

**Appendix B**  
**Status of FY 2009 EFAME Findings and Recommendations (NvOSHA Special Review)**

**Fatality Case File Reviews**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-I-1	Case files were not organized in a uniform manner and by a means which would reduce the possibility of important case file documentation being lost or misplaced.	Provide clear guidance to all enforcement personnel on the organization of case files. It is recommended that correspondence not be filed throughout the investigative file but in one specific location in the file. This will help ensure all necessary correspondence is sent to employers, employees and family members of victims. The files should also be contained in file folders which will help ensure that all correspondence and investigation materials are maintained in the file.	Develop written guidance for case file organization and train compliance staff on procedural changes. Each inspection will be assigned a single case file folder and correspondence will be in one location in the file.	A spot check of NvOSHA case files was conducted and the cover/diary sheet was found buried in the case file and all activity associated with the inspection after the citation was issued was not listed and/or was not in date sequential order. In response, the NvOSHA District Managers drafted procedures on the use of the cover/diary sheets. The procedures are currently under review by the state and due to be final by June 17, 2011 and training is to be completed by June 30, 2011.	Pending
09-I-2	The OSHA Case File Cover Sheets did not provide a ready record and summary of all actions relating to a case.	The Case File Cover Sheet must be used in accordance with the Nevada Operations Manual (NOM) or a Diary Sheet should be added to ensure that all communications are documented in the case file.	Revise case file coversheet (in accordance with the Nevada Operations Manual (NOM) page 116) and train compliance staff. The joint federal/state audit scheduled to be completed by September 30, 2011; will include a review of case file organization and use of coversheets.	A spot check of NvOSHA case files was conducted and the cover/diary sheet was found buried in the case file and all activity associated with the inspection after the citation was issued was not listed and/or was not in date sequential order. In response, the NvOSHA District Managers drafted procedures on the use of the cover/diary sheets. The procedures are currently under	Pending

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				review by the state and due to be final by June 17, 2011 and training is to be completed by June 30, 2011.	
09-I-3A	Families of victims are not always contacted when a fatality investigation is initiated and no additional communication is initiated by NvOSHA once the investigation has begun.	In accordance with the NOM, and the new Nevada Senate Bill 288, "families of victims should be contacted soon after the initiation of the investigation and provided timely and accurate information at all stages of the investigation."	Corrective Action Plan Update NOM to reflect fatality reporting procedures and develop and implement Fatality/Catastrophe (FAT/CAT) checklist.	The NOM was updated and adopted on September 1, 2010 with the fatality reporting procedures. A FAT/CAT checklist was also developed and implemented.	Completed 09/14/2010
09-I-3B	Families of victims are not always contacted when a fatality investigation is initiated and no additional communication is initiated by NvOSHA once the investigation has begun.	We suggest communication with families when the investigation is initiated, when citations are issued, when informal settlement agreements are signed, when the case is contested and when the case is closed. We also suggest a clear policy be developed indicating who should sign the initial correspondence to the family and any additional correspondence. Additionally, a tracking system should be developed and implemented to help ensure that required correspondence is sent to families of victims.	Develop template letters in English and Spanish for communication with families.	Template letters were developed in English and Spanish and implemented on November 3, 2009. The FAT/CAT policy in the NOM was revised and adopted on September 1, 2010. A FAT/CAT checklist was implemented and correspondence is sent to the family of the victim and other required documentation and actions are completed.	Completed 05/21/2010
09-I-4	The IMMLANG policy is not consistently followed.	Review the current IMMLANG policy and make a determination regarding whether NvOSHA will adopt the policy. Once the decision has been made, ensure that all management and employees are informed of the policy and that the policy is consistently followed.	Adopt FAT/CAT compliance (CPL) directive and train compliance staff on IMMLANG policy and investigation procedures. The joint federal/state audit scheduled to be completed by September 30, 2011; will include a review of the FAT/CAT	The FAT/CAT Investigation Procedures CPL 02-00-137 was adopted on March 17, 2010 and training has been provided to all employees. When the joint federal/state audit (scheduled to be completed by September 30, 2011) of FAT/CAT case files has been completed a final determination will be made.	Pending

