

Appendix B
Virgin Islands State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region 2
Status of Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-1	The 2009 EFAME noted that in 36% of the complaint case files reviewed, all of the complaint items were not addressed in the inspection and/or were not opened in a timely manner.	Implement internal control measures to ensure that complaint inspections are conducted in a timely manner and that all complaint items are addressed during the inspection	<p>The VIDOSH Director will ensure the CSHO's are trained on addressing all the items identified in the complaint process by the end of the 2nd Qtr of FY 2011. The procedures will instruct the CSHO's to document all aspects of the complaint in the case fill. The VIDOSH staff will adhere to the adopted 02-00-140 CPL standards (Complaint Policies and Procedures). The creation of a VIDOSH Complaint Data E-tool will facilitate and enhanced collection of pertinent data during the complaint process. The staff was formally trained on the use of the E-Tool on 1st Qtr of FY 2011. This training ensured the proper measures are adhered to and will improve the case file documentation process. The Director and auditor will review case files to ensure the new procedures are adhered to.</p> <p>A signed document certifying the corrective action describing the training content will be provided to OSHA Region 2 by due date noted above. The E-Tool will be submitted for Regional review.</p>	<p>As of January 19, 2011; VIDOSH has implemented supervisory control in which the supervisor is apprised of any complaint that VIDOSH receives and the supervisor will assign the handling of the complaint to the appropriate compliance officer immediately. The VIDOSH Director tracks the timeliness of complaint inspections. VIDOSH has implemented 100% supervisory review of complaint case files to ensure that all complaint items are addressed prior to closing the inspection.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review</p>	Completed.

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-2	<p>The 2009 EFAME noted that in 42% of the cases reviewed, employer knowledge was not properly documented.</p>	<p>Provide additional training to all field staff, including supervisory staff, to ensure that all inspection case file documentation meets the minimum requirements of prima facie case as set forth by federal OSHA and VIDOSH policy (Field Inspection Reference Manual or Field Operations Manual).</p>	<p>The VIDOSH Director will ensure the CSHO's and the staff are trained on the proper documentation procedures required to capture employer's knowledge by the end of the 2nd Qtr of FY 2011. The VIDOSH staff will also adhere to the adopted 02-00-140 CPL standards (Complaint Policies and Procedures). The creation of the VIDOSH Complaint Data E-tool has facilitated and enhanced collection of pertinent data during the complaint process. This tool will ensure proper measure adhere to improve the case file documentation in the future.</p> <p>Additionally, the utilization of a standardization inspection process will be developed and implemented. The guidelines will reflect the required enforcement compliance directives. These guidelines will include standardized Opening and/or Closing Conference data and Interview data, employee exposure and employer knowledge. The forms will also document union representative's involvement. These standardization inspection forms will be utilized by the CSHO's.</p> <p>Inspection activities pertaining to hazard recognition and compliance assessment will be documented on these forms. VIDOSH staff will be trained on</p>	<p>As of January 19, 2011; VIDOSH Director has trained the staff and has instructed the staff to ensure that Employer Knowledge is documented for each citation issued. VIDOSH has implemented 100% supervisory review of complaint case files to ensure that all citations are supported by prima facie evidence – including documentation of employer knowledge. Review of files is an ongoing process. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>	<p>Completed.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			<p>all the new standardized system. The data points will be utilized by the director to assess effectiveness. The director and auditor will review case file to ensure the new procedures are adhered to.</p>		
<p>09-3</p>	<p>The 2009 EFAME noted that in 57% of the cases reviewed, documentation of employee and/or union representative participation during the inspection was not present.</p>	<p>Provide training to all field staff regarding the agency's policy of Union/Employee Representative involvement during and after inspections and the requirement to properly document compliance with this policy in case file.</p>	<p>VIDOSH has taken several measures to improve Union and Employee Representatives Involvement. The VIDOSH Director and the Department of Labor Commissioner will work on establishing a stakeholders meeting with the Public Sector Union leadership by the 3rd Qtr of FY 2011. Additionally, an Opening and Closing Conference Form will be utilized by the CSHO's to documents the union's representative's involvement during the inspection activities. The completion of the form will be completed by the 2nd Qtr of FY 2011.</p> <p>A comprehensive contact/ mailing list with the Public Sector Union leadership contact information and organization mailing address was created. This tool is utilized for correspondence and notification. A revised VIDOSH Organizational brochure was created and includes a document that addresses Union and Employee Representative Involvement in several areas. The Brochure will be distributed employee representatives during enforcement consultation and</p>	<p>These actions will be accomplished on or about March 31, 2011.</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			<p>outreach actives. VIDOSH completed these actions during the 1st Qtr of FY 2011.</p>		
