



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

HAROLD J. WIRTHS
Commissioner

July 26, 2011

Dear Ms. Locey and Ms. Seeman,

I along with The New Jersey Office of Public Employees Occupational Safety and Health (NJPEOSH) have reviewed the 2010 EFAME report.

A Regional audit was conducted in December of 2009 and January of 2010. NJPEOSH worked closely with the Region to fully implement changes that were part of a corrective action plan that was devised jointly with the Region and NJPEOSH management.

As a result of this joint effort, all items identified in the audit have been addressed. In addition, NJPEOSH management continues to work closely with the Region through frequent communication, ad hoc and quarterly meetings.

NJPEOSH would like to modify several statements in the federal EFAME report where numbers of staff, inspections and visits were inaccurately reported. The following five bullet points clarify the numbers that were incorrectly reported in the original EFAME report:

- Performance Goal 3.2B (page 5 and 42) - For FY2010 NJDHSS PEOSH Program received 27 complaints. 26 inspections were initiated within five days (average 2.6 days, range 1-9 days). The NJDHSS PEOSH Program received 87 IAQ and sanitation complaints in FY2010. The goal to initiate 95% of non-IAQ/sanitation complaints was met. 96% (26/27) of the non-IAQ, non-sanitation complaints were initiated within five days. The inspection that went longer than five days to initiate was due to the unavailability of the complainant. The complainant had requested to be present for the inspection but was away at training.
- Staffing (page 7) - In addition to the furloughs, PEOSH has continued to lose personnel due to attrition. As a result, PEOSH's staffing of safety compliance officers is now at 75 % of their benchmark (12 vs. 16 FTEs) and staffing of Health compliance officers is short two FTE (5 vs. 7 FTEs).
- State Activity Mandated Measures, SAMM 1 (page 25) - The 30.14 days to respond must further be broken down because PEOSH responds to Indoor Air Quality (IAQ) complaints. PEOSH's FIRM allows them 120 working days to respond to IAQ/sanitation complaints. Factoring that in the breakdown is as follows: PEOSH reports that for FY 2010, the NJLWD PEOSH received 75 safety

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complaints. All resulting inspections were initiated within 5 days. For FY2010 NJDHSS PEOSH Program received 27 serious health complaints. Twenty-six inspections were initiated within five days (average 2.6 days, range 1-9 days). The NJDHSS PEOSH Program responded to 68 IAQ complaints. Currently NJDHSS does not track this measurement. Region 2 and PEOSH have agreed that in FY 2011 they will break down the tracking into three (3) categories – safety complaints, serious health complaints and IAQ/sanitation complaints which will better reflect the actual SAMM measurement.

- Public Sector Consultation (page 28) - PEOSH public-sector consultation conducted a total of 136 public-sector consultation visits in FY10. Included in this total is 14 safety initial consultations, 66 health initial inspections, 44 health follow-up inspections, and 12 health training and assistance visits. The total of 136 inspections is 113% percent of the total of 120.
- Performance Goal 2.3 (page 39) – During FY2010, public employers who received consultation visits rate their intervention; (a highly effective score is 7 or higher, on scale of 1 through 10 on the customer satisfaction survey). 100 % of public employers responding (42 out of 42) to the PEOSH Consultation survey rated the intervention as highly effective which exceeds the goal of 90% customer satisfaction.

Activity Measure	FY 2010 Projected	FY 2010 Actual
# of Consultation Visits	120	136 - Goal Exceeded
# of Survey Distributed/Received	90%	100%- Goal Exceeded

- As evidenced in the report, NJPEOSH is continuing to monitor its action plan and has implemented ongoing quality control measures to assure that New Jersey’s public employees are provided with safe and healthful work places. As we further this purpose, we look forward to continuing to work cooperatively with the Region II staff.

Sincerely,

John Monahan, Assistant Commissioner
Labor Standards & Safety Enforcement

c: Richard Mendelson