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-I-5	Willful violations are discouraged because of lack of management and legal counsel support.	Work with legal counsel to develop training to improve the development of legally sufficient cases and increase the pursuit of willful violations. The training should be specific to NvOSHA and should address what is required by the Review Board to sustain a willful violation. With this training the NvOSHA cases containing willful violations should be legally sufficient and sustainable by the Review Board.	case files. Provide willful case file documentation guidance from federal OSHA to legal counsel. Train compliance staff on NOM required documentation for willful violations.	Legal counsel was provided willful guidance documentation developed by federal OSHA on September 1, 2010 and compliance staff was trained.	Completed 02/03/2011
09-I-6	Union representation is not always present for opening, closing and informal conferences.	NvOSHA must follow its current procedures and ensure that union representatives are provided the opportunity to participate in opening conferences, closing conferences and informal conferences.	Revise the checklists for informal, opening and closing conferences to include union representation. Train compliance staff on updated checklists.	The informal conference checklist was updated and implemented on April 6, 2010. The opening and closing conference checklist was updated and implemented on March 25, 2010. All compliance staff were trained on the updated checklists.	Completed 05/21/2010
09-I-7	Copies of citations are only mailed to union representatives when they request information.	Ensure that all union representatives are informed that they must request copies of citations or no copy will be sent to them.	Revise closing conference checklists to include how union representatives may obtain copies of the citations and train compliance staff on updated checklist	The closing conference checklist was updated on December 14, 2009 and now includes the required notifications to union representatives. Enforcement personnel were trained on the updated checklist..	Completed 05/21/2010
09-I-8	Files do not contain employee contact information such as home phone numbers and mailing addresses.	Worker contact information must be obtained for all workers interviewed and exposed to hazards. This information will provide accessibility to witnesses for contested cases and ensure that information is maintained in the event that a discrimination complaint is filed.	Revise OSHA 1A form by removing OTHER PERSONS CONTACTED. Train compliance staff on OSHA 1A & 1B drop down menus in the NCR	The OSHA 1A form was revised and OTHER PERSONS CONTACTED was removed on March 17, 2010. Compliance staff was trained on revised OSHA 1A and 1B forms.	Completed 05/21/2010

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-I-9	OSHA 300 information is not obtained for the previous three years and entered into the IMIS system as required by OSHA Instruction CPL 02-0.131.	NvOSHA must reconcile these differences between the NOM and OSHA Instruction CPL 02-0-131. Once those differences have been reconciled, employees must be trained on current policy and be provided copies of current policy documents.	for worker contact, duration, and frequency. Adopt CPL 02-00-135 (Record Keeping Policy and Procedure Manual) and update NOM to reflect changes in policy. Train compliance staff on new record keeping procedures.	The recordkeeping policies and procedure manual, CPL 02-00-135 was adopted on March 23, 2010. The NOM Chapters addressing recordkeeping were revised and adopted September 1, 2010. Compliance staff was trained on the new recordkeeping procedures.	Completed 09/14/2010
09-I-10	All hazards identified were not addressed as citations, notices of violations or hazard alert letters.	All hazards identified during inspections must be addressed. Case files must be reviewed more thoroughly including review of photographs for hazards not identified or addressed by the investigators.	Provide hazard recognition training to all compliance staff. Reiterate to supervisors the importance of reviewing photos in each case file and to identify hazards that were not cited.	Supervisors have received verbal and written instruction to carefully review all case file documentation and photographs for hazards that were not cited. Hazard recognition training was provided to all compliance staff.	Completed 05/24/2010
09-I-11	The NOV policy is confusing to employers.	NvOSHA must review its NOV policy, and if the policy is continued, make modifications necessary to eliminate confusion for employers and clarify the difference between NOVs and Other-Than-Serious violations. Once the policy has been reviewed and changes are made regarding the policy, compliance officers must receive training on how to convey this information to employers. (Item I-12 was renumbered to item I-11 in final special study report)	Withdraw Notice of Violation (NOV) procedure and brief enforcement staff.	The NOV policy was canceled and the revised NOM was implemented on September 1, 2010. Compliance staff was briefed on the removal of NOV procedures.	Completed 09/14/2010

