



**Virgin Islands  
Division of Occupational Safety and Health  
(VIDOSH)**

***Federal Annual Monitoring Evaluation (FAME) Report  
October 1, 2010 - September 30, 2011***

**U.S. Department of Labor  
Occupational Safety and Health Administration  
Region II – New York**

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## **I. EXECUTIVE SUMMARY**

### **A. Summary of Report**

This Federal Annual Monitoring Evaluation (FAME) report presents the results of a comprehensive evaluation of the United States Virgin Islands' Division of Occupational Safety and Health (VIDOSH) program and to assess the current performance of Virgin Islands' program and to identify any structural or performance issues of concern. The study focused mainly on enforcement effectiveness and the findings of this study are detailed below. In addition this report includes VIDOSH progress towards meeting its targeted performance goals as outlined in the Program's FY 2011 Annual Performance Plan.

This evaluation of the Virgin Islands Public Employee Occupational Safety and Health (VIDOSH) State Program covers the period of October 1, 2010 through September 30, 2011. For FY 2011, VIDOSH's initial total 23(g) grant amount was \$670,388 which included federal base grant of \$202,100, the state's match of \$2,100, and the 100% overmatch of \$466,188.

During FY 2011, the Virgin Islands Division of Occupational Safety and Health (VIDOSH) made progress in addressing the findings and recommendations from OSHA's FY 2009 and FY 2010 EFAMEs. This year's EFAME identified a number of significant challenge areas that will need to be resolved by the Virgin Islands. These include:

- Whistleblower Program: VIDOSH's discrimination program does not meet the 29 CFR part 1977.23 standards. In general, the VIDOSH discrimination program is lacking the staffing, procedural knowledge, experience, and structure necessary to effectively execute investigations and meet program objectives. During FY 2012, VIDOSH has taken several steps to improve its Whistleblower Program including participation in several OSHA Whistleblower Webinars and having two (2) CSOs (1 Safety and 1 Health) complete the OTI Whistleblower class.
- Developmental Steps from the 2003 State Plan Conversion have not been completed and include:
  - Submission of a draft version of a revised State Plan Narrative was due on December 31, 2005. This document has not yet been received by OSHA despite repeated assurances over the years from VIDOSH that it will be submitted to OSHA for approval.
  - The Virgin Islands has not developed nor maintained a public sector consultation program that can provide no cost safety and health services to public sector employers. VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory. During FY 2012, VIDOSH's consultant completed the OSHA OTI 1500 Course and has received "On the Job Training" from another OSHA funded public employee consultation program. Consultation services are expected to be available to the public-sector employers during FY 2012.
- Standards: The Virgin Islands has not exercised its statutory authority regarding standards adoption and taken appropriate legislative or administrative action to assure that it is consistent with 29 CFR Part 1953 and that all standards applicable to the public sector are promulgated within six months of the promulgation date of new Federal OSHA standards. VIDOSH's program provides for automatic adoption of standards and federal program changes. The VIOSH 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 publishes adopted standard and procedures as rule or notice for a minimum of three days in local circulation written media and the Virgin Islands Register to notify all impacted stakeholders. VIDOSH does not have documentation that this has occurred for existing standards.

- Enforcement Program: This special study also found several areas of concern.
  - VIDOSH conducted a total of 54 inspections (SOAR shows 62) during the fiscal year. This is 52% of the planned annual goal of 103 inspections. Of the 54 inspections, 26 were safety inspections which was 43% of the planned goal of 60; and 28 were health inspections which was 65% of the planned goal of 43. VIDOSH attributes a staff shortage as the reason for not achieving their inspection goals. OSHA acknowledges that VIDOSH's field ready enforcement staff went from four (4) CSHOs to two (2) in FY2011 when a CSHO resigned and a new hire, who filled an existing vacancy, was unable to conduct inspections until they completed their initial training courses.
  - According to VIDOSH, only four (4) of the inspections conducted in FY2011 were actually closed and available for review as part of this year's EFAME study. These closed cases only represent 7.4% of the inspections conducted during FY 2011. Even though four (4) cases were reported by VIDOSH as being closed, only two enforcement case files were made available to federal OSHA for the EFAME review. Both of these inspections were "in compliance" and no citation items were issued in either inspection. It was noted that of the 54 inspections conducted, thirteen (13) reportedly had citations issued.
  - VIDOSH had seventy-four (74) open non-contested cases with abatements incomplete 60 or more days after the last abatement date and does not utilize a reliable mechanism for achieving abatement for cited hazards.
- Union and Employee Involvement: In 1 of the 2 cases that VIDOSH made available for review it appears that VIDOSH staff did not afford employees and/or employee representatives the requisite opportunities to participate during its enforcement activities including: the ability to accompany the CSHO during physical inspections of the workplace for the purpose of aiding the inspection; and attendance at opening and closing conferences. VIDOSH implemented the use of a case file checklist that clearly documents whether or not this has been accomplished during the inspection. This checklist was evident in 1 of the 2 case files reviewed by OSHA and clearly documented union involvement during that inspection.

## **B. State Plan Introduction**

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 Federal OSHA's Puerto Rico Area Office for appropriate action.

The mission of the Virgin Islands Division of Occupational Safety and Health (DOSHS) is to implement the mandates of the Federal (OSH) Act, and to ensure a safe and healthful working environment for all 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 ensures that this protection is provided to all employees in the Virgin

Islands with a focus on public sector employees. This involves the application of standards, enforcement, and technical assistance.

The VI-OSH Act, as stated in the July 19, 2006 amendment for Public Sector only program, now contains provisions for the issuance of Failure-To-Abate monetary penalties for those public sector employers found not to be in compliance with applicable standards on a second instance basis. The revised Act contained provisions on all “Failure to Abate” serious violations on a first instance basis. 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 Commission as is the case in the Federal Program.

