

Appendix F – VIDOSH 2010 SOAR



**STATE OSHA ANNUAL 2010 REPORT
(2010 SOAR)**

**US Virgin Islands Department of Labor
Division of Occupational Safety and Health - VIDOSH
(Public Sector Only)**

January 19th, 2011

**Albert Bryan Jr.
Commissioner**

**Richard T. Evangelista, Esq.
Assistant Commissioner, LA**

CONTENTS

INTRODUCTION - PURPOSE OF STATE PROGRAM, HISTORY AND BACKGROUND -----	3
VIDOSH RESPONSE TO OSHA RECOMMENDATIONS FY 2009 FAME-----	4
MANDATED ACTIVITIES -----	14
VIRGIN ISLANDS PUBLIC SECTOR AGENCIES BLS INJURY/ILLNESSES REPORTS HIGHLIGHTS-----	15
STATE PLAN ANNUAL SUMMARY TOWARD STRATEGIC PLAN GOALS-----	16
FY 2009 VIDOSH PLAN RESULTS-STRATEGIC GOALS 1-----	16
FY 2009 VIDOSH PLAN RESULTS-STRATEGIC GOALS 2-----	20
PROMOTE A SAFETY AND HEALTH CULTURE WITHIN THE U.S. VIRGIN ISLANDS PUBLIC SECTOR WORKPLACES-----	23
OUTCOME GOAL TARGETS-----	23
OUTREACH PROGRAMS AND SEMINARS-----	25
VIDOSH STAFF TRAINING-----	25
PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENTS-----	25
FEDERAL LIASON MENTORSHIP-----	25
TIMELY ENFORCEMENT AND HAZARD ABATEMENT-----	25
STAFFING RESPONSIBILITY-----	26
CONSULTATION INITIATIVE-----	26
MANDATED ACTIVITIES-----	27
CONCLUSION-----	29

INTRODUCTION

PURPOSE OF STATE PROGRAM, HISTORY AND BACKGROUND

The mission of the Virgin Islands Division of Occupational Safety and Health (DOSH) is to implement the mandates of the Federal (OSH) Act, and to ensure a safe and healthful working environment for all employers and employees within its jurisdiction. This means to ensure as much as practicable, that employees work in an environment free from hazards and risks to their safety and health. VIDOSH intends to ensure that this protection is provided to all employees in the Virgin Islands, focus on public sector employees. This will involve the application of standards, enforcement, provide technical assistance, including the utilization of these OSHA tools will enable employers to maintain safe and healthful workplaces.

The Virgin Islands OSHA State Plan is currently administered by the Division of Occupational Safety and Health (VIDOSH), which is part of the U.S. Virgin Islands Department of Labor. The State Plan has offices on the two major islands: St. Croix and St. Thomas, for conducting enforcement activities in the public sector. VIDOSH conducts inspections at territorial-government facilities. All private sector and federal government agency complaints are forwarded to the Puerto Rico Federal OSHA Area offices for appropriate action.

The VI-OSH Act as stated on July 19th, 2006 amendment for Public Sector only, now contains provisions for the issuance of monetary penalties for those public sector employers found not be in compliance with applicable standards on a first instances, however, the revised Act contained provisions on all Failure to Abate serious violations. The post citation issuance review proceedings are handled through a Hearing Examiner with the right to appeal to the Commissioner of Labor and the V.I. Superior Court in lieu of the Review Commissioner as in the Federal Program. The VI –OSH S Act provides for the automatic adoption of federal standards applicable to public sector citations issuance on the effective date specified in the federal standard. The Commissioner for VI Department of Labor published adopted standard and procedures as rule or notice for a minimum of three days in local circulation written media and the V.I. Register to notify all impacted stakeholders

Until June 30, 2003, VIDOSH and Federal OSHA had concurrent jurisdiction over safety issues in the private sector, with Federal OSHA retraining private sector health and maritime industry coverage. Public sector safety and health issues were covered by VIDOSH, as well as consultative services in both private and public sectors. On July 1st, 2003, the Virgin Islands Government voluntarily withdrew its private sector enforcement coverage while continuing its coverage for public sector workers, and entered into a new 21(d) private-sector consultation cooperative agreement with Federal OSHA. This was due in large part to the unique geography and performance issues surrounding the Virgin Islands State Plan. On September 2005, the 21(d) private sector consultation program was transferred to the University of the Virgin Islands Community Engagement and Lifelong Learning (UVI-CELL) Division.

The Fiscal Year (FY) 2010 State OSHA Annual Report (SOAR) is submitted in accordance with the Occupational Safety and Health Administration (OSHA) requirements to report their progress in accomplishing the previous fiscal year's Annual Performance Plan goals. The Virgin Islands Division of Occupational safety and Health (VIDOSH) submits this report outlining the Division's accomplishments and deficiencies. The following information will enable OSHA to include

VIDOSH RESPONSE TO OSHA RECOMMENDATIONS FROM FY2009 ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME)

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
ENFORCEMENT	
INSPECTION ACTIVITY	<i>Finding #1: 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.</i>
RECOMMENDATION #1	In 36% of the complaint case files reviewed, all of the complaint items were not addressed in the inspection <i>and/or</i> were not opened in a timely manner.
RESPONSE	The VIDOSH Director will ensure the CSHO's are trained utilizing the 02-00-140 CPL (Complaint Policies and Procedures) standards and the VIDOSH Complaint Data E-tool. The training will provide the staff with appropriate measures to ensure that complaints are addressed and/or inspections are opened in a timely manner. Completion Date: These actions will be accomplished on or about March 31, 2011.
INSPECTION ACTIVITY	<i>Finding #2: In 42% of the cases reviewed, employer knowledge was not properly documented.</i>
RECOMMENDATION #	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)
RESPONSE	The VIDOSH Director will ensure the CSHO's and staff is trained on the importance of employee knowledge. The training will address the documentation of employee knowledge during the Opening Conference and inspection actives. Completion Date: These actions will be accomplished on or about March 31, 2011.
INSPECTION ACTIVITY	<i>Finding #4: 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.</i>
RECOMMENDATION #	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.
RESPONSE	The VIDOSH Director will train the CSHO's and the staff on the importance of completing documentation for case files. The training will cover the procedures to document employer/employee exposure and knowledge. The VIDOSH Director and Auditor will review 100% of the new case files for the required documentation. Completion Date: These actions will be accomplished on or about March