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**Complaints About State Program Administration (CASPs)**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-II-1	Willful violations are discouraged because of lack of management and legal counsel support.	Work with legal counsel to develop training to improve the development of legally sufficient cases and increase the pursuit of willful violations. The training should be specific to NvOSHA and should address what is required by the Review Board to sustain a willful violation. With this training the NvOSHA cases containing willful violations should be legally sufficient and sustainable by the Review Board.	Provide willful case file documentation guidance from Federal OSHA to legal counsel. Train enforcement staff on required documentation for willful violations.	Legal counsel was provided willful guidance documentation developed by federal OSHA on September 1, 2010 and compliance staff was trained.	Completed 02/03/2011
09-II-2	Notes of the first annual review of the Orleans settlement agreement were written but not included in the case file.	All notes and case file documentation must be included in the files and not kept on individual computers. This will ensure that files are effectively evaluated for abatement, debt collection, contest and any other actions being taken on the file.	Train compliance staff and management on the documentation required to be in the inspection case files.	Compliance staff was trained on procedures and the documentation that is required to be in the case file.	Completed 09/14/2010
09-II-3	Through employee interviews it was determined that NvOSHA employees do not inform complainants of their discrimination rights unless the complainant alleges some type of discrimination and they do not always ask for the complainant's address.	NvOSHA must follow established complaint procedures to ensure that all complainants are provided information about their rights and asked to provide their name, address and phone number. Discrimination rights must be communicated to the complainants when they call and file a complaint even if they don't allege discrimination at the time of the call. (V-3)	Revise NOM to include complaint procedures and develop a complaint/referral checklist. Train compliance staff on revised NOM, checklist and questionnaire in CPL 02-00-140.	The NOM was revised and adopted September 1, 2010. A complaint/referral checklist was developed and includes discrimination rights. The checklist was implemented on June 14, 2010 and is required documentation for all complaint related case files. Compliance staff was trained on the new complaint/referral processes.	Completed 02/14/2011
09-II-4	During a review of IMIS information, it was found that letters were only mailed to	The process outlined in the NOM and OSHA Instruction CPL 02-00-140 must be followed with regard to letters sent to the	Develop checklist for processing of complaint letters and inquiries.	Checklist was developed and implemented on March 25, 2010.	Completed 02/03/2011

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	complainants who filed a formal complaint.	complainant.			
09-II-5	The second inspection case file for Luxor showed that two sets of employees were interviewed together. Nevada regulations authorize the SHR/IH to question any employee privately during regular working hours in the course of an OSHA inspection.	Ensure that interviews are conducted privately and that they cover the required information discussed in the current NOM.	Train compliance staff on NOM interview policy and Nevada Revised Statute (NRS) requirements.	Training on NOM interview policies and NRS requirements were provided to compliance staff.	Completed 02/03/2011
09-II-6	Interview statements in the Luxor file, fatality files or settlement files did not contain language required by the NOM.	Ensure that interview statements are taken, and documented, in accordance with the NOM.	Develop and implement interview forms that include policy required language. Train compliance staff on how to conduct interviews and obtain statements in accordance with the NOM.	Interview statement forms were updated but, have not been implemented. Compliance staff training on the use of the interview forms was scheduled for April 29, 2011.	Pending
09-II-7	Clearly supportable repeat violations were not cited. In the Orleans Hotel and Casino case [the subject of one of the two Complaints About State Program Administration (CASPA)] NvOSHA issued serious rather than willful or repeat citations even though the owner/operator of this hotel had been previously cited for substantially similar conditions/hazards at other properties.	NvOSHA should review its procedures and consider evaluating potentially repeat violations with the assistance of legal counsel. (See conclusion II-7 in October 20, 2009 report)	Provide documentation guidance for repeat violations to legal counsel. Update NOM and train compliance staff on documentation required for repeat violations.	The NOM was revised and adopted on September 1, 2010 and compliance staff was trained on required documentation for repeat vs. willful violations. Legal counsel was provided guidance on repeat and willful violation documentation that was developed by federal OSHA.	Completed 05/24/2010

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**Integrated Management Information System**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-III-1	NvOSHA offices have a significant number of draft and incomplete records on the IMIS system.	NvOSHA must perform a review and cleanup of the IMIS database records to ensure that all draft forms are finalized and transmitted to the host computer as expeditiously as possible, except for OSHA-1B's less than six months old, because they may still be modified before the citations are issued. A system must be developed to ensure that periodic reviews of draft and rejected IMIS forms are conducted to maintain a viable information system.	Clean up of IMIS database and correct rejected IMIS forms daily. Save OSHA 1B's as final on the citation issuance date. Train compliance staff to save all other IMIS forms (except 1Bs) at time of data entry.	The OSHA 1B forms are saved as final when citations are issued and rejected forms are corrected. Training on the NCR/IMIS was provided by federal OSHA to administrative staff.	Completed 04/01/2011
09-III-2	The majority of IMIS management reports are not being used effectively nor are they set up in the system for automatic generation and distribution.	NvOSHA must establish a comprehensive system for the proper handling of the IMIS management reports system. An automated report setup program will assist the agency in ensuring that the most widely used reports are automatically generated, reviewed and acted upon on a periodic basis (either weekly, bi-weekly or monthly) based on the importance of the specific report and its volume of cases to be reviewed and monitored.	Set up and run the IMIS automated reports.	IMIS reports for management are set to run on a regularly re-occurring schedule.	Completed 05/24/2010
09-III-3	The IMIS system is not kept up-to-date and contains information which does not allow for effective internal evaluation of the NvOSHA program.	NvOSHA must ensure that the IMIS system is kept up-to-date and is accurate. NvOSHA needs extensive IMIS training to include: review of OSHA Instruction ADM 1-1.31 IMIS Enforcement Data Processing Manual, data entry (all forms), pre- and post-citation processing, handling of incomplete (draft) and rejected forms and IMIS Management reports processing to effectively improve and maintain an	Request NCR/IMIS training by federal OSHA.	Federal OSHA provided two days of training on the NCR/IMIS system to NvOSHA management, program analyst and administrative staff.	Completed 05/24/2010