09-4	<p>The 2009 EFAME noted that thirty-five cases underwent a comprehensive review, 20 (57%) of the case files lacked one or more of the following required documentation: employee interview notes, employee exposure and employer knowledge.</p>	<p>Provide additional training to all field staff, including supervisory staff, to ensure that all inspection case file documentation meets the minimum requirements of prima facie case as set forth by federal OSHA and VIDOSH policy (Field Inspection Reference Manual or Field Operations Manual).</p>	<p>The VIDOSH Director will ensure the staff is trained on the procedures to address and document employer and employee exposure and knowledge. The Field Operation Manual (FOM) File Review procedures were provided to the VIDOSH staff. The excerpt is utilized by the staff to ensure the correct case file documentation sequence. This standardized procedure ensures the case files are assembled correctly. The Staff has implemented these procedures.</p> <p>Additionally, [the] Director [and] the technical auditor shall review each case file for correctness during the review process. VIDOSH has created a standardized Opening and Closing Conference Form. The form shall be used to document the union's representative's involvement during the inspection activities.</p> <p>The VIDOSH Director will provide and ensure additional training to the staff to ensure the case files reflect the required documentation to cover employee and employer interview notes, employee exposure and employer</p>	<p>As of January 19, 2011; VIDOSH has trained the field staff as described above and has implemented a policy of 100% case file review. This is an ongoing process</p>	<p>Completed. . Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-5	<p>The 2009 EFAME noted that in 75% of the cases reviewed, the violations were not classified correctly. All of the citations were classified as Medium/Lesser Serious citations with injury and illnesses ranging from cuts and bruises to death.</p>	<p>Provide additional training to all field staff to adequately classify violations with appropriate severity and probability of potential resulting injury.</p>	<p>knowledge by the 2nd Qtr of FY 2011.</p> <p>By the 2nd Qtr of FY 2011 the Director will ensure the VIDOSH Staff is trained on the proper classification of citations. VIDOSH is developing standardized templates to assist in the inspection process. These templates will incorporate the CSHO’s field notes. VIDOSH is in the process of developing inspection templates to provide the CSHO a systematic guideline for the inspector’s inspections. The templates will address citation classifications recommendations. The CSHO inspectors will have additional log items such as photo logs. These customized forms will be completed by the 3rd Qtr of FY 2011.</p>	<p>The VIDOSH Director has trained CSHOs on the concept that they should categorize the severity of a hazard based on the most likely most severe injury/illness likely to result from employee exposure. The VIDOSH Director has implemented 100% case file review to address this issue.</p> <p>Recommendation 10-2 relates to the development of the “standardized templates” noted in VIDOSH’s response to Recommendation 09-5.</p>	<p>Completed Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
09-6	<p>The 2009 EFAME noted that case files reviewed did not include adequate documentation to support employee and/or employer knowledge.</p>	<p>Implement internal controls to ensure that all cases are reviewed on a supervisory level to make certain that all violations issued meet the prima facie requirements</p>	<p>The procedure to ensure adequate case file documentation reflecting employee exposure and knowledge will be enacted. VIDOSH will develop standardized inspection templates. These templates will be used to capture the CSHO’s field notes to include employee and/or employer knowledge. Customized Inspection templates will be created to address the operational agency categories i.e. Health Care, Education, Utilities and Infrastructure, Business & Administration offices, Emergency Responders and Law</p>	<p>As of April 18, 2011; The template(s) were created and the use of them has been implemented by field staff. The VIDOSH Director has implemented a policy of 100% case file review to ensure that the files contains adequate prima facie evidence – including documentation of employee exposure and employer knowledge.</p> <p>Recommendation 10-3 relates to the development of the customized forms.</p>	<p>Completed Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			<p>Enforcement Executive and Legislative Agencies.</p> <p>The VIDOSH Director will ensure these customized forms are completed and implemented completely by the 3rd Qtr of FY 2011.</p>		
