented.	The case file review check list has not been implemented; all other actions have been completed (or are ongoing).	This finding is pending correction.
09-4	SAMM# 8 —CONN-OSHA did not meet the standard of 51.2 for percent of programmed inspections with S/W/R violations, with a percentage of 48.39 in FY2009 for health related inspections.	Meet the national standards for safety and health inspections.	Conduct staff training on Chapter 4 of the FOM; and run quarterly SAMM reports to monitor performance. <i>(The SAMM for the 4th qtr. of FY2011 will reflect that the standard has been met.)</i>	Completed (ongoing).	This finding is pending correction.
09-5	Classifying/Grouping Violations —CONN-OSHA's FY2009 percentage for serious violations was too low compared	Review Chapter 4 of the FOM, which discusses violation classifications and grouping violations.	Conduct staff training on Chapter 4 of the FOM; monitor performance by running Inspection Summary reports quarterly; and	Completed (ongoing)	This finding is pending correction.

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	to its percentage for other-than-serious violations.		<p>management will carefully monitor all probability and severity assessments.</p> <p>The Inspection Summary report for the 3rd qtr. will reflect that the program's percentages are comparable to Federal OSHA's percentages.</p>		
09-6	Penalty Reduction —CONN-OSHA's informal settlement agreements resulted in a penalty reduction of approximately 60 percent.	Penalty reductions in the 60 percent range should be reserved only for employers who provide adequate proof of abatement for each cited violation, and that this abatement verification is provided within the dates indicated on the citation (FOM, Chapter 7). The reasons for granting penalty reductions (and extended abatement dates) should be documented on the case file diary sheet.	Adopt OSHA's guidelines for penalty reductions and Region will track the program's success in adhering to these guidelines using IMIS data.	Completed (ongoing)	This finding was corrected.
09-7	SAMM# 6, Abatement Verification - CONN-OSHA's FY2009 percentage of 97.96 for S/W/R violations verified timely did not meet the standard of 100 percent.	Meet the standard.	<p>Conduct staff training on Chapter 7 of the FOM; run monthly SAMM reports to monitor performance; and develop a system for tracking abatement due dates.</p> <p><i>(The SAMM for March 2011 will reflect that CONN-OSHA has met the standard.)</i></p>	Completed (ongoing)	This finding is pending correction.

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09-8	Abatement Verification —In some municipalities where multiple departments were inspected, just one of the case files contained all of the other departments' documentation of abatement.	Maintain case files in accordance with Appendix C of ADM 03-01-005, which states that: "An inspection case file shall be composed of all essential documents relating to a single inspection of an establishment."	Management will review all inspection case files to verify that documents related to inspections of municipalities with multiple departments are filed appropriately.	Completed (ongoing).	This finding was corrected.
09-9	Abatement Verification —Some case files had been closed before adequate documentation of abatement has been received by the program.	Review Chapter 7 of the FOM, which states that case files must remain open throughout the inspection process.	Management will review inspection case files to ensure that abatement has occurred and that it was properly documented before the case files are closed.	Completed (ongoing).	This finding was corrected.
09-10	Abatement Verification — Some cases lacked written certification of abatement while others contained abatement letters that did not document abatement for all citations issued. In addition, some case files lacked relevant documents such as written hazard communication programs, evidence of training, and an emergency action plan.	Review Chapter 7 of OSHA's FOM, Section B, which relates to Adequacy of Abatement Documentation., and will maintain case files accordingly.	Conduct staff training on Chapter 7 of the FOM; CSHOs will use the case file review check list to ensure that abatement has occurred and is properly documented before the case files are closed; managers will review case files.	Completed (ongoing).	This finding was corrected.
09-11	Abatement Verification —Some case files did not contain documentation related to Petitions for Modification of Abatement (PMA).	Ensure that all documentation related to PMAs is contained in the relevant case files, such as copies of the petition itself, as well as CONN-OSHA's approval (or denial) of the PMA, and any written objections by employees to the PMA. (Refer to Chapter 7 of the FOM, Section III.)	CSHOs will use a tracking sheet to ensure that employers follow all procedures in the PMA process; develop a system for tracking due dates for abatements that were granted under PMAs; conduct staff training on Chapter 7 of the FOM; managers will review case files.	CONN-OSHA has not developed a PMA tracking sheet but will do so by June 1, 2011; all other actions completed (ongoing).	This finding was corrected.