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
	31, 2011.
INSPECTION ACTIVITY	
RECOMMENDATION #	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)
RESPONSE	The VIDOSH Director will train the CSHO's and the staff on the importance of the documentation of employee knowledge and union representative participation. The training will address the documentation of employee knowledge and union representative participation during the Opening and Closing Conference and all inspection activities. Completion Date: These actions will be accomplished on or about March 31, 2011.
INSPECTION ACTIVITY	<i>Finding #5: 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.</i>
RECOMMENDATION #	Provide additional training to all field staff to adequately classify violations with appropriate severity and probability of potential resulting injury
RESPONSE	The VIDOSH Director will train the CSHO's and the staff on classifying the seriousness of the violations. The training will cover the procedures to document employer/employee exposure and knowledge. The VIDOSH Director and Auditor will review 100% of the new case files for the required documentation. Completion Date: These actions will be accomplished on or about March 31, 2011
INSPECTION ACTIVITY	<i>Finding #6: Case files did not include adequate documentation to support employee and/or employer knowledge.</i>
RECOMMENDATION #	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.
RESPONSE	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 incorporate 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 Enforcement Executive and Legislative Agencies Completion Date: These activities will be accomplished on or about June 30, 2011.
INSPECTION ACTIVITY	<i>Finding #7: 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</i>

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
	<i>each inspection but these are never issued as repeat violations.</i>
RECOMMENDATION #	Provide additional training to CSHOs and supervisors on the Willful and Repeat Violation Policy and Procedures
RESPONSE	<p>The VIDOSH Director will train the CSHO's on the issuance procedure of willful citations. The training will address the review of 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 Director and Auditor will review 100% of the new case files for the required documentation.</p> <p>Completion Date: These activities will be accomplished on or about March 31, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #8: In 80% of the cases reviewed, adequate abatement was not received or documented in the case file.</i>
RECOMMENDATION #	<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. 3. For cases with CDI, ensure that the file documents the method of abatement and that the CSHO observed the abatement. 4. Ensure that Failure To Abate notices are issued where appropriate. 5. Provide training to staff on the Petitions for Modification of Abatement (PMA) policies and procedures
RESPONSE	<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 VIDOSH Director will instruct the CSHO's to contact the employers whom fail to abate in a timely manner. VIDOSH has created a financial account to collect abatement fines. The VIDOSH Director will ensure the staff is provided additional training by the 2nd Qtr of FY 2011. These procedures will encompass established policies and procedures.</p> <p>Completion Date: These activities will be accomplished on or about March 31, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #9: 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.</i>
RECOMMENDATION #	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.
RESPONSE	The VIDOSH Director will train the CSHO's on the correct documentation procedures reflecting accurate case file activities. The training will cover informal conference procedures and notes. The VIDOSH Director and Internal Auditor will review 100% of the new case files for the required documentation and ensure the required documentation is completed. The

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
	<p>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>Completion Date: These activities will be accomplished on or about March 31, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #10: Case File[s] involved with an informal conference had poor documentation of the information conference notes. An item was withdrawn during the conference and there was no justification as to the reason why.</i>
RECOMMENDATION #	VIDOSH representatives must thoroughly document the following in the case file: The fact that notification to the parties of the date, time 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
RESPONSE	<p>The VIDOSH Director will train the CSHO's on the correct documentation procedures reflecting accurate case file activities. The training will cover informal conference procedures, and the documentation reflecting the accomplished actions/decisions. The VIDOSH Director and Internal Auditor will review 100% of the new case files for the required documentation and ensure the required documentation is completed. The employer and/or parties involved will sign and receive copies of the informal settlement agreements. The VIDOSH Director will ensure 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>Completion Date: These activities will be accomplished on or about March 31, 2011.</p>
INFORMATION MANAGEMENT	
INSPECTION ACTIVITY	<i>Finding #11: VIDOSH is 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.</i>
RECOMMENDATION #	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.
RESPONSE	<p>Beginning the end of the 1st Qtr of FY 2011, the VIDOSH Director will work with the VIDOSH Auditor on a weekly basis to review the IMIS reports. The VIDOSH staff will use the IMIS Management reports as a tool to effectively manage both the program activities and the work assignments. These reports are Citation Pending, Open Inspection, Unsatisfied, Violation Abatement Report, Employer Response to Non formal Complaints and Rejects.</p> <p>Completion Date: VIDOSH will provide these accomplished activities on or about January 31, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #12: VIDOSH amended legislation provides authority for Failure-to-abate daily penalties.</i>

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.

RECOMMENDATION #	VIDOSH must ensure that their statutory authority to compel employers to abate hazards is exercised.
RESPONSE	<p>The VIDOSH Director will examine all the existing outstanding 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. As of June 2010 VIDOSH has created a financial account to collect abatement fines. By the end of the 2nd Qtr FY2011, VIDOSH will meet and confer with both the executive and legislative for future cases.</p> <p>Completion Date: VIDOSH will provide these accomplished activities on or about June 30, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #13: 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.</i>
RECOMMENDATION #	VIDOSH should establish [a] baseline in FY 2010 and implement their new 5 year strategic plan.
RESPONSE	<p>VIDOSH is in the process of establishing a baseline for the VIDOSH FY 2011-2016 Strategic Plan. The Strategic Goal is to improve Workplace Safety and Health for all Public Employees in the U.S. Virgin Islands using Workers Compensation data by focusing on employers with a history of injury and illness related claims. The Performance Goals is to reduce the total number of worker compensation claims by 1% per year for a total of 5% for the five years compared to the baseline.</p> <p>Completion Date: The VIDOSH Director will work with the Workers Compensation to establish a baseline on or about March 31, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #14: 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.</i>
RECOMMENDATION #	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.
RESPONSE	<p>Currently, VIDOSH is 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 our goals and objectives.</p> <p>Completion Date: This activity will be accomplished on or about June 30, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #15: 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.</i>

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
RECOMMENDATION #	VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.
RESPONSE	<p>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 schedule 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>Completion Date: These activities will be accomplished on or about June 30, 2011.</p>
WHISTLEBLOWER	
INSPECTION ACTIVITY	<i>Finding #16: 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.</i>
RECOMMENDATION #	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 work with the Virgin Island's Attorney General's Office to create a clear system for processing and tracking meritorious investigations
RESPONSE	<p>VIDOSH previously had one CSHO Whistleblower trained in February 2010. The trained CSHO resigned on or about July 2010 creating a vacancy. The current staff shortage and newly hired staff training requirements have impeded VIDOSH effort to establish an active Whistleblower Program. The VIDOSH Director and Department of Labor are working with the Virgin Island's Attorney General's Office to create a structure for processing 11(c) complaints. The system will be utilized to process and tracking meritorious investigations.</p> <p>Completion Date: These actions will be accomplished on or about September 30, 2011.</p>
INSPECTION ACTIVITY	<i>Finding #17: 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.</i>
RECOMMENDATION #	VIDOSH staff needs to forward all complainants 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

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.