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
		effective IMIS Maintenance and Management Reports structure. ( III-1)			

**General Inspection Statistics**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-IV-1	Fifty-two percent (52%) of all inspections resulted in citations. Of those 52%, over half of those cases (55%) resulted in only other-than-serious violations.	NvOSHA must evaluate its targeting system and make modifications to ensure that its limited resources are inspecting locations where serious hazards are present. NvOSHA must also ensure that violations are being classified in accordance with the NOM.	Review and update targeting systems to ensure limited resources are inspecting locations where serious hazards are present. Train compliance staff on recognition and classification of hazards.	Hazard recognition training was provided to compliance staff. A representative from OSHA and NvOSHA met on February 23, 2011 to discuss targeting systems and the auditing of targeted emphasis programs; however, targeting system revisions have not been completed.	Pending
09-IV-2	The focus on simply getting a large number of inspections may lead to cutting corners to meet the requirement.	NvOSHA should work with the Nevada legislature to begin tracking outcome measures instead of just pure numbers of inspections. Emphasis should be placed on reducing fatalities, injuries and illnesses.	Develop new or revise compliance staff work performance standards to reflect quality inspections.	Work performance standards have been drafted and pending approval.	Pending
09-IV-3	NvOSHA groups its violations based on the location of the standards being cited in the code of State regulations rather than by the individual hazardous conditions.	NvOSHA must review its current citation grouping policies and procedures and issue citations in accordance with its NOM.	Train enforcement staff on NOM policy for grouping violations. Audit citations with grouped violations to ensure NOM policy is followed. A joint federal/state audit is scheduled to be completed by September 30, 2011; to review case files with citations and grouped violations.	Compliance staff was trained on NOM grouping policies; however, the scheduled audit to review case files with grouped violations will not be completed until September 30, 2011.	Pending
09-IV-4	Only one willful violation was	NvOSHA must conduct an internal review	Develop written policy and	The NOM was revised to	Completed

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	cited by NvOSHA during the evaluation period.	of its willful citation policy and take corrective action in order to be able to fully document and support willful violations so that they can be issued and successfully sustained/affirmed.	train compliance staff on required documentation for willful violations.	include a policy on willful violations and was adopted September 1, 2010. Training was conducted on the revised NOM policy.	02/03/2011
09-IV-5	IMIS Reports are not utilized to identify cases requiring follow-up inspections to track abatement and to ensure abatement verification.	NvOSHA must begin using the "Candidates for Follow-up Inspections Report" and the "Violation Abatement Report" to identify and assign establishments that requires follow-up inspections.	Run a weekly abatement report from the IMIS system. Employers that fail to provide abatement documentation/certification will be issued citations or a follow-up inspection will be conducted.	IMIS is set up to run a weekly abatement report and violations without abatement is appropriately followed-up.	Completed 05/24/2010
09-IV-6	The list of most frequently cited standards shows limited hazard recognition with few hazards identified in the construction industry, which is where the majority of fatalities are occurring.	NvOSHA must review all available IMIS data reports and track the most frequently cited standards to determine what additional training, hazard recognition and case file documentation are necessary to increase the breadth of standards cited and the classification of such citations. Special emphasis should be placed on construction hazards in an effort to improve hazard recognition, which will result in workers being removed from hazards. This should be done for the agency as a whole as well as for each individual SHR/IH.	Use Dodge listing for the construction targeting system and train compliance staff on hazard recognition. Audit construction files for frequently cited standards.	The Dodge listing is used for construction targeting and hazard recognition training for compliance staff was completed. The state completed an audit of the most frequently cited construction violations for FY 2010.	Completed 02/17/2011