The VI –OSH Act provides for the automatic adoption of federal standards applicable to public sector, with issuance on the effective date specified in the federal standard. The Commissioner for the VI Department of Labor publishes adopted standards and procedures as a rule or notice for a minimum of three days in both local circulation written media and the V.I. Register to notify all impacted stakeholders.

The State Plan, approved August 31, 1973, is administered by the Division of Occupational Safety and Health (DOSHS) within the Virgin Islands Department of Labor. There are area offices on each of the two major islands, St. Croix and St. Thomas, for the conduct of enforcement activities. Consultation services will be provided from the St. Croix office, once that program is established. VIDOSH enforcement operations started in April 1974. The original Developmental Steps were completed by August 1976. The State Plan was certified and an operational agreement between OSHA and VIDOSH was signed in September 1981. On May 6, 1983, a proposed rule giving notice of the eligibility of the Virgin Islands State Plan for final approval under Section 18(e) of the Occupational Safety and Health Act was published in the Federal Register. The final rule for 18(e) approval was published in the Federal Register on April 20, 1984.

In 1994, after approximately a decade of Federal monitoring of the U.S. Virgin Islands State Plan, OSHA found that the State Plan, in actual operation, was no longer “at least as effective as” Federal OSHA and that other 18(e) requirements were no longer being met. In August 1995, the Virgin Islands’ Commissioner of Labor indicated the Virgin Islands’ agreement to voluntarily relinquish the State Plan’s final approval status under Section 18(e). The Commissioner also agreed to the reassertion of concurrent Federal enforcement jurisdiction under Section 18(e). [FR Notice No. 218, Vol. 60, dated November 13, 1995].

Until June 30, 2003, VIDOSH and Federal OSHA had concurrent jurisdiction over safety issues in the private sector, with Federal OSHA retaining private sector health and maritime industry coverage. Public sector safety and health issues were covered by VIDOSH, as well as providing consultative services in both private and public sectors. On July 1, 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 continued performance issues surrounding the Virgin Islands State Plan. In 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.

### **Virgin Islands State Plan Profile**

State Plan: Initial Plan Approval – August 31, 1973  
 Certification - September 10, 1981  
 18(e) Approval – April 1984  
 18(e) Withdrawal/ 18(b) Implementation – November 1995  
 Conversion to a public employee only program - July 1, 2003

Designee - Albert Bryan Jr., Commissioner  
 U S Virgin Islands Department of Labor  
 Division of Occupational Safety and Health

Excluded Coverage

- Occupational Safety and Health issues in the private sector
- Maritime Issues (private sector)
- Maritime Cargo Handling, Long shoring
- Shipbuilding and Ship Repairing
- Federal facilities (military installations, etc.)

Employee Coverage - Public Employee Coverage Only

Per VIDOSH 2011 23g Grant Application; VIDOSH covers 12,109 territorial employees

Operational Grant – Per VIDOSH’s Financial Close Out Report

FY 2011 Federal Share: \$202,100  
 FY 2011 State Share: \$ 2,100  
 FY 2011 100% State Funds: \$466,188

FY 2011 Total Grant: \$670,388

Staffing Level:

	Allocated	On Board
Managers:	1	1
Enforcement:	4	3
Consultation:	1	1
Administrative:	2	2
<i>Total</i>	8	7

**Performance Goals**

VIDOSH’s FY 2011 Annual Performance Plan consisted of two broad-based strategic goals with complementary performance goals; (1) Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands., (2) Promote a safety and health culture within the U.S. Virgin Islands Public Sector Workplaces.

**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. In order to accomplish this goal during FY 2010, VIDOSH developed an LEP to target public sector agencies with high Workers Compensation claims and updated VI Public Sector Workers Compensation forms and database was configured to categorize public sector injuries and illnesses per agency and geographic location. During FY 2011 VIDOSH targeted public sector agencies whose operations were Service providers, a total of thirty two (32) safety and thirty (30) health public sector agency inspections were conducted within 22 agencies including but not limited to the VI Department of Education, the VI Human Services, the VI Department of Health and the VI Department of Housing Parks and Recreation.

**Goals #1-1.2 & #1-1.3** Reduce occupational hazard exposures in the public sector by ensuring that workplaces receive direct intervention. In order to accomplish these goals VIDOSH conducted programmed inspections, focusing on establishments that had not been inspected in the past three years and conducted health inspections that included addressing indoor air quality (IAQ) issues. This goal was partially met in that VIDOSH conducted a total of 15 health enforcement activities. The enforcement activities included planned and complaint inspections. During FY 2011 VIDOSH conducted a total of twenty six (26) safety inspections and twenty eight (28) health inspections (Goal 1-1.2). The percentage of IAQ inspections was 25% (7/28) for all public sector agencies. VIDOSH will continue to implement IAQ procedures and strategies based on FY 2009-FY 2011 performance for IAQ complaint inspections. The data will be used to develop specific IAQ procedures applicable for this type of intervention.

**Goal #2-1** Promote a safety and health culture through consultation and training, education and seminars. VIDOSH planned to accomplish this goal by increasing training and education to public employers/employees to promote systematic approaches to safety and health and also by upgrading the level of V.I. Government awareness of health and safety issues. Although no public sector consultation program was in place in FY2011 to accomplish this goal, VIDOSH coordinated and participated in twelve (12) training and outreach activities affecting over 800 attendees.

### C. Data and Methodology

Monitoring of the Virgin Islands State Plan consisted of a team of Federal OSHA personnel from both the safety and the health disciplines.

The evaluation of the Virgin Islands State Plan covered Fiscal Year 2011, the period of October 1, 2010 through September 30, 2011, and included the following documents:

State Activity Mandated Measures (SAMM) Report  
Enforcement Comparison (INSP and ENFC Reports)  
Mandated Activities Report for Consultation (MARC)

Additionally, the OSHA team reviewed 2 closed case files. This represents only 50% of the closed case files (2 of 4) that VIDOSH reported as being available for review. VIDOSH was unable to locate the other 2 closed case files within the designated time frame. It should be noted that an on-site review of these files was not conducted; the files were mailed to the Puerto Rico Federal OSHA office where the team performed its review.