	<p>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.</p>
RESPONSE	<p>VIDOSH staff demonstrated the correct procedures required when processing private Sector 11(c) complaints. This is documented in the finding; therefore, no further actions are required since the established procedures were adhered to.</p> <p>Completion Date: These actions will be accomplished by the CSHO's on or about September 30, 2011.</p>
INSPECTION ACTIVITY	<p><i>Finding #18: Staff and investigator(s) have no access to IMIS Whistleblower Application. There is also no process for tracking case files.</i></p>
RECOMMENDATION #	<p>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>
RESPONSE	<p>VIDOSH has access to IMIS Whistleblower Application. The VIDOSH Director will ensure the staff are trained in the applicable Whistleblower Application; such as, but not limited to case files tracking. The system will be utilized to process and tracking meritorious investigations.</p> <p>Completion Date: These actions will be accomplished on or about September 30, 2011.</p>
INSPECTION ACTIVITY	<p><i>Finding #19: VIDOSH's Discrimination Program currently does 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.</i></p>
RECOMMENDATION #	<p>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.</p>
RESPONSE	<p>The VIDOSH Director will ensure the staff are trained in the applicable Whistleblower Application; such as, but not limited to case files tracking. The system will be utilized to process and track meritorious investigations. VIDOSH is currently working with Region II on the draft DIS Whistleblower Investigation Manual. The final procedures will be implemented.</p> <p>VIDOSH has identified nine employees within the Virgin Islands Department of Labor to become familiar 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, VIDOSH will coordinate with the National Office and Region to provide onsite training. VIDOSH will provide the funds for onsite training.</p> <p>Completion Date: The VIDOSH Director will work towards accomplishing</p>

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
	these actions on or about September 30, 2011.
INSPECTION ACTIVITY	<i>Finding #20: VIDOSH does not have templates for docket letters, FIRS, and other necessary investigative documents and correspondence.</i>
RECOMMENDATION #	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
RESPONSE	The VIDOSH Director will ensure the staff are trained in the applicable Whistleblower Application; such as, but not limited to templates for docket letters, FIRS, and other necessary investigative documents and correspondence. The system will be utilized to process and track meritorious investigations. VIDOSH is currently working with Region II on the draft DIS Whistleblower Investigation Manual. The final procedures will be implemented. Completion Date: These actions will be accomplished on or about September 30, 2011.
INSPECTION ACTIVITY	<i>Finding #21: Four Federal standards were issued during FY 2009. 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. (p.43)</i>
RECOMMENDATION #	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.
RESPONSE	VIDOSH Response: The VIDOSH Director will utilize the Department of Labor Public Information Officer (PIO) to designate all Federal updated standards within the required six months timeframe. The established procedures will ensure all Public Sectors Agencies/Departments are notified via an Official Governor News Release. The Governor release is sent to all cabinet members, media, legislature, judicial branch and other public sector stakeholders. Completion Date: These actions will be adopted on or about March 31, 2011.
INSPECTION ACTIVITY	<i>Finding #22: VIDOSH does not have an 11(c) Health and Safety Poster, pamphlets, or fact sheet available for public sector agencies or complainants.</i>
RECOMMENDATION #	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
RESPONSE	VIDOSH Response: The VIDOSH Director will adopt the Federal 11(c) poster/fact sheet for the public sector. The poster will be published in English and Spanish.

ENHANCED FEDERAL ANNUAL MONITORING EVALUATION (FAME) BASELINE SPECIAL EVALUATION (BSE) REPORT OCTOBER 1, 2008 - SEPTEMBER 30, 2009.	
	Completion Date: These actions will be adopted on or about June 30, 2011.
INSPECTION ACTIVITY	<i>Finding #23: VI covers employers in water and wastewater treatment activities, subject to PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.</i>
RECOMMENDATION #	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"
RESPONSE	VIDOSH will identify the hazards within the VI water and wastewater treatment activities. The VIDOSH Director will work with OTI and Region II to obtain the required PSM courses to train the staff on the required procedures. Completion Date: These actions will be adopted on or about September 30, 2011.

MANDATED ACTIVITIES

ACTIVITY

PROGRAM ACTIVITY PROJECTIONS	GOAL		ACTUAL		Total	
	FY 10	FY 10	FY 10	FY 10		
	SAFETY	HEALTH	SAFETY	HEALTH		
ENFORCEMENT - PUBLIC SECTOR INSPECTIONS		60	43	27(*)	17(*)	103
CONSULTATION - PUBLIC SECTOR CONSULTATION		15	10	04 (❖)		

Note: (❖) = Consultation visits initiated, however the consultation program was suspended due to loss of staff.

Note: (*) = Program Activity Projection actual not met due to loss of staff

ENFORCEMENT INSPECTIONS

	PROGRAMMED	COMPLAINT	REFERRAL	FATALITY	FOLLOW-UP
SAFETY	27	1	1	0	1
HEALTH	17	12	1	0	3
TOTAL	44	13	2	0	4

CONSULTATION

	INITIAL	FOLLOW-UP	TRAINING & ASSISTANCE	Total
SAFETY	4*	0		4
HEALTH		0		
TOTAL		0		4

Note: (*) = Consultation visit initiated but report(s) kept in draft upon reassignment of Industrial Hygienist.

VIRGIN ISLANDS PUBLIC SECTOR AGENCIES BLS INJURY/ILLNESSES REPORTS HIGHLIGHTS

Overall the BLS Non fatal Injuries and Illnesses rate for US Virgin Islands government agencies data showed 3.4% decreased trend on the Total Recordable Cases (TRC) rates on CY 2009 (2.8) compared with CY 2006 reported rates (2.9). The CY 2009 TRC increase specific to Public Administration was the result of a correction in under reporting. The correction is attributed to VIDOSH's enforcement; training and outreach activities within the public sector establishments for the injuries and illnesses prevention (please refer to Table I enclosed).

There data that showed specific rate decreased trends ranges from 3.4% to 44%. The Table II below describes the agencies data from CY 2006 to CY 2009. There were five (5) agencies whose rate trends were above the 1 % forecast goal. The Service Providing public sector agencies data reported a 3.4 % decreased rate (2.8) as compared with CY 2006 (2.9). The Health care and Social Assistance agencies data showed 17% decreased trend in CY 2009 (4.3) as compared with CY 2006 baseline (5.2). The Education and Health Services agencies data showed a 30 % decreased trend rate (CY 2009 rate 2.3 vs. CY 2006 rate 3.3). The Hospital agencies data showed a 33% significant trend decreased between two calendar years (CY 2009 rate 6.4 vs. CY 2008 rate 4.3). The Educational Services data showed a 44 % (CY 2009 rate 1.4 vs. CY 2006 rate 2.5). The only public sector that showed a 4.34% increased trend rate was the Public Administration agency whose data showed a (2.4) as compared with CY 2006 baseline (2.3).

