

Appendix A
Michigan State Plan
FY 2010 Enhanced FAME Follow Up Report Prepared by Region V
Summary of New and Continuing Findings and Recommendations

10-1	Three fatality case files were reviewed. As recommended in FY 09, the NOK letters were included in the file. It was noted that MIOSHA was sending either the initial letter notifying the victim's family of the investigation or the final letter with a copy of the citations. Both letters were in none of the files reviewed.	Recommendation 10-01: Ensure that both the initial NOK letter stating that MIOSHA is conducting an investigation and the final closeout letters are maintained in the file.	new
10-2	MIOSHA did not enter abatement verification into IMIS System. Instead it is entered into an Excel spreadsheet.	MIOSHA should enter abatement verification into the IMIS system as this is a Mandated Measure.	09-1
10-3	MIOSHA penalty calculation policy has resulted in low average penalty assessments. MIOSHA's initial penalty, per serious violation, is \$692.37, which is below the national reference data by 51.9%.	MIOSHA needs to follow their penalty calculation policy with respect to classification of serious violations.	09-2
10-4	The complaint files, formal and nonformal, did not include a mechanism to track actions taken while handling the file.	Ensure a tracking mechanism, such as a Diary Sheet, is put in place and used effectively.	09-3
10-5	While MIOSHA recognized hazards and issued citations, not all of the hazards were appropriately classified per their FOM.	Ensure all staff are retrained on hazard classification and penalty assessment guidelines for fatalities.	09-6
10-6	While MIOSHA had a hazard classification and penalty assessment system that was similar to Federal OSHA, they did not follow it in all cases. Hazard classification did not follow the guidelines established in MIOSHA's FOM. Penalty assessment, severity/probability and adjustment factors did not follow established MIOSHA guidance documents in all cases.	Ensure all staff are retrained on current hazard classification and penalty assessment guidelines for inspections.	09-8

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10-7	There was no documentation to support or explain why changes were made to the violations and penalties in some case files.	Changes that are made to violations and penalties through the first appeal level must be documented in the case file.	09-10
10-8	MIOSHA had a hazard classification and penalty assessment system that was similar to Federal OSHA, they did not follow it in some case files. Hazard classification did not follow the guidelines established in MIOSHA's FOM. Penalty assessment, severity/probability and adjustment factors did not follow established MIOSHA guidance documents in some case files.	Ensure all staff are retrained on policy for hazard classification and penalty assessment guidelines.	09-11
10-9	MIOSHA does not use IMIS management reports.	To prevent duplicative work, MIOSHA should use IMIS management reports to track all case file activities.	9-12
10-10	Review of the cases revealed that MIOSHA's Employee Discrimination Section has adopted their own forms, letters, and Final Investigative Report (FIR) rather than using the forms provided by the OSHA Whistleblower Program. Case file organization does not follow DIS 0-0.9. However, the outcomes of the cases reviewed were appropriate.	Follow DIS 0-0.9 to ensure consistency with case file organization and contents, including forms, letters and Final Investigative Reports (FIRs).	09-13
10-11	MIOSHA's staffing levels are below the currently approved benchmarks. MIOSHA has considered recalculation to lower its benchmark levels as part of the SIEP in each of the past three years.	The State should continue to work with OSHA, regarding benchmarks, and continue to increase staffing levels to the extent feasible.	09-18