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**Complaint Processing**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-V-1	No diary sheets or similar daily/chronological logs were found in any of the 21 case files reviewed.	The Case File Cover Sheet must be used in accordance with the Nevada Operations Manual (NOM) or a Diary Sheet should be added to ensure that all communications are documented in the case file.	Revise case file coversheet (in accordance with the (NOM) page 116) and train compliance staff. The joint federal/state audit scheduled to be completed by September 30, 2011; will include a review of case file organization and use of coversheets.	A spot check of NvOSHA case files was conducted and revealed the cover/diary sheet was buried in the case file and all activity associated with the inspection was not included and diary entries were not in date sequential order. In response, the NvOSHA District Managers drafted procedures on the use of the cover/diary sheets that are currently under review by the state. The final procedures are due by June 17, 2011 and training is to be completed by June 30, 2011.	Pending
09-V-2	No indication was found that the complainant was informed, in writing and/or recorded in IMIS, of the results of the inquiry/inspection.	NvOSHA must ensure that all complainants are responded to in accordance with the Complaint Policies and Procedures directive, OSHA Instruction CPL 02-00-140. Complainant responses must be consistent with complaint handling procedures. All complaint inquiries must be responded to using IMIS Letter G - Employer Response to Complainant, and complaint inspections must be responded to using IMIS Letter H - Formal Complaint Inspection Results. (II-4)	Develop a checklist for processing of complaint inspection and inquiries and train administrative staff responsible for complaint processing.	Use of a complaint checklist was implemented for the processing of complaint inspections and inquiries. In addition, the NOM was revised to reflect appropriate changes and administrative staff was trained on updated procedures.	Pending
09-V-3	The majority of complaints did not have the complainant's contact information in the IMIS.	NvOSHA must make every attempt to acquire, document and enter into IMIS complainants' identification, including name, address and phone number, unless	Revise NOM to include complaint procedures. Develop a checklist for receiving	The NOM was revised and adopted on September 1, 2010. A complaint/referral checklist was implemented on	Completed 02/03/2011

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		complainant explicitly requests to remain anonymous. All requests to remain anonymous must be documented in the case file. (II-3)	complaints/referrals and train compliance staff on revised procedures and use of questionnaire in CPL 02-00-140.	June 14, 2010 and compliance staff was trained on the revised complaint/referral processes.	
09-V-4	Inadequate abatement was received and accepted as adequate.	NvOSHA must ensure that adequate abatement is obtained for all complaint items found valid, regardless of whether they are being handled via an inquiry or an inspection.	Ensure abatement is obtained and documented in accordance with NOM prior to closing of case files. Train compliance staff. Conduct joint federal/state audit for adequate abatement and complaint documentation in case file.	Initial training was received from federal OSHA and compliance staff has been trained; however, the joint federal/state audit is scheduled but will not be completed until September 30, 2011.	Pending
09-V-5	IMIS Reports are not utilized to identify cases requiring follow-up inspections to track abatement and to ensure abatement verification.	NvOSHA must ensure that hazards identified during complaint inspections are addressed with the employer through citation, notification of violation or some other method (1-10).	Provide hazard recognition training for compliance staff. Reiterate to supervisors, the importance of reviewing photos in each case file for additional hazards.	Supervisors have received verbal and written instruction to carefully review all case file documentation and photographs for hazards that were not cited. Hazard recognition training was provided to all compliance staff.	Completed 05/24/2010
09-V-6	There were cases in which the complainant disputed the employer's response yet no inspection took place and there was no acknowledgement of the disputed findings.	All disputed complaints must be handled in accordance with OSHA Instruction CPL 02-00-140, including the complainant's right to request an inspection and/or the agency's responsibility to respond whether an inspection will or will not be conducted and the reasons why.	Revise NOM to include complaint procedures. Train compliance staff on revised NOM, and compliant processes in CPL 02-00-140 (Complaint Directive adopted September 1, 2006).	The NOM was revised and adopted on September 1, 2011 and all compliance staff has been trained on complaint procedures.	Completed 04/27/2011
09-V-7	There were cases in which the complaint was classified improperly.	NvOSHA must ensure that complaint allegations are properly evaluated and classified and that such classification will	Train enforcement supervisors and managers on complaint hazard	Compliance supervisors and District Managers were trained on the complaint	Pending

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		ensure proper handling of the complaint items, either via an inquiry or an inspection.	evaluation process in accordance with revised NOM. Conduct joint federal/state audit of complaint case files for hazard evaluations.	hazard evaluation processes and revised NOM procedures. However, the joint federal/state audit is not scheduled to be completed until September 30, 2011.	

**Specific Cases**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-VI-1	Case files did not contain diary sheets and were held together with a binder clip or rubber band, with correspondence that was intermingled throughout the investigation file.	Provide clear guidance to all enforcement personnel on the organization of case files. It is recommended that correspondence not be filed throughout the investigative file but in one specific location in the file. This will help ensure all necessary correspondence is sent to employers, employees and family members of victims. The files should also be contained in file folders which will help ensure that all correspondence and investigation materials are maintained in the file. (I-1)	Develop written guidance for case file organization and train compliance staff on procedural changes. Each inspection will be assigned a single case file folder and correspondence will be in one location in the file.	Documentation checklists were developed and printed on colored paper; however, written procedural guidance on how to organize case files had not been completed. Note: A spot check of NvOSHA case files was conducted and correspondence was found scattered throughout the file and one file folder contained many different inspections. In response, the NvOSHA District Managers have drafted case file procedures that are currently under review. The final procedures are due by 6/17/2011 and training is to be completed by 6/30/2011.	Pending
09-VI-2	Only one willful violation was proposed for any of the files reviewed. Interviews with	Work with legal counsel to develop training to improve the development of legally sufficient cases and increase the pursuit of	Provide willful case file documentation guidance from federal OSHA to	Legal counsel was provided willful guidance documentation developed by	Completed 02/03/2011