Table I. US Virgin Islands BLS Non Fatal Injuries and Illnesses Total Recordable Case (TRC) Rates trends since CY 2006 – CY 2009.

US VIRGIN ISLAND BLS NON FATAL INJURIES AND ILLNESS	TOTAL RECORDABLE CASE RATE	% RATE CY2006 TO CY2009			
INDUSTRY	2006	2007	2008	2009	% (Increase or Decrease)
STATE AND LOCAL GOVERNMENT	2.9	2.5	3.0	2.8	3.4% Decreased

Table II. US Virgin Islands BLS Non Fatal Injuries and Illnesses Total Recordable Case (TRC) Rates trends per Public Sector Industry, since CY 2006 – CY 2009.

US VIRGIN ISLAND BLS NON FATAL INJURIES AND ILLNESS	NAICS CODES	TOTAL RECORDABLE CASE RATE	% RATE CY2006 TO CY2008			
Industry		2006	2007	2008	2009	% Rate
State and Local Government		2.9	2.5	3.0	2.8	3.4% Decrease
State Government		2.9	2.5	3.0	2.8	3.4% Decrease
Service Providing		2.9	2.5	3.0	2.8	3.4% Decrease
Utilities	22	5.4	4.4	❖	❖	
Education and Health services	61	3.3	2.5	3.4	2.3	30% Decrease
Educational Services		2.5	1.9	2.2	1.4	44% Decrease
Educational Services Colleges, Universities and Professional Schools		*	*	4.9	*	No change as there is a base number 4.9 for 2008
Health Care and Social Assistance	62	5.2	❖	4.0	4.3	17 % Decrease
Hospitals			❖	6.4	4.3	33% Decrease
Public Administration	92	2.3	2.2	2.4	2.4	4.34% Increase
Executive, legislative and other general government support	921	❖	❖	❖	❖	Too low to report
Justice, Public Order and safety activities	9221	2.8	2.4	❖	❖	Too low to report
BLS Virgin Islands Injuries and Illnesses Data 2006, 2007, 2008 and 2009						
❖ = Too low to report						
* = No data reported in the BLS references tables						

STATE PLAN ANNUAL SUMMARY TOWARD STRATEGIC PLAN GOALS

The Virgin Islands Division of Occupational Safety and Health (VIDOSH) strategic goals, objectives, and activities focused to perform our enforcement, education and training duties to promote that all public sector employers provide a safe and healthful workplace, and the reduction and prevention of injuries and illnesses. Strategic goals and objectives defined for both enforcement and consultation interventions.

FY 2010 VIDOSH PERFORMANCE GOALS	
Strategic Goal #1: Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands.	
Performance Goal #1-1	Reduce occupational hazards exposures in the public sector by conducting direct interventions in agencies with a history of Workers Compensation claims.
Year One Performance Goal #1-1.1	Reduce occupational hazards exposures in the public sector by focusing on public employees with frequent Workers Compensation claims over the past 3 years.
Strategy	Develop LEP to target public sector agencies with high Workers Compensation claims.

FY 2010 VIDOSH PERFORMANCE GOALS

Performance Indicators	Primary Outcome Measure Results																																				
<p><u>Goal Activity Measures</u></p>	<p>Reduce the number of injuries resulting in Worker's Compensation claims</p> <p><u>Outcome Measure</u></p> <p>a. Number of inspections conducted in targeted agencies: <u>44</u> The public sector agencies whose operations were Service providers, a total of twenty-seven (27) safety and seventeen (17) health inspections. The enforcement activities breakdown per public sector agency were as follows, (agencies classified by NAICS code):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">NAICS 925110</td> <td>VI Housing Authority: ten(10) (Health 8 / Safety 2);</td> </tr> <tr> <td>NAICS 926140</td> <td>VI Department of Agriculture one 1 (Safety 1);</td> </tr> <tr> <td>NAICS 921130</td> <td>VI Department of Finance: four (4) (Health 1/Safety 3);</td> </tr> <tr> <td>NAICS 6111</td> <td>VI Department of Education one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 71111</td> <td>Casino Control Commission: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 921190</td> <td>VI Property & Procurement: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 221320</td> <td>VI Waste Management Authority two (2) (Safety 2);</td> </tr> <tr> <td>NAICS 923120</td> <td>VI Department of Health: seven (7) (Health 2/ Safety 5);</td> </tr> <tr> <td>NAICS 488310</td> <td>VI Port Authority: two (2) (Health 1/Safety 1);</td> </tr> <tr> <td>NAICS 515120</td> <td>VI Public TV System: one (1) (Health 1);</td> </tr> <tr> <td>NAICS 926150</td> <td>VI Department of Labor: two (2) (Health 1/Safety1);</td> </tr> <tr> <td>NAICS 926110</td> <td>VI Department of Tourism: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 923140</td> <td>VI National Guard: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 92411</td> <td>VI Department of Planning and Natural Resources: two (2) (Health 1 /Safety 1);</td> </tr> <tr> <td>NAICS 92311</td> <td>VI Human Services: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 922190</td> <td>VI Law Enforcement Planning Commission: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 922120</td> <td>VI Police Department: one (1) (Safety 1);</td> </tr> <tr> <td>NAICS 921110</td> <td>Offices of the Governor: four (4), (Safety 4)</td> </tr> </table> <p>The projected Local Emphasis Program to target public sector agencies with high Workers Compensation claims was not fully implemented. One factor that impact VIDOSH operations was staff reduction due to the loss of three (3) employees (resignation, CSHO interim management appointment and retirement).</p> <p>During FY 2010 VIDOSH updated VI Public Sector Workers Compensation forms and database was configured to categorize public sector injuries and illnesses per agency and geographic location. VIDOSH database is currently updated and used to target and identify potential hazards and appropriately allocated CSHO resources. The final analysis summary aimed to assess and evaluate employer and employees knowledge with required OSHA regulations, verify recordkeeping procedures and public agency workplaces compliance. All data summary and analysis will be guided by OSHA Safety Pays injuries/illnesses cost template to substantiate requests and implementation for Local Emphasis Programs.</p> <p>b. Number of hazards identified that could result in injuries: A total of 156 violations were issued for all enforcement activities</p>	NAICS 925110	VI Housing Authority: ten(10) (Health 8 / Safety 2);	NAICS 926140	VI Department of Agriculture one 1 (Safety 1);	NAICS 921130	VI Department of Finance: four (4) (Health 1/Safety 3);	NAICS 6111	VI Department of Education one (1) (Safety 1);	NAICS 71111	Casino Control Commission: one (1) (Safety 1);	NAICS 921190	VI Property & Procurement: one (1) (Safety 1);	NAICS 221320	VI Waste Management Authority two (2) (Safety 2);	NAICS 923120	VI Department of Health: seven (7) (Health 2/ Safety 5);	NAICS 488310	VI Port Authority: two (2) (Health 1/Safety 1);	NAICS 515120	VI Public TV System: one (1) (Health 1);	NAICS 926150	VI Department of Labor: two (2) (Health 1/Safety1);	NAICS 926110	VI Department of Tourism: one (1) (Safety 1);	NAICS 923140	VI National Guard: one (1) (Safety 1);	NAICS 92411	VI Department of Planning and Natural Resources: two (2) (Health 1 /Safety 1);	NAICS 92311	VI Human Services: one (1) (Safety 1);	NAICS 922190	VI Law Enforcement Planning Commission: one (1) (Safety 1);	NAICS 922120	VI Police Department: one (1) (Safety 1);	NAICS 921110	Offices of the Governor: four (4), (Safety 4)
NAICS 925110	VI Housing Authority: ten(10) (Health 8 / Safety 2);																																				
NAICS 926140	VI Department of Agriculture one 1 (Safety 1);																																				
NAICS 921130	VI Department of Finance: four (4) (Health 1/Safety 3);																																				
NAICS 6111	VI Department of Education one (1) (Safety 1);																																				
NAICS 71111	Casino Control Commission: one (1) (Safety 1);																																				
NAICS 921190	VI Property & Procurement: one (1) (Safety 1);																																				
NAICS 221320	VI Waste Management Authority two (2) (Safety 2);																																				
NAICS 923120	VI Department of Health: seven (7) (Health 2/ Safety 5);																																				
NAICS 488310	VI Port Authority: two (2) (Health 1/Safety 1);																																				
NAICS 515120	VI Public TV System: one (1) (Health 1);																																				
NAICS 926150	VI Department of Labor: two (2) (Health 1/Safety1);																																				
NAICS 926110	VI Department of Tourism: one (1) (Safety 1);																																				
NAICS 923140	VI National Guard: one (1) (Safety 1);																																				
NAICS 92411	VI Department of Planning and Natural Resources: two (2) (Health 1 /Safety 1);																																				
NAICS 92311	VI Human Services: one (1) (Safety 1);																																				
NAICS 922190	VI Law Enforcement Planning Commission: one (1) (Safety 1);																																				
NAICS 922120	VI Police Department: one (1) (Safety 1);																																				
NAICS 921110	Offices of the Governor: four (4), (Safety 4)																																				

