

**Virginia Occupational Safety and Health (VOSH) Program
2011 Performance Goals and Measures**

Strategic Goal 1: Reduce Occupational Injuries, Illnesses and Fatalities Through Direct Intervention

	Outcome Goal	2011 Performance Goal
1.1	Reduce the rate of workplace injuries and illnesses	A. By 2012, decrease injuries and illnesses per 100 workers in the workplace. B. Annually initiate investigations of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.
1.2	Reduce the rate of workplace fatalities	A. By 2012 decrease fatalities in the workplace per 100,000 workers 5%. B. Annually initiate inspections of 100% of fatalities and catastrophes within one working day of notification.
1.3	Reduce the rate of workplace injuries and illness in worksites	A. Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs.

Strategic Goal 2: Promote a Safety and Health Workplace Culture

	Outcome Goal	2011 Performance Goal
2.1	Enhance worker involvement in all aspects of safety and health	One hundred percent (100%) of VOSH on-site activities (e.g., inspections, consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.
2.2	Consultation Activity, Lead, and Lag Times	Consultation will utilize a minimum of 65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.

Performance Goal 1.1.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses
VOSH Performance Goal	FY 2011: 4.20 By 2012, decrease injuries and illnesses per 100 workers in the workplace by 5%. FY 2010: 4.25 FY 2009: 4.30 FY 2008: 4.35 FY 2007: 4.40
Strategy/Activities	Analyze data to better identify establishments for inspections. Research new sources for information to identify best targets. Inspect worksites in non-programmed areas through rapid response to complaints, referrals and utilizing multi-employer policy. Inspect 5% of total inspections at public-sector worksites. Analyze results and effectiveness of compliance inspections to determine their impact on fatalities, injury and illness rates. Identify and implement adjustments that will increase the impact of compliance inspections. Analyze the effectiveness of guidance and standards and identify needed changes.
Indicator	VOSH met this measure. The performance data for this measure for 2011 <u>has not been released by BLS</u> yet, so the most recent data was utilized for 2010. BLS shows that the injury and illness data for <u>2008 is 3.3</u> total recordable cases and <u>for 2009 are 3.1</u> total recordable cases. The data for 2010 reflects an overall Total Recordable Rate is 3.3. The Private Industry Rate is 3.1. A slight increase from 2006.
Data Source	Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses
Baseline	Most Current Total Recordable Injury and Illness Rate 2006/ 4.4

Performance Goal 1.1.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses
VOSH Performance Goal	<p>FY 2011: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2010: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2009: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2008: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2007: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p>
Strategy/Activities	Promptly and accurately investigate workplace complaints
Indicator	<p>Consultation results may be found in 2011 CAPR</p> <p>VOSH met this measure.</p> <p>100% of worker complaints had an investigation initiated within one working day or an on-site inspection initiated within five working days in an effort to reduce injury and illnesses.</p>
Data Source	VOSH Integrated Management Information System (IMIS)
Baseline	99 % in 2007
Comment	VOSH offers workers the choice between two approaches to handle their complaints: either VOSH will conduct an investigation by contacting the employer via phone/fax to inform them of the complaint, with a response required back from the employer within five work days; or, VOSH will conduct an on-site inspection.

Performance Goal 1.2.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace fatalities
VOSH Performance Goal	FY 2011: 4.00 By 2012, decrease fatalities in the workplace per 100,000 workers 5% FY 2010: 4.05 FY 2009: 4.1 FY 2008: 4.15 FY 2007: 4.2
Strategy/Activities	Analyze data to better identify establishments for inspections. Research new sources for information to identify best targets. Inspect worksites in non-programmed areas. Inspect identified public-sector worksites. Analyze results and effectiveness of compliance inspections to determine their impact on fatalities, injury and illness rates. Identify and implement adjustments that will increase the impact of compliance inspections. Analyze the effectiveness of guidance and standards and identify needed changes.
Indicator	Consultation results may be found in 2011 CAPR VOSH met this goal. <u>The performance data for this measure for 2011 has not been released by BLS yet, so the most recent data was utilized for 2010.</u> The number of workplace fatalities in Virginia dropped 13 percent last year (2010), to 104 from 119 in 2009. This computes, based on 3.5 million workers, to 3.08 fatalities per 100,000 workers. The performance data for this measure for 2011 has <u>not been released by BLS yet.</u> However, workplace fatalities investigated by VOSH have <u>increased slightly in Virginia</u> in the last calendar year. (Not including medical events, traffic accidents, etc.) 2007-44 2008-39 2009-33 2010-24 2011-29
Data Source	Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses
Baseline	Most current rate of 4.2 fatalities per 100,000 workers in 2006.
Comment	