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	investigators and supervisors indicated that willful violations were discouraged.	willful violations. The training should be specific to NvOSHA and should address what is required by the Review Board to sustain a willful violation. With this training the NvOSHA cases containing willful violations should be legally sufficient and sustainable by the Review Board. (I-5).	legal counsel. Train compliance staff on NOM required documentation for willful violations.	federal OSHA on September 1, 2010 and compliance staff was trained.	
09-VI-3	The Henderson Office leaves violations in draft in the IMIS until after informal and formal settlement agreements are reached and then amended citations are issued. If all informal conference violation reclassifications are updated in this fashion , the IMIS data used for monitoring will be incorrect because it will not accurately reflect how many violations are reclassified during informal conferences.	Change the policy of leaving violations in draft to ensure that all citation history is maintained. Once this is in place, then a thorough evaluation of the informal settlement practices and procedures should take place and changes implemented if deficiencies are identified. (III-1 & III-3)	Save 1B's as final at citation issuance date. Evaluate the informal settlement practices and procedures and implement changes if deficiencies are identified.	The 1B forms are saved final at citation issuance date and informal settlement practices were reviewed, revised and tested.	Completed 02/17/2011
09-VI-4	Deficiencies were noted on the OSHA 1B supporting documentation including: no contact information for workers interviewed and exposed to hazards; duration and frequency listed as "as needed" on the majority of the violations; missing equipment identifiers such as manufacturer, model number and serial number, and employer knowledge listed as "with due diligence."	NvOSHA must ensure that OSHA 1Bs is fully documented. Provide additional training to investigators on case file documentation and the importance of having each OSHA 1B fully documented. This training should also fully explain the legal process in Nevada, which will help them develop a more legally sufficient case. (1-8.)	Train compliance staff on violation documentation and the OSHA-1B drop down menus for worker contact, duration and frequency of hazard and completion of OSHA 1B worksheet to include documentation of hazard, equipment, location, injury/illness and employer knowledge.	Compliance staff was trained on the OSHA-1B drop down menus and worksheet documentation however, requested documentation of training has not been provided.	Pending
09-VI-5	Excessive and inappropriate grouping issues were identified in	NvOSHA must review its current citation grouping policies and procedures and issue	Train enforcement staff on NOM policy for	Compliance staff was trained on NOM grouping policies;	Pending

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	these files, as well as the fatality files and complaint inspections files that were reviewed. Interviews with supervisors and investigators indicated that violations were grouped if they were in the same subpart regardless of hazard, contrary to guidance in the NOM.	citations in accordance with its NOM.	grouping violations. Audit citations with grouped violations to ensure NOM policy is followed. A joint federal/state audit is scheduled to be completed by September 30, 2011; to review case files with citations and grouped violations.	however, the scheduled audit to review case files with grouped violations will not be completed until September 30, 2011.	
09-VI-6	Some files contained the abatement verification form and others included the abatement verification form with additional documentation. Interviews with supervisors and investigators indicated that there was no clear policy conveyed indicating what abatement information employers were required to submit.	The abatement verification policy must be reviewed with all supervisors and investigators to ensure the supporting information and documentation required for abatement verification is present in the case files.	Obtain proof of abatement in accordance with NOM prior to closing of case files. Conduct a joint federal/state audit of case files for adequate abatement documentation of complaint items.	All compliance staff and supervisors have been trained on the abatement verification policy and required case file documentation. The joint federal/state audit of abatement verification/certification in closed case files is scheduled to be completed by September 30, 2011.	Pending

**Programmed Inspection Targeting System**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-VII-1	The IMIS LEP codes do not match current LEP practices and LEP and Strategic Initiative codes are not always updated appropriately.	NvOSHA must update its IMIS coding database to list only those local emphasis and strategic initiative codes that are currently active. This will prevent inconsistencies and discrepancies in the tracking, monitoring and evaluation of these programs. NvOSHA must decide if one or both codes will be used by the state and provide appropriate IMIS training to secure adherence to this data entry policy.	Update IMIS database with agreed upon coding and train compliance staff on appropriate coding of OSHA forms.	A meeting with NvOSHA and OSHA representatives was held on February 23, 2011 to discuss targeting and the IMIS coding database. IMIS coding and compliance staff training was scheduled to be completed by April 4, 2011. Documentation of coding update and staff training has	Pending