FY 2010 VIDOSH PERFORMANCE GOALS	
	<p>c. Reduction in number of injuries resulting in Workers Compensation claims</p> <p>The US Virgin Islands BLS data showed injuries/illnesses average rate decreased trend for CY 2009 compared with baseline CY 2007 was <u>26 %</u>, (reported percentage range from 3.4% to 44 % per agencies included <u>pages 15-16</u> within the narrative for VI Public Sector BLS Injuries and Illnesses Highlights, including also Tables I and II.</p>
Data Source(s)	IMIS, Workers Comp
Baseline	FY 06 data 2.9 per 100,000 people
Strategic Goal #1 : Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands	
Performance Goal #1-2	Reduce occupational hazards exposures in the public sector by ensuring that workplace receive direct intervention.
Year One Performance Goal #1-1.2	Reduce occupational hazards exposures in the public sector by conducting programmed inspections, focusing on establishments that have not been inspected in the past three years. Achieve 1% reduction using baseline data established in FY 06 data of 2.9 per 100,000 people.
Performance Indicators	Primary Outcome Measure Results
	<p><u>Outcome Measure</u></p> <p>a) Number of establishments receiving direct interventions: <u>44</u> VIDOSH conducted a total of 44 enforcement activities. The enforcement activities per categories were: twenty seven (27) safety inspections and seventeen (17) health inspections.</p> <p>b) Number of citations issued within LEP A total of 156 violations were issued for all enforcement activities, all of them issued during FY 2010. A Local Emphasis Program to target public sector agencies with high Workers Compensation claims was not fully completed and implemented. Those enforcement activities citations issued on FY 2010 VIDOSH resulted from inspection reports which also included agencies with the higher quantity of workers compensation claims (such as VI Department of Education, VI Government Hospitals, and Public Administration agencies). VIDOSH planned and focused to complete public sector workers.</p>
Data Source(s)	IMIS, Worker's Comp
Baseline	FY 06 data using 2.9 per 100,000 people will be represented in the SOAR
Strategic Goal #1 : Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands	
Performance Goal #1-3	Reduce occupational hazards exposures in the public sector by ensuring that workplace receive direct intervention.

FY 2010 VIDOSH PERFORMANCE GOALS	
Year One Performance Goal #1-1.3	Conduct health inspections, including being able to address indoor air quality (IAQ) issues.
Strategy	Continue to implement a comprehensive health program.
Performance Indicators	Primary Outcome Measure Results
Goal Activity Measures	<p>a) <u>Number of health inspections</u>: VIDOSH conducted a total of 17 health enforcement activities. The enforcement activities included planned and complaint inspections. During FY 2010 the percentage of IAQ inspection were 65% (11/17) for all public sector agencies. One factor that impact VIDOSH operations was staff reduction due to the loss of three (3) employees (resignation, management interim appointment and retirement).</p> <p>a) Number of health inspections in response to IAQ complaints: <u>11</u> Activity Measures: a) Number of health inspections /investigations conducted: <u>11</u> b) Number of IAQ issues observed: <u>11</u> c) Number of IAQ complaint received: <u>11</u> d) Number of IAQ complaint investigation completed: <u>11</u></p> <p>Implement an IAQ procedures and strategies based on VIDOSH FY2009 and FY 2010 performance for IAQ complaint inspections, data will be used to develop a specific IAQ procedure applicable for this type of intervention. Workplace and establishment inspections performed published OSHA references & guidelines, monitoring methodology procedures to follow through the OSHA Technical Manual.</p>
Data Source(s)	IMIS, Workers Comp
Strategic Goal #2: Promote a safety and health culture within the U.S. Virgin Islands Public Sector Workplaces.	
Performance Goal #2-1	Promote a safety and health consultation and training, education, seminars, etc.
Year One Performance Goal #2-1.1	Increase training and education to public employers/employees to promote systematic approaches to safety and health.
Strategy	Upgrade the level of V.I. Government awareness of Health and Safety issues.
Goal Activity Measures	<p>a. Internal Training/Education. Ensure that VIDOSH staff attended at least two courses per CSHO at OTI during FY 2010.</p> <p>1. Number of training sessions VIDOSH staff attended during FY10: <u>4</u> VIDOSH Staff attended to four (4) OTI courses. The staff reduction due to resignations impacted the accomplishment of the goals.</p> <p>Internal <u>Number of training sessions VIDOSH staff attended during FY 2010 (both OTI and "other")</u>: 4 OTI training (refer to table enclosed. All</p>