Performance Goal 1.2.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace fatalities
VOSH Performance Goal	<p>FY 2011: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2010: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2009: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2008: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2007: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p>
Strategy/Activities	Promptly initiate fatality and catastrophe investigations.
Indicator	<p>VOSH met this Goal.</p> <p>100 % of inspections of fatalities and catastrophes initiated within one working day of notification in an effort to reduce injuries and illnesses.</p>
Data Source	VOSH Integrated Management Information Systems (IMIS)
Baseline	N/A
Comment	

Performance Goal 1.3.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses in worksites.
VOSH Performance Goal	Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs.
Strategy/Activities	Increase the number of employers participating in the VPP.
Indicator	Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs. National averages show that VPP sites are routinely 50% below normal workplace injuries and illnesses for their respective industry sectors. VOSH met this goal. 40 active VPP sites in Virginia.
Baseline	39 employer participants in 2007
Data Source	Local database

Performance Goal 2.1

VOSH Strategic Goal	Enhance worker involvement in all aspects of safety and health
VOSH Outcome Goal	One hundred percent (100%) of VOSH on-site activities (e.g., inspections, consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.
VOSH Performance Goal	Ensure 100% of VOSH onsite activities include a worker involvement component annually.
Strategy/Activities	Ongoing monitoring of inspection data. Consultants/CSHOs will include worker involvement during all visits/inspections to increase safety and health awareness.
Indicator	Consultation results may be found in 2011 CAPR Worker involvement through interviews, informal conferences and walk-around inspections as reviewed by region Compliance Managers at 100%.
Baseline	Percent of visits where consultant conferred with employees, 100%, reviewed by Consultation Manager. Compliance Manager reviews case files for worker involvement for CSHOs.
Data Source	NCR/ACE/CAM

Performance Goal 2.2

VOSH Strategic Goal	Promote a safety and health workplace culture
VOSH Outcome Goal	Consultation Activity, Lead, and Lag Times
VOSH Performance Goal	Increase consultant time during consultation activities/reduce request lag time/reduce the issuance of employer's report
Strategy/Activities	Ongoing monitoring of inspection data. Consultation will utilize a minimum of 65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.
Indicator	Consultation results may be found in 2011 CAPR Increased consultant time/reduced request lag time/reduce employer report issuance.
Baseline	65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.
Data Source	NCR/CAM/ACE

Internal Audit

The VOSH program achievements which positively affect both employees and employers in the Commonwealth:

- the rate of nonfatal occupational injury and illness cases requiring days away from work to recuperate was 118 cases per 10,000 full-time workers in 2010, statistically unchanged from 2009. The total number of private industry, state government, and local government cases decreased 4 percent. The median days away from work—a key measure of severity of injuries and illnesses—was 8 days, the same as 2009;
- fatal accidents needing VOSH investigation rose for the first time in 6 years to 30. This may be related to the economic turnaround which has occurred in Virginia over the last year: (2010-24; 2009-33; 2008-39; 2007-44; 2006-55; 2005-64)
- Virginia's unique regulations in confined space hazards in the construction and telecommunications industries; overhead high voltage line safety; fall protection in steel erection; reverse signal operation in construction and general industry; compliance with manufacturer's instructions for vehicles, machinery, tools and equipment in general industry, construction, maritime and agriculture and tree-trimming.
- Virginia remains in the national top ten ranking in the rate of state occupational safety and health inspections per number of employers;

- Virginia continues to have the highest overall on-time response rate for complaint inspections and investigations in the country;
- Apprenticeship Program for VOSH Compliance Safety and Health Officers (CSHO), Industrial Hygienists and Safety and Health Consultants continues to produce exceptionally well trained and motivated Consultants and CSHOs;
- a thriving Virginia Voluntary Protection Program (VPP) which has 40 members; and a Safety and Health Achievement and Recognition Program (SHARP) with 32 members; and
- a successful 17th annual safety and health conference which provided outreach to employees, employers, unions, associations and government.