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-VII-2	IMIS coding is not available for all General Industry targeting systems.	Work with the Office of Management and Data Systems (OMDS) to ensure that targeting codes are available and ready for use.	Work with OMDS and federal OSHA to determine availability of targeting codes and train staff with responsibility for maintaining the IMIS code database..	been requested. IMIS training, including coding was provided by federal OSHA to administrative and compliance staff. NvOSHA has been requested to provide information on the updated codes and administrative staff training record for the IMIS class.	Pending
09-VII-3	NvOSHA is entering OSHA is for every construction employer on multi-employer worksites, which directly impacts the in-compliance rate experienced for the construction industry.	Discuss current Federal OSHA policy with Region IX and make any necessary changes to multi-employer worksite policies and IMIS data entry requirements.	Discuss multi-employer worksite policy with Region IX and discontinue practice of entering OSHA-1 form for each employer on a construction site.	The practice of entering an OSHA-1 for each employer on a construction site was discontinued on November 4, 2009.	Completed 05/24/2010
09-VII-4	The low percentage of serious violations and the high percentage of in-compliance inspections for programmed inspections indicate a need for an improved targeting system.	Perform an evaluation of the effectiveness of active LEPs and targeting programs. Once the evaluation is complete, make any necessary changes to more effectively target high hazard industries and facilities. One tool that could be used to assist with the evaluation of targeting programs is Appendix A of OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs). (IV-1)	Audit 2010 Local Emphasis and Targeting Program inspection data in accordance with CPL 04-00-001 and discontinue or modify targeting programs that are not effective. State audit of targeting programs is scheduled to be completed by June 1, 2011.	NvOSHA Program Coordinator has scheduled to audit the targeted emphasis programs after codes and targeting program revisions, if any, are in place.	Pending
09-VII-5	NvOSHA has agreed to conduct 2,900 inspections per year as part of its budgeting process and this information is used by the legislature to determine if the program is meeting their goals.	Work with the Nevada legislature to utilize more outcome measures to evaluate the effectiveness of the program. Educate the legislature on the importance of quality inspections versus a large quantity of inspections.	Modify inspection goals and revise compliance staff work performance standards to emphasize quality inspections.	The state modified the 2008 inspection goals from a high of 2900 to 2565 inspections per year. However, work performance standards that were drafted on February 17,	Pending

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
	This translates to 95 to 115 inspections per year per investigator.			2011 have not been finalized and implemented.	
09-VII-6	NvOSHA is not properly coding programmed-related inspections in the IMIS system.	NvOSHA must properly and accurately classify its programmed inspections based on NOM instructions on Page I-3 of 93. Programmed [Planned] inspections should only be used for the "initial" establishment and any high hazard employers at the worksite, while Programmed-Related inspections should be used for all other low-hazard establishments found at that multi-employer worksite.	Train enforcement personnel on difference between program planned and program related inspections during IMIS training. (See revised NOM Chapter 2 Program Planning)	Initial training on IMIS was provided by federal OSHA and included a discussion on the difference between program planned and program related inspections.	Completed 05/24/2010

**Communication with Family Members of Deceased Employees**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-VIII-1	Sections 12.5 and 47 of Bill 288 contain new responsibilities for the Division of Industrial Relations of the Department of Business and Industry regarding contact with family members of employees who were killed on the job.	A policy must be developed and incorporated into the NOM which outlines the procedures to be followed in order to comply with NvOSHA's new responsibilities. Because this amends the underlying state plan legislation, the state plan must submit a state plan change in accordance with 29 CFR 1953.4(d)(2).  In addition, a tracking system should be developed to ensure that all necessary communications with family members are accomplished. In the development of the process to meet the requirements of Section 47 of the bill, include a step for confirming that contact information for the family is still accurate. NvOSHA should also look into developing a form to be completed	Update NOM to reflect fatality reporting procedures and submit state initiated plan change. Establish procedures to ensure the appropriate family member(s) have been designated and contacted. Develop a FAT/CAT checklist that can be included in the case file and used as a reference to ensure all necessary information is communicated to designated family members. Also develop	The NOM was updated and adopted on September 1, 2010 and includes fatality policy and procedures to determine designated family members. The state-initiated change was submitted on March 5, 2010. A FAT/CAT checklist and template letters were also developed and implemented.	Completed 09/14/2010