FY 2010 VIDOSH PERFORMANCE GOALS

CSHOs attended at least one training session at OTI/Chicago, Please refer to table below:

[REDACTED]	OTI #2450 – Evaluation of Safety and Health Management System	August 2010 / OTI - Chicago
[REDACTED]	OTI #1420 – Basic Whistleblower Investigation	January 2010 / OTI - Chicago
[REDACTED]	OTI #1310 – Investigative Interviewing Techniques	May 2010 / OTI Chicago
[REDACTED]	OTI #1280 - Safety Hazards Awareness for Industrial Hygienist	August 2010 / OTI, Chicago

b. External Training Education Compliance Assistance

VIDOSH Director continued efforts to ensure that Territorial Government offices are educated about their responsibilities, and work toward creative avenues to achieve compliance with safety and health regulations.

- Acting VIDOSH Director Ms. Jannette Barbosa participated in all three OSHPA (Fall, Winter and Summer) and the State Plan Monitoring meetings/conferences.
- New Director attended the Summer OSHPA and State Plan Monitoring meetings/conferences.

1. Number of Outreach Seminars conducted 10 (Various locations)

- a. **On January 2010** VIDOSH delivered an overall OSHA Safety Awareness, Inspections Performance, Employer and Employees duties and responsibilities along with an interactive training of safety and health hazards in the food services industries, employers participated from both St. Croix and St. Thomas. *Approximately 100 plus public sector employees (Each location)*
- b. **On May 2010** the second main outreach and training conference was VIDOSH staff participation in the 5th VI Governor’s Safety and Health Conference in May 2010. The Conference was held on St Croix and St Thomas. This was a joint effort with The University of the Virgin Islands/UVICELL Division and the Virgin Islands Homeland Security offices. Conferences delivered short courses on Emergency Response, Indoor Air Quality, Safety and Health Management Systems, OSHA 10H Certification courses on General Industry and Construction Standards, and Pandemic Flu. Participants included technical trade skill high school

FY 2010 VIDOSH PERFORMANCE GOALS

students in St. Croix.

Approximately 100 plus public sector employees

- c. **On May 2010** VIDOSH & Labor Relations provided an Outreach and Educational workshop to the local Hispanic Community. The VIDOSH presentation to include such topics as, General Safety awareness topics and, OSHA compliance duties and functions.

Approximately 30 attendees

- d. **On September 2010** Labor Month, VIDOSH actively participated in several VI Department of Labor Month outreach activities. The VIDOSH Indoor Environmental Quality Conferences provide information to the Public Sector in St. Croix and St. Thomas. Each Conference consisted of two sessions. The morning session addressed basic Indoor Environmental Quality measures for the public sector general audience and the afternoon session included a workshop to educate the executives, commissioners, directors and managers on Indoor Environmental Quality measures, building maintenance issues, and fiscal responsibilities. The Guest Speaker was Ms. Marian L. Heyman, MPH; Coordinator, Indoor Environmental Quality Unit Environmental & Occupational Health Assessment Program; State of Connecticut, Department of Public Health.

Additionally the VIDOSH Director provided a program overview presentation to each session. The VIDOSH presentation to include such topics as, Recordkeeping Standard, OSHA compliance duties and functions. Each participant was provided an electronic CD with the conference material and other OSHA visual aids and documentation.

Approximately 125 public sector employees (Each location)

- e. **On September 2010** The Department of Labor conducted the 2010 Get Connected EXPO provided employment information to employer and/or employees. VIDOSH distributed OSHA publications and answered questions. A session was provided on St. Thomas and St. Croix.

Approximately 150 attendees (Each location)

- f. **On September 2010** VIDOSH provided Safety and Health information on a local Bilingual Radio Program. During the program, VIDOSH Indoor Environmental Quality Conference was also addressed.

Radio Audience size unknown

- g. **On September 2010** VIDOSH Staff and the Marian L. Heyman,

FY 2010 VIDOSH PERFORMANCE GOALS	
	<p>MPH provided a one-on-one interaction the VIDOL employees during an offsite at Gertrude's Restaurant in St. Croix. The topic addressed was customized to address the Indoor Environmental Quality pertinent to their workspace. The information provided the VIDOL Commissioner with first rate Indoor Environmental Quality information and guidelines.</p> <p><i>28 public sector employees</i></p>
Data Source (s)	<p>a. IMIS OSHA 55 Intervention Form</p> <p>b. OTI Source Catalog/Individual Training Plan</p> <p>c. Periodic Progress Report</p>

The FY 2010 inspection performance showed VIDOSH conducted a total of 44 enforcement activities. The enforcement activities per categories were: twenty seven (27) safety inspections and seventeen (17) health inspections. Inspection categories per priorities were as follows: Twenty three (23) programs planned, four (4) follow up, and the total of unprogrammed inspections were fifteen (15). Incoming complaints that resulted in enforcement inspections were thirteen (13) complaints, included thirteen (11) indoor air quality complaints and two (2) referral inspections.

The US Virgin Islands enforcement and outreach activities impacted positively the injuries and illnesses rate as per reported BLS data. The Virgin Islands Non Fatal Injuries and Illnesses data for CY 2009 for those public sector agencies showed an average of 26% decreased trend on the injuries and illnesses. The percentage was above the planned 1% reduction rate for FY 2010. The specific breakdown range from 3.4% to 44% (detailed data included on pages 15-16 for the VI Public Sector BLS Injuries and Illnesses Highlights narrative, including Tables I and II.

However, another outcome observed related to direct enforcement activities were BLS rates reported for Public Administration showed a 4.34% increase from the baseline CY 2006. Further steps to fully implement the Local Emphasis Programs planned for FY 2011. The VI Division of Occupational Safety and Health (VIDOSH) focused its Fiscal Year 2010 resources to continue used agencies random list to target agencies with a history of non-compliance and focus on Workers Compensation Claims to reduce occupational exposures. During fiscal year 2011, the key data points from the Worker's Compensation claim cases database will be utilized to track trends. VIDOSH will work closely with Worker's Compensation to collect the data points.