SAMM Report Analysis

Item #1, average days to initiate complaint inspections was at 1.87 days. All 471 complaint inspections were initiated in less than five days. Monthly reports were generated by region and sent out to the field for corrections to maintain compliance. **VOSH met this measure.**

Item #2- average days to initiate complaint investigations was at 0.21 days. VOSH met this measure 100% of the time. **VOSH met this measure.**

Item #3- percent of complaints where complainants were notified on time was 96.21%. A total of 432 out of 449 complainants, were notified by letter within 20 workdays of citation issuance or 30 work days of closing conference without citations. SAMM reports with appropriate exception listings were reviewed each quarter and each of the state Regions were notified of discrepancies. Various administrative oversights kept this mandate from being at 100%. VOSH will continue to monitor this item to correct any discrepancies and ultimately reach the goal of 100%. **VOSH did not meet this measure.**

Item #4 and Item #5 **VOSH met these measures.**

Item #6-Percent of S/W/R violations verified with a goal of 100% was 90.38%. This involves abatement verification within 30 days. **VOSH did not meet this measure.** All abatement is verified, but VOSH requires all abatement to be documented as well as certified. VOSH continues to make significant strides in improving our performance in documenting verified abatement activities.

Item #7-Average days for citation issuance-Safety violations issued in 41.79 days (National average 51.9). Weekly lapse time reports are sent out to the field listing each region performance for the week by the Asst. Commissioner. Health violations were issued in 43.5 days (National average 64.8). **VOSH met this measure.**

Item #8-Programmed inspections with S/W/R violations-Safety -54.08% (National average 58.5)

Health cases were at 49.6 (National average 51.8). **VOSH met this measure.**

Item #9-Violations per inspection-S/W/R-1.97 (National average 2.1); Other-0.84 (National average 1.2)
VOSH met this measure.

Item #10-Initial Penalty per Serious violation-\$1335 (National average -\$1680). VOSH attributes this discrepancy to the larger number of small employers in its jurisdiction. However, this is a 10.6% increase from last year, a remarkable increase. VOSH has increased the maximum penalty amounts for Serious violations significantly. Penalty amounts continue to rise this fiscal year.

Item #11-Percent of total inspections in the public sector-5.41 (Data for Virginia 6.5).
VOSH met this measure.

Item #12-Receipt of contest to first level decision-106.41 (National average-200) VOSH continues to outperform the National average. **VOSH met this measure.**

Item #13-Percent of 11c investigations completed within 90 days-100%, the goal is 100%. **VOSH met this measure.**

SIR Report Analysis

1. Seventy six point nine percent (76.9%) of VOSH's total inspections were programmed in Safety and 47.5% in Health. The measure requires that we be no more than 7.5 percentage points below the Federal average which was 62.5% in Safety and 34.6% in Health. VOSH was higher than the Fed average. **VOSH met this measure.**

2. VOSH's programmed inspections with violations was at 50.4% for Safety and 39.6% for Health. The National average is 70.1% and 56.2% respectively. There can be no more than a 10 percentage point leeway. **VOSH did not meet this measure.** VOSH takes this discrepancy seriously and is working energetically to meet this measure. While we will not influence how CSHOs cite hazards, internal training will emphasize hazard analysis.

3. The percent of serious violations that were written is at 61.0% for Safety and 48.5% for Health. The National average was 76.7% and 64.4% respectively. We are within 25% of the National average as is required in Safety but we are below in Health. **VOSH met this measure.**

4. The percent of serious violations which have abatement periods greater than 30 days for Safety and 60 days for Health were 16.5% for Safety and 4.4% from Health. The National averages were 17.9% and 9.4% respectively. This measure requires VOSH to be no more than 5 percentage points above the Fed average. VOSH was less than the Fed average. **VOSH met this measure.**

5. The average VOSH serious penalty amount was \$855.10 for Safety and \$1122.20 for Health. This was within 25% of the National average of \$1126.90 and \$980.90 respectively. **VOSH met this measure.**

Note: The SIR report only lists Other than Serious amounts. This discrepancy has been this way for several years.

6. VOSH performed 8.5 inspections per 100 hours in Safety and 5.9 inspections per 100 hours in Health. This was well above the National average of 5.5 and 2.2 respectively.

VOSH met this measure.

