

Appendix A
Virgin Islands State Plan FY 2010 Enhanced FAME Follow-up Report
Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-1	The 2009 EFAME noted that submission of a draft version of revised State Plan Narrative was due on December 31, 2005. This document has not yet been received by OSHA but VIDOSH reports that it will be submitted to OSHA for approval by the end of FY 2010.	VIDOSH must ensure that the State Plan narrative, with amendments reflecting the more limited public sector scope of the program, is completed and submitted to OSHA. This includes the narrative document as well as all relevant appendices. VIDOSH must also provide documentation on all outstanding developmental components of its State Plan.	09-14
10-2	The 2009 EFAME noted that as required by its 2003 developmental plan, the Virgin Islands has not developed nor maintained a public sector consultation program that can provide no cost safety and health services to public sector employers.	VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.	09-15
10-3	The 2009 EFAME noted that VIDOSH staff appeared to refer cases to Federal OSHA, PROSHA, and the U.S. Virgin Islands Department of Labor, Division of Labor Relations. Staff members understood that private Sector 11(c) complaints should be forwarded to Federal OSHA. Staff members stated that they contacted Federal OSHA Regional Supervisory Investigator for questions. One investigator has attended the Basic Discrimination Investigator's Course 1420 at OTI.	VIDOSH staff needs to forward all complaints that allege retaliation to the discrimination investigator for screening. All staff members should be trained to answer basic questions about jurisdiction, coverage, and discrimination complaints. All screenings should be documented according to the guidelines in the Federal Manual. It is suggested that VIDOSH continue to refer cases out of their jurisdiction to Federal OSHA and contact Federal OSHA with any questions. VIDOSH should develop a working relationship with the Virgin Islands Department of Labor, Division of Labor Relations, so that each agency may refer appropriate cases to each other as complainants may concurrently file.	09-17
10-4	The 2009 EFAME noted that staff and investigator(s) have no access to Whistleblower Application. There is also no process for tracking case files.	Staff and investigators need to access to IMIS Whistleblower Application so that they may track investigations and pertinent information such as Complainant and Respondent contact information, timeliness, and jurisdiction.	09-18
10-5	The 2009 EFAME noted that VIDOSH's Discrimination Program did not meet the § 1977.23 standards. In general, the VIDOSH discrimination program has not had any whistleblower cases since 1999, and is lacking the procedural knowledge, experience, and structure necessary to effectively	VIDOSH needs to follow the Whistleblower Investigation Manual (CPL02-03-002 8/22/2003) to create a process to settle cases. VIDOSH should work with the Virgin Island's Attorney General's Office to create a clear path for settlement review and execution.	09-19

Appendix A – VIDOSH

Rec #	Findings	Recommendations	Related FY 09 Rec #
	execute investigations and meet program objectives.		
10-6	VIDOSH does not have templates for docket letters, FIRS, and other necessary investigative documents and correspondence.	VIDOSH should adopt the Federal Manual templates for all investigative documents including but not limited to docket letters, FIRs, and Secretary’s Findings. These documents should be created as soon as possible, so that they are available when investigations arise.	09-20
10-7	The 2009 EFAME noted that VIDOSH covers establishments in water and wastewater treatment activities, subject to PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.	Ensure that an adequate number of qualified VIDOSH staff are trained to the requirements of DIRECTIVE NUMBER: 09-06 (CPL 02), “PSM Covered Chemical Facilities National Emphasis Program”	09-23