- Enforcement case files: 1 safety and 1 health

Formal stakeholder interviews conducted during the FY 2009 EFAME process provided valuable insight into all aspects of the VIDOSH program. Since OSHA conducted an extensive evaluation of the VIDOSH Program as part of the FY 2009 EFAME study, and given that OSHA maintains a continuous dialogue, particularly during this rating period, as part of its on-going relationship with these key stakeholders, formal interviews were not conducted during the preparation of this year's EFAME.

#### **D. Findings and Recommendations**

The 2011 FAME report noted five repeated findings from the 2009 EFAME case files evaluation. It is OSHA's assessment that VIDOSH in its 2010 FAME Corrective Action Plan completed corrective actions for 16 of the 23 items. Three of the whistleblower recommendations from FY 2010 were combined into one item for FY 2011.

OSHA continues to provide VIDOSH with assistance in completing its corrective actions and acknowledges that in certain cases budgetary limitations, availability of OSHA training, and difficulty on VIDOSH's part in recruiting and retaining staff are challenges that VIDOSH faces when attempting to maintain and improve its program.

#### **Complaint Inspections**

During FY 2011 the average number of days it took VIDOSH to initiate a complaint was 13.75 days, and the average number of days to initiate an investigation improved by reaching an average of 1.35 days.

**OSHA Recommendation:** VIDOSH must ensure that CSHOs are adequately trained in complaint policies and procedures as specified in the recommendations of FY 2010 FAME. OSHA is monitoring VIDOSH's status with regard to this issue.

#### **Abatement**

During FY 2011 only two case files were available for review (one safety and one health); both were in compliance and there was no abatement information to review.

The FY 2011 FAME noted that VIDOSH had 74 open non-contested cases with abatements incomplete 60 or more days after the last abatement date. (Appendix C)

**OSHA Recommendation:** VIDOSH must fully utilize strategies such as follow-up inspections, "failure to abate" citations, and 29 CFR 1903 provisions to ensure that abatement of cited hazards is achieved in a timely manner

#### **IMIS Database Management Information System**

The 2009 EFAME noted that the management information system (IMIS) was not being effectively updated/maintained, nor was VIDOSH 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 the statute of limitations.

The VIDOSH Director has begun reviewing the above mentioned reports and VIDOSH Staff attended the OIS Enforcement Super User Training.

### VIDOSH Strategic Plan

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 was developed by VIDOSH for FY 2011- FY2015 and the updated 5 year strategic plan was implemented on October 1, 2010.

### State Plan Narrative

Submission of a draft version of a 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 the second quarter of FY2012.

### VIDOSH Public Sector Consultation

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.

As of January 19, 2011, the VIDOSH Director had taken the following steps in the development of a public sector consultation program. An employee has been assigned to the public sector consultation program. This employee has completed the OTI Course 1000 and OTI 1500 mandatory online and is currently enrolled in Course OTI 1250. The other required mandatory courses are scheduled to be finished at the end of FY 2011.

VIDOSH and OSHA have discussed VIDOSH's need to implement the 23(g) consultation program with the current staff under the terms of the FY 2012 grant agreement. VIDOSH reports that their consultant will begin performing consultation visits during the second half of FY 2012.

### WHISTLEBLOWER

The FY 2011 FAME did not evaluate whistleblower cases since the program does not exist within the VIDOSH program.

VIDOSH previously had one CSHO trained on Whistleblower provisions. The 2009 EFAME identified several issues with VIDOSH's handling of whistleblower complaints, including a lack of structure for processing complaints, and lack of a public information poster or fact sheet. The Whistleblower trained CSHO resigned on or about July 2010 leaving this aspect of the Virgin Islands program unstaffed. To date, a vacancy still exists. The Director and the Department of Labor are working with the Virgin Islands Department of Personnel to fill this vacant position. The current staff shortage has impeded VIDOSH effort to establish an active Whistleblower Program. The VIDOSH Director will work with the Virgin Islands Attorney General's Office to create a structure for processing 11(c) complaints.

The VIDOSH Director and 2 CSHO's were enrolled in the Whistleblower Investigation OTI Class #1420 – Basic Whistleblower Investigation. This training was completed for two (2) CSHO's in FY2012 and the Director is scheduled to attend the training in May 2012.

## **II. MAJOR NEW ISSUES**

- VIDOSH has suspended the start of its Public Sector Consultation Program pending completion of the required training for the one (1) staff member hired in 2011 for the consultation program.
- Even though the OSHA IMIS reports show that 54 inspections were conducted by VIDOSH, the State Plan reports that only four (4) FY 2011 were closed. Of the four that were closed, only two incompliance inspections were physically available for the EFAME review process.
- VIDOSH has 74 Open, non-contested cases with abatements incomplete more than 60 days after the last abatement due date.

Detailed descriptions of the 2011 FAME Audit findings are itemized in Appendix A of this document.

## **III. VIDOSH ACTIONS IN RESPONSE TO RECOMMENDATIONS FROM THE FY 2010 FAME**

*Findings and recommendations are listed below by finding number which includes the fiscal year and finding number (e.g., 10-01). If the findings relate to ones included in the FY 09 EFAME the corresponding finding numbers will be included in parentheses after the FY 2011 finding number.*

### **State Plan Narrative**

#### **Finding 09-14 (10-1):**

The 2009 EFAME noted that submission of a draft version of revised State Plan Narrative was due on December 31, 2005. This document has not yet been received by OSHA.

#### **Recommendation 09-14 (10-1):**

VIDOSH must ensure that the State Plan narrative, with amendments reflecting the more limited public sector scope of the program, is completed and submitted to OSHA. This includes the narrative document as well as all relevant appendices. VIDOSH must also provide documentation on all outstanding developmental components of its State Plan.

#### **VIDOSH Response 09-14 (10-1):**

The VIDOSH will strive to submit a completed draft of the State Plan Narrative by the end of the 2nd Qtr. of FY 2012.