7. The VOSH percent of violations vacated for non-contested cases was 8.9%. This was above 15% of the National average of 7.0%. **VOSH did not meet this measure.**

8. The VOSH percent of reclassified violations for non-contested cases was 5.5%. This was not more than 15% of the National average of 4.8%. **VOSH met this measure.**

9. The VOSH penalty retention for non-contested cases was 68.1%. This was not less than 15% of the National average of 62.8%. **VOSH met this measure.**

10. The percent of programmed inspections in the public sector was 78.5% in Safety and 40.9% in Health. This was not more than 7.5 percentage points above the private sector rate of 76.9% and no more than 7.5 percentage points above the private sector rate in Health of 47.5%. **VOSH met this measure.**

11. The percent of public sector violations cited as Serious is 65.9% in Safety and 60.9% in Health. The private sector rate is 61.0% and 48.5%. This is within 25% of the private sector rate in both categories. **VOSH met this measure.**

12. The VOSH percent of violations vacated after a contest is 31.3%. The National average for this measure is 23.5%. VOSH is not within the requirement of no more than 5 percentage points above the federal rate. **VOSH did not meet this measure.**

13. The VOSH percent of violations reclassified after a contest is 21.1%. The National average for this measure is 13.3%. VOSH is not within the requirement of no more than 5 percentage points above the federal rate. **VOSH did not meet this measure.**

14. The VOSH percent of penalty retained after a contest is 43.8%. The National average for this measure is 62.3%. VOSH is not within the requirement of no more than 5 percentage points below the federal rate. **VOSH did not meet this measure.**

Case File Audit Reports

Region Directors perform mandatory random case file audits annually. Below are reports from each Region:

Central Region

Reviewed approximately 780 case files.

No major systematic problems noted. Some trend situations were detected such as a particular CSHO citing in a manner that appeared to require further review. A number of exceptions were identified such as improperly cited sections, wrong definitions and resulted in prompt corrective action coordinated through the CM and Support Manager.

Southwest Region

Reviewed approximately 815 case files.

Compliance Managers review case files for merit and discuss any issues with CSHOs. Casefiles (with citations) are reviewed again by RD prior to citation issuance.

Reviews revealed isolated problems with typos, such as, incomplete or vague AVDs, severity not appropriate for the likely injury/illness i.e. high severity for 120v shock from uncovered electrical outlets while painting. Overall, case files are getting better especially with management statement documentation which has improved the employer knowledge requirement.

Tidewater Region

Tidewater Region Director reviewed approximately 326 case files last FY11.

The Compliance Manager continues to review all files prior to issue in a concentrated effort to screen out errors.

Most of the discrepancies continue to be a result of an inexperienced corps of CSHOs in this region. CSHOs still are not doing an adequate job with interview statements, both from employees and employer reps., in order to document and support certain violations. Additionally, some CSHOs do not make probability and severity assessments in accordance with the FOM in efforts to keep penalties low.

Northern Region

The Northern VA Region conducted about 603 inspections during the FY 2011. All case files are reviewed by either a Senior Engineer or Compliance Manager before citations are issued or the case closed with no citations issued. Many case files (probably 80%) are reviewed by several people before being issued. If problems are noted, the case file is typically returned to the CSHO with notes or discussed with the CSHO and then resubmitted after corrections are made. If the Compliance Managers note any problems that cause major concerns, they will discuss them with the Regional Director.

Fatalities, catastrophes and other significant cases are normally reviewed by an Engineer, both Compliance Managers and the Regional Director before they are submitted to the Program Director and DLS for review.

Any areas of concern that come into question during informal conferences are typically reviewed with the CSHOs and discussed at accountability meetings attended by all CSHOs/IHs so that the group can experience a teachable moment.

The Region has several new CSHOs and there have been some problems with writing skills and AVDs particularly. CSHOs are encouraged to proof read each others' work and writing suggestions/comments are made frequently. Consistency in gravity determination has also been a problem and whenever inconsistencies are noted, they are discussed with the CSHOs.

Appendix A
FY 2009 Virginia State Plan (VOSH) Enhanced FAME Report
prepared by Region III
Summary of Findings, Recommendations and Corrective Actions