PROMOTE A SAFETY AND HEALTH CULTURE WITHIN THE U.S. VIRGIN ISLANDS PUBLIC SECTOR WORKPLACES

OUTCOME GOAL TARGETS

- PROMOTE A SAFETY AND HEALTH CULTURE BY CONDUCTING CONSULTATION AND COMPLIANCE ASSISTANCE ACTIVITIES (E.G., DIRECT INTERVENTIONS, OUTREACH, TRAINING, EDUCATION, SEMINARS, ETC.)

The Virgin Islands State Plan was able to successfully coordinate and participate on four main training and outreach activities.

January FY 2010

VIDOSH delivered an overall OSHA Safety Awareness, Inspections Performance, Employer and Employees duties and responsibilities along with an interactive training of safety and health hazards in the food services industries, employers participated from both St. Croix and St. Thomas.

Approximately 100 plus public sector employees

May FY 2010

The second main outreach and training conference was VIDOSH staff participation in the 5th VI Governor's Safety and Health Conference in May 2010. The Conference was held on St Croix and St Thomas. This was a joint effort with The University of the Virgin Islands/UVICELL Division and the Virgin Islands Homeland Security offices. Conferences delivered short courses on Emergency Response, Indoor Air Quality, Safety and Health Management Systems, OSHA 10H Certification courses on General Industry and Construction Standards and Pandemic Flu. Participants included technical trade skill high school students in St. Croix and overall quantity.

Approximately 100 plus public sector employees

VIDOSH provided an Outreach and Educational workshop to the local Hispanic Community. The VIDOSH presentation to include such topics as, General Safety awareness topics and, OSHA compliance duties and functions

Approximately 30 attendees

September FY 2010

The Labor Month / September 2010, VIDOSH actively participated in several VI Department of Labor Month outreach activities. The VIDOSH Indoor Environmental Quality Conference provide to the Public Sector in St Croix and St Thomas. Each Conference consisted of consists of two sessions. The morning session addressed basic Indoor Environmental Quality measures for the public sector general audience and the afternoon session included a workshop to educate the executives, commissioners, directors and managers on Indoor Environmental Quality measures, building maintenance issues, and fiscal responsibilities. The Guest Speakers was Ms. Marian L. Heyman, MPH; Coordinator, Indoor Environmental Quality Unit Environmental & Occupational Health Assessment Program; State of Connecticut, Department of Public Health.

Additionally the VIDOSH Director provided a program overview presentation to each session. The VIDOSH presentation included such topics as, Record keeping Standard, OSHA compliance duties and functions. Each participant was provided an electronic CD with the conference material and other OSHA visual aids and documentation.

Approximately 125 public sector employees

The Department of Labor conducted the 2010 Get Connected EXPO provided employment information to employer and/or employees. VIDOSH distributed OSHA publications and answered provided questions. A session was provided on St Thomas and St Croix.

Approximately 150 attendees

VIDOSH provided Safety and Health information on a local Bilingual Radio Program. During the Program VIDOSH Indoor Environmental Quality Conference was also addressed

Radio Audience size unknown

VIDOSH Staff and the Marian L. Heyman, MPH provided a one-on-one interaction the VIDOL employees during an offsite at Gertrude's Restaurant in St. Croix. The topic addressed was customized to address the Indoor Environmental Quality pertinent to their workspace. The information provided the VIDOL Commissioner with first rate Indoor Environmental Quality

information and guidelines.
28 public sector employees

OUTREACH PROGRAMS AND SEMINARS

VIDOSH hosted four main outreach programs and OSHA awareness conferences titled

1. St Croix, Department of Education—Professional Development Conference—Occupational Hazards on Food Services Industry (Jan FY 2010),
2. St Croix, Department of Education—OSHA Safety Hazards and HAZCOM Awareness; L.O.T.O; Personal Protective Equipment (Jan FY 2010)
3. St Croix VIDOL and VIDOSH Hispanic Community Outreach (May FY 2010)
4. St Croix, 5th Annual Governor's Conference (May FY 2010)
5. St Thomas, 5th Annual Governor's Conference (May FY 2010)
6. St Croix, VIDOSH Indoor Environmental Quality Conference (Sep FY 2010);
7. St Thomas, VIDOSH Indoor Environmental Quality Conference (Sep FY 2010)
8. St Croix, VIDOL VIDOSH Indoor Environmental Quality briefing (Sep FY 2010)
9. St Croix, VIDOL Get Connected EXPO Labor Month (Sep FY 2010);
10. St Thomas, VIDOL Get Connected EXPO Labor Month (Sep FY 2010).

VIDOSH exceeded the required target for Outreach and Educational activities. There has been and will continue to provide radio, television talk shows and public service announcements (PSA) promoting VIDOSH initiatives and safe workplace information. Actively participate on VIDOL Labor month outreach.

VIDOSH STAFF TRAINING

VIDOSH Compliance Officers (3) attended a total of four formal OTI courses.

Courses include Basic Accident Investigations, Whistle Blower, Safety and Health Management Program course and Safety and Health Management Program course.

PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT

FEDERAL LIASON MENTORSHIP

The VIDOSH Program will seek to build their program at least as effective as model state programs in the nation. Key factors in building this program will be to continue to maintain transparent and regular direction from the Federal Program Manger and counterparts. These relationships demonstrate commitment to project completion dates and duplicate successful State Plan programs. Further attendance at Occupational Safety and Health State Plan Association, OSHSPA meeting will net valuable information on keeping abreast with safety and health policies and procedures, team participation and learning instrumental practices from other state programs. VIDOSH outreach activities continued with its annual participation in the VI Governor's Safety and Health Conferences. Additionally, VIDOSH will increase conduct customized conferences to meet the Public Sector requirements

TIMELY ENFORCEMENT AND HAZARD ABATEMENT

VIDOSH has completed the necessary alliance with high level Government staff Administrators to make hazard abatement the current Administration's priority. VIDOSH uses a combination of three enforcement initiatives to mandate hazard abatement. First, high level Administrators and Commissioners are committed to injury reduction and timely hazard abatement. Second, VIDOSH will continue to build their outreach and intervention efforts to provide knowledge of standards for safe work practices. Third, VIDOSH has implemented penalty issuance and enlisted legal representation for court mandated enforcement of "Failure to Abate" cases.

STAFFING RESPONSIBILITY

During FY 2010 VIDOSH hired new director with extensive background in inspections and program management. During FY 2010 VIDOSH was impacted by staff changes.