#### **Anticipated Completion Date 09-14 (10-1):**

The VIDOSH will strive to submit a completed draft of the State Plan Narrative by the end of the 2nd Qtr. of FY 2012.

Status 09-14 (10-1):

As of January 19, 2011, VIDOSH was in the process of completing a revised State Plan Narrative. This detailed document requires ample revisions. The VIDOSH Director and staff must review and enhance the report, and agree that the said operations are able to achieve VIDOSH goals and objectives.

Completion Date 09-14 (10-1):

The VIDOSH will strive to submit a completed draft of the State Plan Narrative by the end of the 2nd Qtr. of FY 2012.

**Public Sector Consultation**

**Finding 09-15 (10-2):**

The 2009 EFAME noted that as required by its 2003 developmental plan, the Virgin Islands has not developed nor maintained a public sector consultation program that can provide no cost safety and health services to public sector employers.

**Recommendation 09-15 (10-2):**

VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.

VIDOSH Response 09-15 (10-2):

VIDOSH will establish a Public Sector Consultation Program and efforts to accomplish consultation visits is in progress. Region 2 has coordinated a training opportunity for the VIDOSH Consultant to receive “on the job” training from another Public Sector Consultation program. This field training should be accomplished by the end of FY2012, Quarter 2.

Status 09-15 (10-2):

As of January 19, 2011, the VIDOSH Director has taken the following steps in the development of a public sector consultation program. The Industrial Hygienist has been assigned to the public sector consultation program. This employee has completed the OTI Course 1000 and OTI 1500 mandatory online and is currently enrolled in Course OTI 1250. The other required mandatory courses are scheduled to be finished at the end of FY 2011.

VIDOSH and Region II have had several discussions about VIDOSH’s need to implement the 23(g) consultation program with the current staff under the terms of the FY2012 grant agreement. VIDOSH reports that their consultant will begin performing consultation visits during FY 2012.

**WHISTLEBLOWER**

**Finding 09-17 (10-3):**

The 2009 EFAME noted that VIDOSH staff appeared to refer 11(c) cases to Federal OSHA, PROSHA, and the U.S. Virgin Islands Department of Labor, Division of Labor Relations. VIDOSH staff members now understand 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.

**Recommendation 09-17 (10-3):**

Once the vacant Whistleblower position is filled, 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 questions that may arise. 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.

**VIDOSH Response 09-17 (10-3):**

VIDOSH previously had one Whistleblower trained CSHO. The Whistleblower trained CSHO resigned on or about July 2010 creating a vacancy. To date, a vacancy still exists. Prior Whistleblower training was provided to VIDOSH staff by Region II in February 2010. The Director and the Department of Labor are working with the Virgin Islands Department of Personnel to fill the vacant CSHO position. The current staff shortage and newly hired staff training requirements have impeded VIDOSH effort to establish an active Whistleblower Program. The VIDOSH Director will work with the Virgin Islands Attorney General's Office to create a structure for processing 11(c) complaints. Once created, the system will be utilized to process and tracking meritorious investigations.

The VIDOSH Director will work towards accomplishing these actions by 3rd Qtr. of FY 2012.

**Anticipated Completion Date 09-17 (10-3):**

The VIDOSH Director and 2 CSHO's have been enrolled in the Whistleblower Investigation OTI Class #1420 – Basic Whistleblower Investigation. This item is to be completed in FY 2012.

**Status 09-17 (10-3):**

TBD - Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

**Finding 09-18 (10-4):**

The 2009 EFAME noted that staff and investigator(s) have no access to the IMIS Whistleblower Application. There is also no process for tracking case files.

**Recommendation 09-18 (10-4):**

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.

VIDOSH Response 09-18 (10-4):

Once a Whistleblower CSHO is identified and trained, the CSHO will be provided WEBIMIS access to the Whistleblower Module.

VIDOSH has identified nine (9) employees within the Virgin Islands Department of Labor to become familiar with Whistleblower policies and procedures. Five (5) of the nine employees will be trained upon availability of OTI Whistleblower training. An alternative if OTI training is unavailable in the near future or is not cost effective, VIDOSH will request the National Office to provide onsite training.

The VIDOSH Director stated that they will work towards accomplishing these actions by 4th Qtr. of FY 2011.

Anticipated Completion Date 09-18 (10-4):

The VIDOSH Director stated that they will work towards accomplishing these actions by 4th Qtr. of FY 2011.

Status 09-18 (10-4):

This is subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

**Finding 09-19 (10-5):**

The 2009 EFAME noted that VIDOSH's Discrimination Program did not meet the § 1977.23 standards. In general, the VIDOSH discrimination program has not had any whistleblower cases since 1999, and is lacking the procedural knowledge, experience, and structure necessary to effectively execute investigations and meet program objectives.

**Recommendation 09-19 (10-5):**

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.

VIDOSH Response 09-19 (10-5):

VIDOSH will work with the Virgin Island's Attorney General's Office and the Department of Labor's Legal Counsel to create a clear path for settlement review and execution.

The VIDOSH Director will work towards accomplishing these actions by 4th Qtr. of FY 2012.

Anticipated Completion Date 09-19 (10-5):

The VIDOSH Director will work towards accomplishing these actions by 4th Qtr. of FY 2012.

Status 09-19 (10-5):

Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

**Finding 09-20 (10-6):**

VIDOSH does not have templates for docket letters, FIRS, and other necessary investigative documents and correspondence.

**Recommendation 09-20 (10-6):**

VIDOSH should adopt the Federal Manual templates for all investigative documents including but not limited to docket letters, FIRs, and Secretary's Findings. These documents should be created as soon as possible, so that they are available when investigations arise.

VIDOSH Response 09-20 (10-6):

The VIDOSH staff will follow the adopted 02-00-140 CPL standards (Complaint Policies and Procedures). Several control measures have been created and put into place by VIDOSH. The creation of the VIDOSH Complaint Data E-tool has facilitated and enhanced collection of pertinent data during the complaint process. The staff will be formally trained on the use of the E-Tool during an upcoming weekly staff meeting.