	Special Study Findings - Complaints	Recommendations	Corrective Action Taken/Planned
1	Case files lacked written documentation of why a nonformal complaint resulted in an inspection.	Written documentation should be contained in case files to justify why a non-formal complaint resulted in an inspection.	Remarks concerning changes in the status/classification of complaints will appear on the Case File Diary Sheet. The Compliance Manager is responsible for this entry. In addition to this entry, the same or supporting information may also be found on the OSHA 167 (c) form and/or the inspection narrative.
2	Standard language was not being used in response letters to complainants. For example, some letters gave a lot of detailed information to the complainant regarding the outcome of the inspection while others simply responded "complaint was confirmed."	Response letters must include an appropriate response detailing the outcome of the inspection or investigation activity for each alleged complaint item as outlined in VOSH's FOM.	In all response letters to complainants, the CSHO/IH will incorporate and the Compliance Manager will approve appropriate AVD language or other descriptive language into the letter to clarify the inspection's findings for each complaint item.
	Special Study Findings – Victim Rights	Recommendations	Corrective Action Taken/Planned
3	Families of fatality victims were not kept up-to-date about investigations and/or informed of the outcome of investigations.	Families of fatality victims must be kept up-to date about investigations and informed of the outcome of VOSH investigations.	VOSH will continue to contact victims' next-of-kin and will also maintain follow-up contact with the next-of-kin to inform and provide copies of citations and settlement agreements. CMs and RDs will be responsible for establishing and maintaining contact, providing copies, etc.
	Special Study Findings – Fatalities	Recommendations	Corrective Action Taken/Planned
4	Interviews with employer representatives and employees were not always documented	Ensure that interviews with employer representatives and employees are documented in case files.	CSHOs/IHs received refresher training on documenting employee and employer interviews in all cases and at all times.
	Special Study Findings – Case File Documentation	Recommendations	Corrective Action Taken/Planned
5	Case file documentation is not in conformance with the requirements of VOSH's FOM.	The requirements for case file documentation are outlined in Chapter III of VOSH's FOM. These policies and procedures	CSHOs/IHs received refresher training on the VOSH FOM Chapter III and the proper use of the OSHA 1-B form as they pertain to the documentation

		should be reviewed with all management and compliance staff to assure that all employees are following these procedures and understand what specifically is required to be contained in a case file.	required.
6	Case file diary sheets were not found in inspection files.	Case file diary sheets must be used in accordance with VOSH's FOM procedures. This form needs to be kept at the top of the case file so that a reviewer can tell at first glance the status of that case.	Case File Diary Sheets are required in all case files. VOSH personnel are required to make proper entries as required.
	Special Study Findings – Hazard Identification	Recommendations	Corrective Action Taken/Planned
7	Employee exposure was not always adequately documented on OSHA 1B forms.	VOSH must ensure that OSHA 1Bs are adequately documented. Provide additional training to investigators on case file documentation and the importance of having each OSHA 1B fully documented.	CSHOs/IHs received refresher training on the proper use of the OSHA 1-B with emphasis on the documentation required to issue citations.
8	Alleged violation descriptions (AVDs) on OSHA-2 forms were not specific enough to address hazardous condition.	Alleged violation descriptions should reflect specific hazards noted on OSHA-2 forms for each violation.	CSHOs/IHs received refresher training on the proper use of the OSHA 2 citation/penalty form.
	Special Study Findings – Records Review	Recommendations	Corrective Action Taken/Planned
9	OSHA-300 logs were not always obtained from employers and reviewed by compliance officers during on-site inspection activity.	OSHA-300 logs for three years must be obtained from employer and reviewed by compliance officers, pursuant to VOSH's FOM, while on-site during inspection activity.	CSHOs/IHs received refresher training on the proper collection of OSHA 300 forms.
	Special Study Findings – Violation Classification	Recommendations	Corrective Action Taken/Planned
10	Proper documentation to justify violation severity classification was not always contained in inspection files.	VOSH must retrain compliance staff in the proper type of documentation needed to justify violation severity classification in accordance with VOSH FOM procedures.	CSHOs/IHs received refresher training on the proper assessment of severity on the 1-B form.
	Special Study Findings – Settlement Agreement	Recommendations	Corrective Action Taken/Planned
11	Copies of signed informal settlement agreements were not always contained in case files. Deleted by Region III	Copies of signed settlement agreements must be maintained in case files. Deleted by Region III	All cases reviewed contained the necessary Informal Settlement Agreements or were final order cases where no ISA existed. The RD or other VOSH personnel who negotiate settlements will continue to place copies of ISAs and/or EISAs into all settled files. Region III has agreed to delete item 11 as an outlier.