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
		<p>which will ensure that the information provided to the Occupational Safety and Health Review Board will be consistent. NvOSHA should consider how it will handle multiple family members. For example: A deceased son/daughter of a father and mother who are divorced or a brother/sister with multiple siblings. Will they be providing letters to all family members or just one? How will they decide whom to communicate with? Will they be providing contact information to the Board for all family members or just for one? Due to the sensitive nature of this issue, it is also suggested that a uniform method of letter completion and signature be developed to ensure that all letters are uniform and signed by the appropriate official. (1-3a and b.)</p>	<p>template letters to help ensure uniformity and signatures from appropriate state officials.</p>		

**NvOSHA's 10/30 Hour Courses**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-IX-1	<p>Assembly Bill 148 contains new requirements for NvOSHA.</p>	<p>Because this new law amends the underlying state plan legislation, the state plan must submit a state plan change in accordance with 29 CFR 1953.4(d)(2).</p>	<p>Submit state plan program change.</p>	<p>A state plan initiated change (AB 148) was submitted on March 5, 2010.</p>	<p>Completed 05/24/2010</p>
09-IX-2	<p>Regulations are currently under development to address this new legislation.</p>	<p>Work closely with OTI and Region IX to ensure that the regulations under development do not conflict with Federal OSHA Outreach 10- and 30- hour courses.</p>	<p>Consult with the OSHA Training Institute (OTI) on training policies related to 10/30 hour courses and adopt regulation consistent with OTI training policies for 10/30 hour courses..</p>	<p>On November 4, 2009, OTI reviewed the Nevada Revised Statute containing the requirement for 10/30-hour courses and it was determined to be at least as effective. (Note: The Nevada Administrative Code (NRS)</p>	<p>Completed 05/24/2010</p>

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No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
				618.990 thru .990 is now a regulation and waiting for numbering.)	
09-IX-3	The new legislation is silent regarding who is required to pay for the required worker training.	NvOSHA needs to contact the U.S. Department of Labor's Wage and Hour Division to ascertain and get clarification regarding the conditions under which employers must pay wages to employees during training.	Contact state equivalent to the U.S. Department of Labor, Wage and Hour Division for clarification regarding the conditions under which employers must pay wages to employees during training.	On November 4, 2009, the Nevada Labor Commission provided clarification and a copy of Nevada Administrative Code that addressed payment for travel and training. NAC 608.130(3)(b) exempts the employer from paying wages if the training is required by an agency entity other than the employer.	Completed 05/24/2010

**Personnel and Training**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-X-1	Records indicate that NvOSHA is currently not in compliance with OSHA Instruction TED 01-00-018, Initial Training Program for OSHA Compliance Personnel.	NvOSHA must follow OSHA Instruction TED 01-00-018, Initial Training Program for OSHA Compliance Personnel, dated November 3, 2008, adopted by the state on January 3, 2009.	Audit compliance staff training records and schedule OTI classes for compliance officers with incomplete training records.	The state developed and implemented an Employee Training Log in July of 2009. The log is used to track all compliance officer required and professional development training.	Completed 02/03/2011
09-X-2	Employees are assigned fatality investigations prior to completing the Accident Investigation course.	The State should not send investigators to conduct fatality/accident investigations until they have completed the accident investigation course.	Provide list of compliance officers that have received accident investigation training to District Managers. Only qualified compliance officers that have completed accident investigation training will be assigned to investigate	A list of compliance officers, that have successfully completed accident investigation training, was provided to District Managers on November 3, 2009. Only compliance officers on the list will be assigned inspections involving a fatality and/or	Completed 05/24/2010

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**Status of FY 2009 EFAME Findings and Recommendations (NvOSHA Special Review)**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-X-3	NvOSHA maintains an emergency response team; however, training records for emergency response training are incomplete.	Emergency response training records must be maintained to ensure that all response team members receive the required training.	accidents. Ensure training is completed and keep all training certificates on file for members of the emergency response team.	catastrophe. Training certificates are kept on file as of July 2, 2009 and emergency response duties will only be assigned to compliance officers that have received the required training.	Completed 05/24/2010

**Retention of Staff**

No.	Conclusion	Recommendation	Corrective Action	State Action Taken	Status
09-XI-1	Employees with 3 years of safety and health experience have left the employment of NvOSHA for higher paying safety positions.	Evaluate all safety positions in Nevada State Government and work to reclassify positions to higher paying safety classifications.	Work with legislature to increase safety and health compliance officer salaries and explore other available options that may impact staff retention.	NvOSHA has requested but has not received approval of pay increases for safety and health staff through the state personnel system and legislative process.	Pending
09-XI-2	Lack of clear guidance and support could be leading to low employee morale.	Explore ways to identify whether employee morale is leading to the desire to leave employment with NvOSHA.	Improve training and emphasize high quality inspections to boost employee morale.	The state has established and hired a trainer for the NvOSHA program. This position is located in the Henderson office and will be used to improve staff training and emphasize the commitment to quality inspections.	Completed 02/03/2011