The utilization of standardized inspection processing will be developed and implemented. Inspection template will be created to address the operational agency categories i.e., Health Care, Education, Utilities and Infrastructure, Business & Administration offices, Emergency Responders and Law Enforcement Executive and Legislative Agencies. The guidelines will reflect the required enforcement compliance directives. VIDOSH inspection guidelines will include standardized Opening and/or Closing Conference data and Interview data, employee exposure and employer knowledge. The form will also document the union representative's involvement during all inspection activities. These customized forms will be utilized by the CSHO's. Inspection activities pertaining to hazard recognition and compliance assessment will be documented by these forms. VIDOSH staff will be trained on all the new standardized system. The data points will be used by the director to access effectiveness.

The VIDOSH Director will provide and ensure additional training is provided to the VIDOSH staff. These procedures will encompass established policies and procedures. The Director will ensure the staff utilizes the federal templates.

Anticipated Completion Date 09-20 (10-6):

VIDOSH is adopting the Federal Templates and staff is to be trained in FY2012.

Status 09-20 (10-6):

TBD - Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

**Finding 09-23 (10-7):**

The 2009 EFAME noted that VIDOSH covers establishments in water and wastewater treatment activities, subject to PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.

**Recommendation 09-23 (10-7):**

Ensure that an adequate number of qualified VIDOSH staff is trained to the requirements of DIRECTIVE NUMBER: 09-06 (CPL 02), “PSM Covered Chemical Facilities National Emphasis Program”

**VIDOSH Response 09-23 (10-7):**

VIDOSH will identify the required PSM training for water and waste water treatment activities. The Director will dedicate time for staff to review and discuss Directive Number 09-06 (CPL 02). VIDOSH will seek assistance from Region II to train the staff on the PSM.

**Anticipated Completion Date 09-23 (10-7):**

VIDOSH has one member wait-listed for the OTI 3430-Advanced PSM in the Chemical Industries course scheduled for August 2012.

**Status 09-23 (10-7):**

TBD - Subject to further Federal review and monitoring; and submission of documentation on revised procedures, training, etc. VIDOSH should seek Federal technical assistance when faced with PSM-related issues.

**IV. Assessment of State Performance**

**Inspection Activity**

The FY 2011 Inspection Activity micro-to-host report (INSP8) shows that VIDOSH conducted a total of 54 inspections during the fiscal year. This is 52% of the planned annual goal of 103 inspections. Of the 54 inspections, 26 were safety inspections which was 43% of the planned goal of 60; and 28 were health inspections which was 65% of the planned goal of 43.

Of the 54 inspections conducted 9% were classified as unprogrammed inspections including 4 complaint inspections.

During FY 2011 VIDOSH issued a total of 93 violations, 3 Repeat, 57 Serious, 26 Other-than-Serious, and 7 Failure to Abate.

According to VIDOSH’s SOAR, VIDOSH conducted a total of 62 inspections during the fiscal year. This is 60% of the planned annual goal of 103 inspections. Of the 62 inspections, 32 were safety inspections which was 53% of the planned goal of 60; and 30 were health inspections which was 70% of the planned goal of 43.

OSHA’s Directorate of Cooperative and State Program (DCSP) statistics differ from the VIDOSH SOAR. This difference may be the result of the fact the VIDOSH’s source reports

were run at a different time than DCSP's.

VIDOSH public-sector consultation did not conduct public-sector consultation visits in FY 2011.

### Mandated Activities

State Activity Mandated Measures: VIDOSH performed unsatisfactorily relating to three of the fifteen established mandated enforcement measures discussed in this report. There were significant outliers in the areas of number of days to initiate a complaint inspection, a high safety and health lapse time, and the number of serious, willful and repeat (SWR) violations verified abated within 30 days.

VIDOSH performed satisfactorily in the average number of days to initiate complaint investigations, at 100% response in the notification of complainants, and above the national averages in the percent of programmed inspections (safety and health) with serious, willful, repeat violations and average violations per inspection with serious, willful, repeat and other than serious violations.

Mandated Activities Report for Consultation (MARC): VIDOSH did not conduct public-sector consultation visits in FY 2011.

### **A.Enforcement** (Source: SAMM report -11-08-2011 and Appendix C – FY 2011 Enforcement Activity)

#### **1. Complaints**

##### **Finding 11-01 (09-1)**

*Timeliness of state response and notifications to complainant:*

During this evaluation period, VIDOSH received a total of 4 formal complaints, with an average of 13.75 days for initiating complaint inspections. In FY 2010 VIDOSH performance in this area was an average of 24 days. VIDOSH continues to not satisfy this mandated requirement for initiating complaint inspections within 5 working days from notification. (SAMM report 11-08-11 – SAMM #1)

VIDOSH received a total of 17 non-formal complaints, with an average of 1.35 days for initiating the complaint investigations. There has been improvement since FY 2010 when the average number of days to initiate a complaint investigation was 3.75 days; VIDOSH continues to not satisfy this mandated requirement for initiating complaint investigations within 1 working day from notification. (SAMM report 11-08-11 – SAMM #2)

##### **Recommendation 11-01**

Implement internal control measure to ensure that complaint inspections are conducted in a timely manner.

Complainants were timely notified of the inspection results in 100% of the complaint inspections (5 out of 5). Reference point is 100%. VIDOSH continues meet this measure as they did in FY 2010 (100%). (SAMM report 11-08-11 – SAMM #3)

#### **2. Fatalities**

During FY 2011, no fatalities occurred under VIDOSH jurisdiction.