	Special Study Findings – Penalties	Recommendations	Corrective Action Taken/Planned
12	Case files did not always contain documentation of how penalty reduction factors were granted to employers where minimal abatement was required to come into compliance.	Case files must be documented by Regional Directors to explain why the maximum penalty reduction of 40% was granted to employers where minimal abatement was required to come into compliance. Penalty reduction factors should be reviewed in detail with Regional Directors.	VOSH personnel will document the allowance of all penalty relief offers in Informal Conferences, Post-Conference litigation, etc.
	Special Study Findings – Sampling	Recommendations	Corrective Action Taken/Planned
13	Bulk samples were not always taken when suspected combustible dust was identified in a work place. Deleted by Region III.	Bulk samples should be taken by industrial hygienists whenever suspected combustible dust is encountered in a work place. Deleted by Region III.	The case in question (312762412) did not contain a citation for combustible dust nor was there any evidence of accumulations of combustible dust at the facility. Region III has agreed to delete item 13 as an outlier. VOSH Industrial Hygienists will continue to collect bulk samples when there are potential combustible dust hazards in accordance with the Combustible Dust National Emphasis Program, VOSH Directive # 14-236A.
	Special Study Findings – Abatement Verification	Recommendations	Corrective Action Taken/Planned
14	OSHA-166 forms were not being entered into the database to track abatement verification.	Promptly enter OSHA-166 (particularly item 22) data into database.	OSHA 166 forms (or equivalent) will be kept in all files in which cited items are not corrected onsite during an inspection.
15	VOSH was not calling employers or sending abatement letters on all cases where abatement had not been received by VOSH.	VOSH must, in accordance with its own procedures as outlined in its FOM, call employers for outstanding abatement documentation and/or send abatement letters on all cases where abatement documentation has not been received by VOSH.	RDs and CMs received refresher training in the requirements of the VOSH Abatement Verification Directive and will adhere to its requirements in verifying abatement.
	Special Study Findings – Data Entry	Recommendations	Corrective Action Taken/Planned
16	OSHA 91 sampling data is not being entered into the IMIS system. The forms were contained in case files; however, the forms were never entered into the database and could therefore not be tracked by running a report from the IMIS	OSHA 91 data should be entered into the IMIS system for all sampling.	OSHA 91 data will continue to be entered into the IMIS system as required. FY2010 cases with OSHA 91 data will be retroactively entered as begun in April, 2010.

	system.		
	Special Study Findings – Federal Program Changes	Recommendations	Corrective Action Taken/Planned
17	Not all Federal Program Changes are adopted within the six month period. (The State has not yet adopted the new Federal FOM.)	VOSH must adopt Federal Program Changes within the six month period.	VOSH adopted a new FOM using the new Federal OSHA FOM as a template. Revision of the FOM is ongoing at this time.
	Special Study Findings – Whistleblower	Recommendations	Corrective Action Taken/Planned
18	VOSH is using an outdated Discrimination manual that needs to be updated, which lacks guidance for proper organization of cases and documentation required to support actions taken by investigators.	<p>VOSH must update its current directive. Chapter 2 should list all current whistleblower acts that are referred to Federal OSHA or reference Chapter 1 of Federal OSHA’s Discrimination manual, which lists the current whistleblower acts to include ones that need to be referred to Federal OSHA for investigation:</p> <p>(a) Use Chapter 5 of the Federal Whistleblower manual to describe the organization of its investigation files.</p> <p>(b) Adopt Chapter 2, Section III – E of the Federal Whistleblower manual, which states that the notification to respondents can initially be done via letter.</p> <p>(c) Adopt Chapter 2, Section III – B of the Federal Whistleblower manual which indicates that a memorandum will be prepared documenting the screening interview and sending a letter to the complainant verifying the administrative closure of the case.</p> <p>(d) Adopt Chapter 3, Section IV, G-2 of the Federal Whistleblower manual which indicates that in the event that a signed statement cannot be obtained from a witness, interview notes should be</p>	VOSH’s Discrimination manual has been rewritten using Federal OSHA’s Discrimination manual as guidance. This new directive has been issued.

	<p>taken and a memorandum to the file should be prepared by the investigator setting forth all of the pertinent information that was received from the witness.</p> <p>(e) Adopt Chapter 3, Section IV, E and G of the Federal Whistleblower manual which indicates what evidence should be obtained during the course of the investigation.</p> <p>(f) Files must be documented to demonstrate why a case is being dismissed and what the proper grounds are for that dismissal. It is recommended that VOSH adopt Chapter 3, Section IV, E and G of the Federal Whistleblower manual which outlines the basis for dismissing a complaint.</p>	
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