The program was operational with only two Compliance Safety Officers and one Industrial Hygienist. During the first three quarters of FY 2010 the one assigned Industrial Hygienist was the Acting Director. Training and new enforcement and outreach initiatives also impacted and exhausted the program budget, but yielded significant strides in obtaining strategic initiatives as describe on Page 17. There was positive feedback from the public sector agencies towards the VIDOSH staff educational and outreach activities that resulted in a higher visibility for VIDOSH as an OSHA State Program. However, by the end of FY 2010, the VIDOSH workforce operations were affected further due to staff member resignations: one Safety Compliance Officer. These changes resulted in only two qualified inspectors; a Compliance Safety Officer and an Industrial Hygienist. The program is currently being managed by the New Director and the Acting Director has returned to enforcement duties.

VIDOSH current staff conditions **Director Andrews; Enforcement:** one qualified CSHO, one vacant CSHO position; one newly hired CSHO—requires OTI training/classes, one assigned Industrial Hygienist CSHO. **Consultation:** one newly hired Industrial Hygienist Consultant assigned to the development and implementation of the Consultation Program--and requires additional OTI training (*Note the IH assigned to the Consultation Program was assigned from Enforcement due to not having any staffing allocations assigned to the Consultation Program.*) *The Enforcement allocation the needs to be replaced and additional staffing for the Consultation Program is required.* **Support Staff:** two administrative assistants are in place. Total of current staff is seven (7).

CONSULTATION INITIATIVE

Dean Andrews, New VIDOSH Director, appointed Mr. Clarence Green as the VIDOSH Consultant for public sector agencies. [REDACTED]

Prior to Mr. Green's selection, Ms. Jannette Barbosa was selected to run the Consultation Program. Ms. Barbosa was appointed to function as Acting Director for Enforcement, due to resignation of the previous VIDOSH Director, Mr. Jason Ellick. This impacted the development and implementation of the Consultation Program.

Mr. Green is working on the development of the Consultation Program with assistance from other State Program Consultants. The VIDOSH organization is in the process of filling the current staffing authorizations. There is a need to make room for the current staff authorization as well as the new additional forthcoming consultation staff.

Therefore, the Virgin Islands Public Sector Consultation Program was not fully developed and implemented due to the previous VIDOSH Director, Mr. Ellick, resignation and the resignation of a CSHO, Mr. Tim Defoe. Once Ms. J. Barbosa returned to Enforcement she was one of two CSHO's assigned.

The new consultation initiative being developed by Mr Green is focused on providing a positive image to VIDOSH and public sector expertise to departments with special safety needs and challenges. The need for further staffing and funds were indentified. The program currently lacks the funds and personnel. The former VIDOSH Director indicated that additional funding would be required for the VIDOSH's public sector consultation. This request still stands

MANDATED ACTIVITIES

The Virgin Island State Plan faced operational challenges to include:

1. Design and implementation for a consistent Action plan include an NCR/IMIS Program Analyst to visit worksites and evaluate with an IMIS Specialist all possible source(s) and troubleshooting procedures to target the high reject issues. The NCR/IMIS Reject List must be evaluated on a daily and weekly basis to assess correction progress.
2. Design and implement an effective in house NCR/IMIS refresher training. Training documentation and materials must be maintained at the Director's and IMIS Specialist custody focused forms data entry.
3. Continue a weekly monitoring from the IMIS Specialist for Rejected forms to target those staff which design and implementation for all Compliance Safety and Health Officers (CSHOs) and incoming Director to reduce the rejects to 90% by second quarter FY 2010.
4. Increase planning process for planned inspection performance. Proposed goals and objectives strategy submitted to Commissioner's offices to evaluate and track down each activity along with mandated activities described on State Plan grant mandated activities.
5. VIDOSH Program operations affected with decreased workforce due to resignation of two Safety Compliance Officer and current VIDOSH Director.
6. Include a review for VI public sector Workers Compensation and BLS data in order to complete documentation. Develop and implement an LEP program based on higher incidents rate public sector agencies. The VIDOSH organization implemented the automated complaint data collection tool. This tool is utilized to collect the key data points from the completed workers compensation forms.
7. Mr. Green is in the Process of obtaining the training and resources to fully implement Public Sector Consultation Program. Ms. J Barbosa preformed Acting Director Duties until Jun 2010 until the new Director Mr. D. Andrews was appointed. A total of thirty –three written request received for Consultation. With the development of the program this request will be addressed.
8. The VIDOSH organization implemented the automated complaint data collection tool. This tool is utilized to stream line the telephonic complaints process.
9. Conclusion

VIDOSH planned strategies for FY 2011 included steps to finalize and to achieve this performance goal focusing on:

- a. Implement the directives indentified in the new VIDOSH FY 2011-2016 Strategic Plan
- b. Analyze and summarize raw data to determine type of injuries and illnesses along with occupational hazards in order prioritize inspections per target agency
- c. Review CPLs to follow procedures to submit Local Emphasis Program.
- d. Ensure CSHO fully trained on Hazard Recognition and IMIS data training.
- e. Ensure CSHO assigned to Consultants receive the required training and IMIS data training.

- f. Prepare and submit to VI Department of Labor Commissioner and Regional Administrator documents to implement LEP to target public agencies with higher rates.
- g. VIDOSH has identified nine employees within the Virgin Islands Department of Labor to become familiar 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, VIDOSH will coordinate with the National Office and Region to provide onsite training. VIDOSH will provide the funds for onsite training.
- h. Develop a model safety and health management program which is modeled after the OSHA 1989 Voluntary Safety and Health Management Guidelines for Public Sector Agencies.
- i. VIDOSH will increase its educational program; this will be accomplished through various partnerships. VIDOSH will work with agencies such as the Fire Department, Public Television System, and Community Bilingual Radio Program.
- j. VIDOSH will utilize Subject Matter Experts to address educational topics key to safety and health training and outreach

CONCLUSION

For FY2010, VIDOSH focused on building a solid Public Employees Only Enforcement program. Currently, VIDOSH continues to work with the Office of the Governor to obtain abatement in old public sector cases. Enforcing Fines and Penalties are now a significant factor in encouraging public sector employers who fail to abate hazards. The Commissioner of Labor, Albert Bryan is assuming an increased role in contacting Commissioners and Administration officials to emphasize abatement expectations. VIDOSH continues to work on promoting a safety and health culture in the public sector by increasing education and outreach efforts. Indoor Air Quality employer and employee complaints, for which we receive many complaints, VIDOSH continues to work with government agencies to increase their knowledge of building HVAC maintenance guidelines, as many of these complaints appear to be related to that system. The addition of Consultation activity will provide key positive relationships with the government agencies.