### **3. Targeting and Programmed Inspections**

#### **Finding 11-02**

VIDOSH conducted a total of 54 inspections during FY 2011. This is 52% of the planned annual goal of 103 inspections. Of the 54 inspections, 26 were safety inspections which was 43% of the planned goal of 60; and 28 were health inspections which was 65% of the planned goal of 43. Of the 54 inspections conducted 9% were classified as unprogrammed inspections including 4 complaint inspections. (Appendix C data)

According to VIDOSH's SOAR, VIDOSH conducted a total of 62 inspections during the fiscal year. This is 60% of the planned annual goal of 103 inspections. Of the 62 inspections, 32 were safety inspections which was 53% of the planned goal of 60; and 30 were health inspections which was 70% of the planned goal of 43.

#### **Recommendation 11-02**

VIDOSH must develop an inspection targeting and scheduling system that ensures that its Annual Performance Plan inspection goals are met and that CSHO resources are fully utilized for compliance activities.

In FY 2011, 57 of the 93 violations (61%) were classified as serious compared to 146 of the 198 violations (74%) in FY 2010 and 44% for all state plans. VIDOSH also issued citations for 3 repeat, 7 Failure to Abate violations and 26 other-than-serious violations. In regards to average number of violations per inspection VIDOSH issued 4.0 violations per initial inspection which is above the state plan total of 3.4 and federal OSHA total of 2.9 violations per inspection. (Appendix C data)

The percent of inspections with serious/willful/repeat (S/W/R) violations during FY 2011 was 70% for safety inspections and 100% for health inspections, both well above the national averages of 59% (S) and 52% (H). (SAMM report 11-08-11 – SAMM #8)

During FY 2010 the VIDOSH safety inspections were at a rate 80.56% and the health inspections were at 87.50%. VIDOSH continues to perform satisfactorily and exceed the national average in this area.

The average violations per inspection for FY 2011 continue to be above the national averages. VIDOSH issued an average of 3.0 - S/W/R violations/inspection and 1.30 for "other-than-serious" violations/inspection. This continues to be above the national average of 2.1 for S/W/R and 1.2 for "other-than-serious" violations/inspection. (SAMM report 11-08-11 – SAMM #9)

During FY 2010 VIDOSH performance in this area were 3.41 violations per inspection for S/W/R and 0.89 for other-than-serious. VIDOSH continues to perform satisfactorily in this area and exceeded the national average.

### **4. Citations and Penalties**

During FY 2011 only two case files were available for review (one safety and one health); both were in compliance and there was no citation/penalty information to review.

### *Penalties*

The VIDOSH program does not allow for the issuance of “first instance” monetary penalties for public employers found being in violation of VIDOSH standards on a first instance basis. VIDOSH issued a total of \$7,500 in penalties for FY 2011 (Appendix C data) for an average of \$61.40 compared to \$7,000 or an average of \$47.90 for FY 2010.

### *Lapse Time*

#### **Finding 11-03:**

During the evaluation period, VIDOSH issued citations in 20 cases, 8 safety and 12 health cases. For the safety cases, VIDOSH had a lapse time of 113.75 days (the national average was 51.9 days). The lapse time for the health cases was calculated at 157.25 days (the national average was 64.8 days). Both safety and health indicators were higher than the national average. (SAMM report 11-08-11 – SAMM #7)

#### **Recommendation 11-03:**

VIDOSH must implement mechanisms (e.g., expedited case file reviews, review of management reports, and retrain employees) in order to improve its citation lapse times.

## **5. Abatement**

#### **Finding 11-04**

VIDOSH had seventy-four (74) open non-contested cases with abatements incomplete 60 or more days after the last abatement date and does not utilize a reliable mechanism for achieving abatement for cited hazards. (Appendix C data)

#### **Recommendation 11-04:**

VIDOSH must fully utilize strategies such as follow-up inspections, “failure to abate” citations, and 29 CFR 1903 provisions to ensure that abatement of cited hazards is achieved in a timely manner

During FY 2011, VIDOSH did not assure timely abatement of S/W/R violations (0%) for the 54 inspections conducted. The reference point is 100%. (SAMM report 11-08-11 – SAMM #6)

During FY 2011 only two case files were available for review (one safety and one health); both were in compliance and there was no abatement information to review.

## **6. Employee and Union Involvement**

During FY 2011, two case files were available for review (one safety and one health); both were in compliance with no citations issued.

The 2011 FAME noted that in one of two cases reviewed, documentation of employee and/or union representative participation during the inspection was not present, the case file lacked notes of employee interviews and the narrative was incomplete. Federal OSHA is not making a formal recommendation at this time until a more thorough case file review is conducted.

**B. Review Procedures**

**Informal Conferences-**

During FY 2011 VIDOSH did not conduct any informal conferences.

**Formal Review of Citations-**

The two (2) case files reviewed for this report did not have citations issued.

**C. Standards and Federal Program Changes Adoption**

**Finding 11-05 (09-21)**

Standard Adoption: VIDOSH does not exercise its statutory authority to adopt standards, and that documentation is not available to verify adoption.

**Recommendation 11-05:**

Standard Adoption: VIDOSH does not exercise its statutory authority to adopt standards, and that documentation is not available to verify adoption.

**1- Standards Adoption:**

A total of two (2) Federal Standards were issued during FY 2011; VIDOSH did not respond as to intent to either of the 2.

**STANDARDS ADOPTION  
For period covering: October 2010 – September 2011  
Region: II State: Virgin Islands (VIDOSH)**

Instruction/Notice Number and Subject	Date State E- mailed Response	Intent to Adopt (Y/N)	Adopt Identical (Y/N)	State Adoption Status Change	Adoption Date
<b>Standard Log</b> <b>1910,1915</b> (5/03/11) Working Conditions in Shipyards					

Instruction/Notice Number and Subject	Date State E-mailed Response	Intent to Adopt (Y/N)	Adopt Identical (Y/N)	State Adoption Status Change	Adoption Date
<b>Due – 7/02/11</b> Adoption Req. – Yes Intent Req. - Yes					
<b>Standard Log 1910 – 15,18,19,26,28</b>  Standards Improvement Project Phase III 6/17/11  <b>Due – 8/16/11</b> Adoption Req. –Yes Intent Req. - Yes					

## 2- Federal Program/State Initiated Changes

During FY 2011, a total of eleven (11) Federal Program Changes were issued. VIDOSH responded to 8 of the 11.