09-7	<p>The 2009 EFAME noted that there were no willful citations issued during FY 2009. VIDOSH inspects the same government agencies (but at different locations) throughout the year. For example, the VI Department of Education may receive a dozen or more inspections a year. Similar hazards are found during each inspection but these are never issued as repeat violations.</p>	<p>Provide additional training to CSHOs and supervisors on the Willful and Repeat Violation Policy and Procedures.</p>	<p>The Director will ensure the CSHOs will review the agency’s citation history and applicable case files prior to conducting inspection activities. The procedures will be part of the inspection preparation process. The VIDOSH staff will be trained and these actions will be enacted by the 2nd Qtr. of FY 2011.</p> <p>These activities will be accomplished on or about March 31, 2011</p>	<p>As of January 19, 2011; “Willful” training was given the staff. OSHA Region 2 advised the VIDOSH Director regarding the content of the training with a focus on ensuring the VIDOSH supported potentially willful citations with documentation of actual knowledge of the condition and that the employer made intentional decisions to disregard VIDOSH standards.</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
09-8	<p>The 2009 EFAME noted that in 80% of the cases reviewed, adequate abatement was not received or documented in the case file.</p>	<p>Provide additional training to all of the field staff, including supervisory staff, to ensure that abatement issues are handled in accordance with established policy, including:</p> <ol style="list-style-type: none"> 1. Ensure appropriate abatement periods are assigned for unabated violations. 2. Ensure that all abatement information satisfies the notice of violations prior to closing the case. 	<p>VIDOSH will utilize the following standard reports to track and monitor the abatement process: Outstanding Abatement, Open Inspection Report, and Violation Abatement Report. The Director will instruct the CSHO’s to contact the employers whom fail to abate in a timely manner. Additionally VIDOSH will use project management techniques to ensure all facets of the abatement process are completed. The director will use the in house tools to identify notification and the completion of</p>	<p>The VIDOSH Director has implemented a policy of 100% case file review to ensure that, before they are closed, all files contain adequate abatement information and that all outstanding penalties have been collected. In addition the VIDOSH Director intends on including a discussion of case file management and quality of the case documentation a part of the employee performance</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
		<p>3. For cases with CDI, ensure that the file documents the method of abatement and that the CSHO observed the abatement.</p> <p>4. Ensure that Failure To Abate notices are issued where appropriate.</p> <p>5. Provide training to staff on the Petitions for Modification of Abatement (PMA) policies and procedures.</p>	<p>abatement actions.</p> <p>The VIDOSH Director will ensure the staff is provided the additional training by 2nd Qtr of FY 2011. These procedures will encompass established policies and procedures</p>	<p>review process.</p>	
09-9	<p>The 2009 EFAME noted that the overwhelming majority of cases do not go through a settlement process (i.e. informal conference, post contest meetings, etc). Case file reviews indicated that when informal conferences are held, there is poor documentation of the informal conference notes. An item was withdrawn during the conference and there was no justification as to the reason why.</p>	<p>Provide additional training to CSHOS and supervisory staff on the policies and procedures of informal and formal settlements, with the intent to promote abatement and settlement.</p>	<p>As of January 19, 2011 the VIDOSH Director trained the CSHO's on the correct documentation procedures to reflect accurate case file activities. The training will cover informal conference procedures, and informal conference notes.</p> <p>The VIDOSH Director will ensure additional training is provided to the VIDOSH staff by the end of 2nd Qtr of FY 2011. These procedures will encompass established policies and procedures.</p>	<p>These activities were accomplished on or about January 19, 2011.</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