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09-12	Informal Conferences — Several of the case files that had informal conferences did not contain documentation that labor organizations were ever notified of the informal conference	Labor unions should receive adequate and timely notification of the scheduling of informal conferences, and that this notification is documented in the case file. (Refer to Chapter 7 of the FOM.)	Conduct staff training on Chapter 7 of the FOM; use the case file review check list to ensure that union notification is contained in the case files; and managers will review case files.	The case file review check list has not been implemented; all other actions have been completed (or are ongoing).	This finding has been corrected.
09-13	Informal Conferences — Some case files did not contain notes or other documentation related to informal conferences and/or informal settlement agreements.	Documentation of informal conferences and informal settlement agreements must be included in all case files where appropriate. If an informal conference was held that pertains to more than one municipal department, then each department's case file should contain notes, diary sheet entries and other documentation related to the informal conference and the informal settlement agreement. (Refer to Chapter 7, Section II (F) of the FOM.)	Managers will review case files to ensure that documentation and notes related to informal conferences are contained in the file of every case for which an informal conference is held.	Corrected (ongoing).	This finding was corrected.
09-14	Informal Conferences — Some cases files' diary sheets did not contain entries with regard to the dates, and location, etc. of informal conferences.	Diary sheets must record the scheduling information for informal conferences (Refer to Chapter 7 of the FOM, Section II (D).)	Managers will review case files to ensure that documentation and notes related to informal conferences are contained in the file of every case for which an informal conference is held.	Corrected (ongoing).	This finding was corrected.

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09-15	Whistleblower Program —In two of the cases we reviewed, the lapse time between the date the case was filed and notification of the employer was up to five weeks.	OPP should notify the employer in a timely manner to accelerate the process of mediation.	Employers will be notified in a timely manner of complaint filings.	Corrected (ongoing).	This finding was corrected.
09-16	Whistleblower Program —None of the case files that the Region examined were assembled in the proper format and order in accordance with Chapter 5, Section III.B.1 of OSHA's Discrimination Manual (DIS 0-0.9). The case files had some paperwork contained loosely in the files.	OPP should assemble discrimination case files in an orderly fashion in accordance with OSHA's Discrimination Manual.	Case files will be maintained in accordance with OSHA's Discrimination Manual	Corrected (ongoing).	This finding was corrected.
09-17	Whistleblower Program —Only one-third of CONN-OSHA's discrimination cases are completed within 90 days. The SAMM standard is 100 percent.	Work to ensure that cases are completed within the 90-day guideline.	This corrective action has been revised. CONN-OSHA will explore the possibility of simplifying the state's complex regulatory process for handling discrimination complaints. During the fourth quarterly meeting, Region I and CONN-OSHA will discuss the results of CONN-OSHA's inquiries into this matter.	No action has been taken to date.	This finding is pending correction.

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09-18	Standards/Program Change Adoptions —CONN-OSHA did not completed a full review of the FOM to determine which provisions, if any, the program would need to modify, since the FOM pertains chiefly to Federal OSHA <i>private sector enforcement</i> , and CONN-OSHA is a public sector employee only state plan.	CONN-OSHA should complete its review of the FOM. This includes identifying any provisions that may require change, drafting the proposed changes, and forwarding the entire package to Region I for review and approval. Once this process has been completed, implementation of the FOM should begin immediately.	The corrective action has been revised to set a target date of June 1, 2011 for CONN-OSHA to complete the steps required to implement the FOM.	CONN-OSHA is reviewing the FOM.	This finding is pending correction.
09-19	Consultation — CONN-OSHA did not meet the 100 percent standard for verifying hazards corrected within a timely manner (14 days within the latest correction due date).	CONN-OSHA must work harder to meet the standard of 100 percent to ensure that workers are protected from identified hazards.	CONN-OSHA will meet the 100 percent standard.	The standard has been met.	This finding was corrected.
09-20	Debt Collection Procedures — CONN-OSHA has not established formal debt collection procedures.	CONN-OSHA should adopt formal debt collection procedures.	CONN-OSHA will adopt formal debt collection procedures by January 31, 2011.	CONN-OSHA has developed and formalized debt collection procedures.	This finding was corrected.
09-21	CSHO Training —In accordance with TED 01-00-018, the program’s compliance officers still need to complete course #2450 (Evaluation of Safety and Health Management Systems) and #1310 (Investigative Interviewing Techniques).	The affected CSHOs must complete these two remaining courses as soon as possible.	CONN-OSHA will enroll the affected CSHOs in the required courses, to be completed by the end of FY2011.	The three compliance officers have been scheduled to take the course through the Office of Training and Education.	This finding was corrected.

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09-22	Average Number of Days Between Consultation Closing Conference and Issuance of Written Report – CONN-OSHA's FY2009 year-end average of 22.33 days exceeded the 20 day standard.	CONN-OSHA must meet the 20-day standard.	<p>On a quarterly basis, CONN-OSHA will run the MARC to monitor the program's performance with regard to this measure. If the performance measure is not being met, the manager will meet with consultants to analyze and correct problems that are causing deficiencies.</p> <p>The ACE report for the second quarter of FY2011 will reflect that this standard has been met.</p>	Completed (ongoing)	This finding is pending correction.