### FEDERAL PROGRAM CHANGE LOG For period covering: October 2010 – September 2011 Region: II State: Virgin Islands (VIDOSH)

Instruction/Notice Number and Subject	Date State E-mailed Response	Intent to Adopt (Y/N)	Adopt Identical (Y/N)	State Adoption Status Change	Adoption Date
<b>CPL-02-01-049</b>  PPE in Shipyard Employment (11/4/10)  <b>Due -1/11/11</b> Adoption Req. – No Intent Req. – Yes	2/25/11	N			No jurisdiction over shipyard facilities.
<b>STD-03-11-002</b>  Compliance Guidance for Residential Construction (12/16/10)  <b>Due- 2/26/11</b> Adoption Req.-No Intent Req. - Yes	2/23/11	N			No jurisdiction over residential activities.
<b>CPL-03(11-01)</b>  NEP Microwave Popcorn Processing Plants (1/18/11)  <b>Due-4/16/11</b> Adoption Req.-Yes Intent Req. - Yes	2/23/11	N			No popcorn processing sites.

Instruction/Notice Number and Subject	Date State E-mailed Response	Intent to Adopt (Y/N)	Adopt Identical (Y/N)	State Adoption Status Change	Adoption Date
<b>CPL-02-01-050</b>  PPE in General Industry (2/10/11)  <b>Due – 4/16/11</b> Adoption Req.-No Intent Req. - Yes	4/14/11	N			N/A
<b>CPL-03-00-013</b>  NEP Primary Metal Industries (5/19/11)  <b>Due-8/01/11</b> Adoption Req.- Yes Intent Req. - yes	8/25/11	N			No jurisdiction over this industry.
<b>CPL-02-00-150</b>  Revisions to FOM (4/22/11)  <b>Due – 7/02/11</b> Adoption Req. – Yes Intent Req. - Yes	8/25/11	Y	Y		Anticipate adoption date 3/30/12.
<b>CPL-02-01-051</b>  Confined & Enclosed Spaces & Other Dangerous Atmospheres in Shipyard Employment (5/20/11)  <b>Due – 7/24/11</b> Adoption Req. – No Intent Req. - Yes	8/25/11	N			No jurisdiction over this industry.
<b>CPL-02-00-151</b>  Subpart T – Commercial Diving (6/13/11)  <b>Due – 8/16/11</b> Adoption Req. – No Intent Req. – Yes	8/25/11	N			No jurisdiction over this industry.
<b>CPL 02-01-052</b>  Enforcement Procedures for Investigating /Inspecting WPV Incidents (9/8/11)  <b>Due – 11/12/11</b> Adoption Req. – No Intent Req. - Yes					
<b>CPL 02-11-03</b>  Site Specific Targeting 2011 (SST-11) (9/9/11)  <b>Due – 11/12/11</b> Adoption					

Instruction/Notice Number and Subject	Date State E-mailed Response	Intent to Adopt (Y/N)	Adopt Identical (Y/N)	State Adoption Status Change	Adoption Date
Req.-Yes Intent Req.- Yes					
<b>CPL 02-03-003</b>  Whistleblower Investigations Manual (9/20/11)  <b>Due – 11/21/11</b> Adoption Req. – Yes Intent Req. - Yes					

**D. Variances**

There were no variances requests received or processed during FY 2011.

**E. Public Employee Program**

100% of all inspections conducted by VIDOSH occurred in the Public Sector. The VIDOSH program issues penalties when Failure-to-Abate notices are issued. During FY 2011 there were no FTA’s issued.

**F. Discrimination Program – Special Study**

**Finding 11-06 (10-4, 10-05, 10-6 – 09-19)**

VIDOSH’s discrimination program does not meet the 29 CFR part 1977.23 standards. In general, the VIDOSH discrimination program is lacking the staffing, procedural knowledge, experience, and structure necessary to effectively execute investigations and meet program objectives

**Recommendation 11-06:**

VIDOSH needs to implement an effective discrimination program that follows the Whistleblower Investigation Manual (CPL02-03-002 8/22/2003) VIDOSH must work with the Virgin Island’s Attorney General’s Office to create a clear path for settlement review and execution of these cases. This includes access and use of the IMIS Whistleblower application and use of appropriate templates.

**Finding 11-07 (10-03)**

As also indicated in the 2009 EFAME, VIDOSH staff refer 11(c) cases to PROSHA and the U.S. Virgin Islands Department of Labor, Division of Labor Relations rather than to federal OSHA. 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

### **Recommendation 11-07**

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 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.

(It should be noted that VIDOSH has participated in several OSHA Whistleblower Webinars and currently (FY 2012) two (2) CSHO's (1 Safety and 1 Health) have completed the OTI Whistleblower class)

### **G. CASPAs**

There were no Complaints About State Program Administration (CASPAs) filed during FY 2011.

### **H. Voluntary Compliance Program**

VIDOSH does not have a Voluntary Compliance Program.

### **I. Public Sector On-site Consultation Program**

#### **Finding 11-08 (10-02 – 09-15)**

As also indicated in the 2009 EFAME , 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

#### **Recommendation 11-08:**

VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.

During FY 2011 no public sector consultation visits were conducted thus repeating the outcome of FY 2010.

### **J. Private Sector 23(g) On-Site Consultation Programs**

N/A

### **K. Program Administration**

*Training*

#### **Finding 11-09 (10-07 – 09-23)**

VIDOSH covers public sector employers in water and wastewater treatment activities, covered by the PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.

**Recommendation 11-09:**

VIDOSH needs to ensure that an adequate number of qualified VIDOSH staff is trained to the requirements of DIRECTIVE NUMBER: 09-06 (CPL 02), “PSM Covered Chemical Facilities National Emphasis Program”

VIDOSH has one staff member who is wait-listed for the OTI 3430-Advanced PSM in the Chemical Industries course that is scheduled for August 2012.