09-10	<p>The 2009 EFAME noted that case File[s] involved with an informal conference had poor documentation of the information conference notes.</p>	<p>VIDOSH representatives must thoroughly document the following in the case file: The fact that notification to the parties of the date, time</p>	<p>VIDOSH management and staff will review directives and procedures pertaining to the Informal Conferences with the revised FOM. The staff will</p>	<p>The VIDOSH Director gave assurances that all settlement discussions are being documented, that appropriate IMIS entries</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	<p>An item was withdrawn during the conference and there was no justification as to the reason why.</p>	<p>and location of the informal conference, was made; indicate the date of the informal conference was held in the diary sheet; at the conclusion of the conference, all main issues and potential courses of action must be summarized and documented.</p>	<p>document the applicable information in the Management Information System (MIS).</p> <p>VIDOSH will take the precautionary step in following the FOM. The VIDOSH staff will ensure all case files are documented to reflect the actions/decisions accomplished at Informal Conferences. The IMIS will reflect documentation in the case files. VIDOSH will assure employer and/or parties involved sign and receive the copies of the informal settlement agreements.</p> <p>The VIDOSH Director will ensure the additional training is provided to the VIDOSH staff by the 2nd Qtr of FY 2011. These procedures will encompass established policies and procedures.</p> <p>These activities will be accomplished on or about March 31, 2011.</p>	<p>will be made, and that all documentation of settlements are distributed to the appropriate parties.</p>	<p>submission of documentation on revised procedures, training, etc., for Regional review.</p>
<p>09-11</p>	<p>The 2009 EFAME noted that VIDOSH was not using IMIS management reports to identify discrepancies in data entries and updates, resulting in uncorrected rejects, outdated draft forms lack of abatement, citations not issued within six months, cases not closed in a timely fashion, and lack of employer responses to non-formal complaints.</p>	<p>In order to improve the integrity of OSHA data and transparency to the public VIDOSH must improve its performance with IMIS data management. Additionally VIDOSH Management must use IMIS reports as a tool to effectively manage both the program and the work product of its staff.</p>	<p>Beginning by the end of the 1st Qtr of FY, the VIDOSH Director will work with the technical auditor on a weekly basis. The VIDOSH staff will use IMIS Management reports as a tool to effectively manage both the program activities and the work assignment. These reports are Citation pending, Open Inspection, Unsatisfied, Violation Abatement Report, Employer</p>	<p>The VIDOSH Director has begun reviewing the above mentioned reports. VIDOSH Staff are scheduled to participate in the OIS Enforcement Super User Training. (Consultation Super User Training were attended by UVI CEL Consultation Personnel).</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			<p>Response to non formal complaints and rejects.</p> <p>VIDOSH will provide these accomplished activities on or about January 31, 2011.</p>		
09-12	<p>The 2009 EFAME noted that VIDOSH-amended legislation provides authority for Failure-to-abate daily penalties.</p>	<p>VIDOSH must ensure that their statutory authority to compel employers to abate hazards is exercised.</p>	<p>The VIDOSH Director is currently reviewing all outstanding existing failure to abate cases. Based on the severity of the penalties, VIDOSH will pursue the cases with the most severe penalties first. VIDOSH will exercise its statutory authority to access and collect fines when the employer fails to abate hazards.</p> <p>As of January 19, 2011; The VIDOSH Director recognizes that Failure-To-Abate (FTA) penalties must be collected and commits to collaborate with the Governor, Executive and Legislative Branches of the Virgin Islands to implement a way to compel employers to pay FTA penalties. As of this writing the government is in transition. Once the new cabinet is installed the VIDOSH Director will raise the issue of collecting FTA penalties with the cabinet.</p> <p>For future cases beginning by the end of the 3rd Qtr FY2011, VIDOSH will provide the executive and legislative branches with quarterly reports identifying cases with penalties. VIDOSH</p>	<p>VIDOSH will provide these accomplished activities on or about June 30, 2011.</p>	<p>Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			anticipates periodic notification will allow both branches to budget for the penalties assessed. Additionally notification will also allow the executive branch to identify the agencies that consistently fail to adhere to safe practices.		
09-13	The 2009 EFAME noted that VIDOSH submitted its original five-year strategic plan and corresponding annual performance plans in July 2005 but it was never fully implemented because of difficulties in establishing the requisite baseline to measure the performance of the program. An updated five-year strategic plan is being developed by VIDOSH and should be in place for FY 2011.	VIDOSH should establish [a] baseline in FY 2010 and implement their new 5 year strategic plan.	A baseline injury/illness measure was established and the updated 5 year strategic plan was implemented on October 1, 2010. VIDOSH manually collects and analyzes Workers Compensation data for the calendar years 2006, 2007, 2008, and 2009 from targeted Agencies/facilities. The average number of annual total Workers Compensation cases for the above years will be used as the baseline.	Completed. The VIDOSH Director will work with the Workers Compensation [data] to establish baseline by 2 nd Qtr FY2011.	Completed. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.
