

**Appendix A**  
**FY 2010 Utah (UOSH)**  
**Enhanced FAME Follow-up Report**  
**Summary of New and Continuing Findings and Recommendations**

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-1	The standard 60% Penalty Reduction Settlement Agreement (PRSA) was given on two of the fatalities. An average 50% penalty reduction was given for fatality inspections during the FY2009.	Follow the guidance in the federal FOM, Chapter 11, Part II, and Section L (1) (d) that states: “insure that settlement terms are appropriate, including violation reclassification, penalty reductions, and additional abatement language.	09-14
10-2	Penalty reductions in Utah are excessive. One factor that contributes to this higher rate is the Penalty Reduction Settlement Agreement (PRSA) which offers an automatic 60% penalty reduction.	Adjust penalty reductions to come into compliance with OSHA’s new penalty policy.	09-33
10-3	Penalty reductions at informal conferences averaged 70%.	[See recommendation #10-2.]	09-34
10-4	<p>Two cases were untimely filed, but were docketed and investigated.</p> <p>Several files did not contain documented interviews and/or recordings were corrupted.</p> <p>Files did not adequately document inspection activity.</p> <p>One case file contained information that the complainant decided to withdraw his complaint, but did not document the reasons for the withdrawal. This raises a concern because complainant had presented a strong prima facie showing.</p> <p>Several case files did not contain a Final Investigation Report.</p> <p>Several Final Investigation Reports contained inadequate information and/or the analysis was incorrect.</p>	Track and rectify any outstanding items, identified in the concerns above, in the discrimination program for all Recommendation #40 items.	09-40

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	Full Field investigations were rare.		
10-5	Cooperative relationships in the Utah compliance program did not follow the guidelines of a formal program.	For existing cooperative relationships, document the guidelines being used and ensure that appropriate compliance protocol is being followed. Submit a copy to the Regional Office. The Regional Office should be apprised of any cooperative relationship that impacts compliance.	09-41
10-6	Full field investigations were rare.	The OSHA Voluntary Protection Program (VPP) website clearly instructs prospective sites to exclude trade secret and personal information; therefore, this requirement should be followed in the application process.	09-42
10-7	The VPP Manager does not formally acknowledge receipt of the application within 15 days of receipt for applications that are dropped at the office.	Initiate a process to formally acknowledge receipt of an application no matter how it is delivered. This acknowledgment can be sent either by letter or electronic mail.	09-43
10-8	UOSH Managers conduct a review of the applicant's enforcement history for the time period of three years prior to the application.	Use the standardized VPP report and worksheet template to ensure all application criteria is documented. If this recommendation is not taken, the State needs to include documentation of enforcement history in their current process. The standardized worksheet includes all the required criteria which includes a brief section on enforcement history.	09-44
10-9	VPP evaluations are scheduled within 6 months, but report preparation and approval are not done in a timely manner.	At a minimum, compile a draft report while doing the on-site audit so it can be left with the employer. This change in process will also serve to improve the timeliness of the report.	09-45
10-10	The template being used by UOSH for evaluation for VPP status is not current and therefore is missing newer criteria.	Adopt the federal template or update the current UOSH template to cover current criteria.	09-46
10-11	The State is experiencing increased applications and interest in VPP. Due to resource issues, the State is not marketing the program at this time.	Address the resource issue by making use of the Special Government Employee program in order to effectively serve Utah companies interested in VPP status.	09-47
10-12	The State is not ensuring the annual report is submitted by February 15th of each year. The State is not reviewing the VPP reports or providing feedback to the sites for improvement.	Follow the required February 15th due date for submission of the annual reports from VPP companies. In addition, UOSH needs to devote resource to analysis of the reports and provide feedback to the sites. Sites that do not submit an annual report must be	09-48

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		removed from the program.	
10-13	PSM sites are not submitting the PSM Supplement B questionnaire with their annual report.	The State needs to require the use of the PSM Supplement B from PSM facilities annually.	09-49
10-14	Based on the on-site review of files, extensive problems were noted with the investigative skills of CSHOs. Open-ended interview questions pertinent to the existing violations were not asked which prevented investigators from identifying the root cause of the violations so the appropriate regulation could be cited.	<p>Include training on investigation skills in the UOSH new hire training program. Since resources are limited at this time, one staff member could attend the OSHA Training Institute (OTI) course on investigations in a train the trainer mode and subsequently train the rest of the enforcement staff.</p> <p>Assess interview skills of the compliance staff and conduct training on how to effectively interview employers and employees to get to the root cause of the violation.</p>	09-50
10-15	See Finding #10-14.	Assess interview skills of the compliance staff and conduct training on how to effectively interview employers and employees to get to the cause of the violation.	09-51
10-16	The State has created a State Internal Evaluation Program (SIEP), but has not yet implemented it.	The State needs to implement the evaluation part of the SIEP, sharing the results with the federal regional office.	09-52
10-17	The State is in the process of adopting the federal FOM with minor non-substantive changes, and in updating their Policies and Procedures Manual.	Complete the updating of UOSH guidance documents this fiscal year.	09-53