09-14	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.	The VIDOSH will strive to submit a completed draft of the State Plan Narrative by the end of the 3 rd Qtr of FY 2011.	As of January 19, 2011, VIDOSH was in the process of completing a revised State Plan Narrative. This detailed document requires ample revisions. The VIDOSH Director and staff must review and enhance the report, and agree that the said operations are able to achieve VIDOSH goals and objectives.	Pending. This activity will be accomplished on or about June 30, 2011. Subject to further Federal review and monitoring and VIDOSH completion of all actions and submission of all documentation necessary to demonstrate completion of its

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-15	<p>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.</p>	<p>VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.</p>	<p>VIDOSH will establish a Public Sector Consultation Program by 4th Qtr of FY2011. The Virgin Islands Department of Labor and Region II need to have discussion to address the necessary parameters i.e. staffing, funding and training required for an operational Public Sector Consultation program. Additional staff and equipment are required.</p> <p>The VIDOSH Director has selected the Consultant. The Consultant is awaiting mandatory OSHA training. By the end of the 2nd Qtr of FY2011, the Consultant is scheduled complete the course # 1500. Additionally, the VIDOSH Director has established communication with other Public Sector only State Plans [to] shadow a state plan Consultant within Region II</p>	<p>As of January 19, 2011; the VIDOSH Director has taken the following steps in the development of a public sector consultation program. The recently assigned Industrial Hygienist has been assigned to the public sector consultation program. The member has completed the OTI Course 1000 and OTI 1500 and is currently enrolled in Course OTI 1250. The other required mandatory courses are scheduled to be finished at the end of FY 2011. The Virgin Islands Department of Labor and Region II will need to have discussion to address the necessary parameters i.e. staffing, funding and training required for an operational Public Sector Consultation program. Additional staff and equipment will be required.</p>	<p>developmental steps.</p> <p>Pending.</p> <p>These activities will be accomplished on or about June 30, 2011.</p> <p>Subject to further Federal review and monitoring, and VIDOSH completion of all actions and submission of all documentation necessary to demonstrate completion of its developmental steps.</p>
09-16	<p>There is a lack of structure for processing 11(c) complaints including no knowledge of the appeals process and what happens to a merit case after the Final Investigative Report (“FIR”) is submitted.</p>	<p>VIDOSH needs to follow the Federal manual and to implement a structure for processing 11(c) complaints including an independent reviewer to examine appealed cases. VIDOSH needs to</p>	<p>VIDOSH previously had one Whistleblower trained CSHO. The Whistleblower trained CSHO resigned on or about July 2010 creating a vacancy. To date, a vacancy still exists. Prior Whistleblower training was</p>	<p>Status As Of January 19, 2011; Region 2 agrees that VIDOSH has acted appropriately and that VIDOSH will continue to attempt to enroll staff in the Whistleblower training</p>	<p>Completed.</p> <p>Subject to further Federal review and monitoring, and VIDOSH completion of all</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
		<p>work with the Virgin Island’s Attorney General’s Office to create a clear system for processing and tracking meritorious investigations.</p>	<p>provided to VIDOSH staff by Region II in February 2010. The Director and the Department of Labor is working with the Virgin Islands Department of Personnel to fill the vacant CSHO position. The current staff shortage and newly hired staff training requirements have impeded VIDOSH effort to establish an active Whistleblower Program. The VIDOSH Director will work with the Virgin Island’s Attorney General’s Office to create a structure for processing 11(c) complaints. Once created, the system will be utilized to process and tracking meritorious investigations.</p> <p>The VIDOSH Director will work towards accomplishing these actions by 4th Qtr of FY 2011.</p> <p>These actions will be accomplished on or about September 30, 2011.</p>	<p>courses as they become available and budget allows.</p> <p>(A Whistleblower program is a necessary component of an approved State Plan.)</p>	<p>actions and submission of all documentation necessary to demonstrate completion of its developmental steps.</p>
<p>09-17</p>	<p>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</p>	<p>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</p>	<p>See Response to Recommendation 09-16.</p>	<p>These actions will be accomplished by the CSHOs on or about September 30, 2011.</p>	<p>Pending.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	investigator has attended the Basic Discrimination Investigator’s Course 1420 at OTI.	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.			
09-18	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	<p>See Response to Recommendation 09-16.</p> <p>Once a Whistleblower CSHO is identified and trained the CSHO will be provided IMIS access to the Whistleblower Module.</p> <p>VIDOSH has identified nine employees within the Virgin Islands Department of Labor to become familiar [with] Whistleblower policies and procedures. Five of the nine employees will be trained upon availability of OTI Whistleblower training. An alternative if OTI training is unavailable in the near future or is not cost effective -- VIDOSH will request the National Office to provide onsite training.</p> <p>The VIDOSH Director will work towards accomplishing these actions by 4th Qtr of FY 2011.</p>	<p>As Of January 19, 2011; VIDOSH will have access to the web based whistleblower applications</p> <p>These actions will be accomplished on or about September 30, 2011.</p>	<p>Pending.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-19	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 execute investigations and meet program objectives.	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.	See Response to Recommendation 09-18. VIDOSH will work with the Virgin Island’s Attorney General’s Office and the Department of Labor’s Legal Counsel to create a clear path for settlement review and execution. The VIDOSH Director will work towards accomplishing these actions by 4th Qtr of FY 2011.	The VIDOSH Director will work towards accomplishing these actions on or about September 30, 2011	Pending. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.
09-20	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.	VIDOSH shall adopt the Federal Manual templates for all investigative documents, including but not limited to docket letters, FIRs and Secretary’s Findings. The VIDOSH staff will follow the adopted 02-00-140 CPL standards (Complaint Policies and Procedures). Several control measures have been created and put into place by VIDOSH. The creation of the VIDOSH Complaint Data E-tool has facilitated and enhanced collection of pertinent data during the complaint process. The staff will be formally trained on the use of the E-Tool during the weekly staff meeting The utilization of standardized inspection processing will be developed and implemented. Inspection template will be created to address the operational agency categories i.e. Health	These actions will be accomplished on or about September 30, 2011	Pending. Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			<p>Care, Education, Utilities and Infrastructure, Business & Administration offices, Emergency Responders and Law Enforcement Executive and Legislative Agencies. The guidelines will reflect the required enforcement compliance directives. VIDOSH inspection guidelines will include standardized Opening and/or Closing Conference data and Interview data, employee exposure and employer knowledge. The form will also document the union representative's involvement during all inspection activities. These customized forms will be utilized by the CSHO's.</p> <p>Inspection activities pertaining to hazard recognition and compliance assessment will be documented by these forms. VIDOSH staff will be trained on all the new standardized system. The data points will be used by the director to access effectiveness.</p> <p>The VIDOSH Director will provide and ensure additional training is provided to the VIDOSH staff. These procedures will encompass established policies and procedures. The Director will ensure the staff utilizes the federal templates.</p>		

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-21	The 2009 EFAME noted that in FY 2009 4 Federal standards were issued and that VIDOSH responded with their intent to adopt for two of the four standards timely. VIDOSH did not adopt any of the standards changes in a timely manner.	VIDOSH should implement internal controls to ensure that all standards applicable to the public sector are promulgated within six months of the promulgation date of new Federal OSHA standards in accordance with the VI OSH Act.	<p>Beginning on or about 2nd Qtr of FY 2011, VIDOSH management will ensure that the applicable standards are adopted within six months of publication. VIDOSH will continue to utilize its existing media accounts to disseminate federal standards.</p> <p>VIDOSH will also utilize the Department of Labor’s Public Information Officer to create Public Service announcements for each new federal standard. All current Federal Program Changes will be adopted by the 2nd Qtr of FY 2011.</p> <p>These actions will be adopted on or about March 31, 2011.</p>	<p>As of this report VIDOSH has adopted 7 of 10 standards, and OSHA Region 2 is working with VIDOSH to finalize VIDOSH’s disposition on the remaining 3.</p> <p>OSHA Region 2 is actively working with VIDOSH to ensure that VIDOSH adopts all pending standards in a timely manner, and that VIDOSH takes appropriate action, including legislative, regulatory or administrative change, to assure future adoption of all new standards.</p>	<p>Completed.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
09-22	The 2009 EFAME noted that VIDOSH does not have an 11(c), Health and Safety Poster, pamphlets, or fact sheet available for public sector agencies or complainants.	VIDOSH needs to create a Health and Safety Poster for 24 V.I.C. § 40 as well as pamphlets, or a fact sheet available for state agencies, businesses, and complainants. These media should be available in both English and Spanish.	As of January 2011. VIDOSH will create an 11(c) poster/fact sheet for the public sector by the second quarter FY 2011. The fact sheet will include the applicable 11(c) details. VIDOSH will produce the ad in both English and Spanish.	Completed January 2011	Completed
09-23	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”	VIDOSH will identify the required PSM training for water and waste water treatment activities. The Director will dedicate time for staff to review and discuss Directive Number 09-06 (CPL 02). VIDOSH will seek assistance from Region II to train the staff on the PSM.	These actions will be adopted on or about September 30, 2011.	<p>Pending.</p> <p>Subject to further Federal review and monitoring, and submission of documentation on revised procedures, training, etc.</p>

Appendix B Virgin Islands State Plan

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
					VIDOSH should seek Federal technical assistance when faced with PSM-related issues