*Funding*

VIDOSH did not return any 23g funding during FY 2011.

*Staffing*

During FY 2011 VIDOSH lost 1 employee to retirement but hired a replacement for the position. VIDOSH did not experience furloughs or a hiring freeze.

*Information Management (IMIS)*

**Finding 11-10 (10-01 – 09-14)**

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 the second quarter of FY 2012.

**Recommendation 11-10:**

VIDOSH must ensure that the State Plan narrative, with amendments reflecting the more limited public sector scope of the program, is completed and submitted to OSHA. This includes the narrative document as well as all relevant appendices. VIDOSH must also provide documentation on all outstanding developmental components of its State Plan.

**Finding 11-11**

According to VIDOSH, only four (4) of the inspections conducted in FY2011 were actually closed and available for review as part of this year’s EFAME study. These closed cases only represent 7.4% of the inspections conducted during FY 2011. Even though four (4) cases were reported by VIDOSH as being closed, only two enforcement case files were made available to federal OSHA for the EFAME review. Both of these inspections were “in compliance” and no citation items were issued in either inspection. It was noted that of the 54 inspections conducted, thirteen (13) reportedly had citations issued.

**Recommendation 11-11:**

VIDOSH needs to develop and implement mechanisms to ensure that inspection case files are closed in an expedient manner and in accordance with adopted policy in the Field Operations Manual.

The VIDOSH Director has begun reviewing the IMIS reports. VIDOSH Staff attended the OIS Enforcement Super User Training.

## **V. ASSESSMENT OF STATE PROGRESS IN ACHIEVING ANNUAL PERFORMANCE GOALS**

In addition to the Program's accomplishments with regard to their Strategic Plan, VIDOSH continues to demonstrate an enforcement presence in the public sector in Virgin Islands. According to the IMIS statistical reports generated on 11/09/11, VIDOSH conducted 54 inspections during FY 2011. The inspection number is 52% of their projected goal of 103 inspections.

According to SOAR, VIDOSH conducted 62 inspections during FY 2011. The inspection number is 60% of their projected goal of 103 inspections.

OSHA's Directorate of Cooperative and State Program (DCSP) statistics differ from the VIDOSH SOAR. This difference may be the result of the fact the VIDOSH's source reports were run at a different time than DCSP's.

According to the IMIS statistical report, VIDOSH did not conduct public-sector consultation visits in FY 2011; their projected goal for the year was 25 visits.

In addition to the enforcement and consultation goals VIDOSH's FY2011 Annual Performance Plan consisted of two broad-based strategic goals with complementary performance goals; (1) Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands., (2) Promote a safety and health culture within the U.S. Virgin Islands Public Sector Workplaces.

### **A. VIDOSH Strategic Goal 1**

Improve Workplace Safety and Health for all Public Employees in the U. S. Virgin Islands.

#### **Performance Goals**

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.

In order to accomplish this goal during FY 2010 VIDOSH developed an LEP to target public sector agencies with high Workers Compensation claims and updated VI Public Sector Workers Compensation forms and the database configured to categorize public sector injuries and illnesses per agency and geographic location.

Outcome Measures:

a) VIDOSH conducted a total of twenty six (26) safety and twenty eight (28) health public sector agencies inspections. The enforcement activities breakdown per public sector agency was as follows, (agencies classified by NAICS code):

NAICS 926150	VI Department of Labor
NAICS 92311	VI Human Services
NAICS 92411	Department of Planning and Natural Resources
NAICS 925110	VI Housing Authority
NAICS 921190	VI Department of Public Works
NAICS 488310	VI Port Authority:
NAICS 6111	VI Department of Education
NAICS 921110	VI Lieutenant Governor's Office
NAICS 924120	VI Department of Housing Parks and Recreation
NAICS 921190	VI Property & Procurement
NAICS 923120	VI Department of Health/Hospital
NAICS713290	VI Lottery
NAICS 922120	VI Police Department
NAICS 926110	VI Department of Tourism
NAICS 922190	VI Territorial Emergency Management Agency
NAICS 922160	VI Fire Services
NAICS 92314	VI Office of Veteran Affairs
NAICS 926120	VI Bureau of Motor Vehicles
NAICS 921130	VI Economical Development Authority
NAICS 921140	VI Legislatures
NAICS 92211	VI Public Defenders Office
NAICS 92211	VI Department of Justice

VIDOSH conducted a total of 54 inspections and issued a total of 93 citations for all enforcement activities in 13 of the 54 inspections. (Appendix C data)

During FY 2011, revisions were made to VIDOSH Public Sector Employees Injuries and Illnesses Database. The database is used to develop the strategies; identifying potential actual hazardous conditions. The tool provides VIDOSH the ability to analyze public sector employee's injuries and illnesses trends.

- Number of hazards identified that could result in injuries: As of November 8, 2011 IMIS Micro to Host Reports a total of 93 violations were issued for all enforcement activities.
- Reduction in number of injuries resulting in Workers Compensation claims; The US Virgin Islands BLS data showed a TRC rate decreased trends on five public sector agencies for CY 2010.

Performance Goal #1-1.2 Reduce occupational hazards exposures in the public sector by ensuring that workplaces 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 CY 2007 data of 2.9 per 100,000 people.

Outcome Measure

- a) Number of establishments receiving direct interventions: VIDOSH conducted a total of 54 enforcement activities: twenty six (26) safety inspections and twenty (28) health inspections.
- b) Number of citations issued within LEP: A total of 93 violations were issued for all enforcement activities, all of them issued during FY 2011.

Year One Performance Goal #1-1.3: Conduct health inspections, including being able to address indoor air quality (IAQ) issues.

Outcome Measure

A. Number of Health Inspections: VIDOSH conducted a total of 28 health enforcement activities. The enforcement activities included planned and unprogrammed (complaint inspections). During FY 2011 the percentage of IAQ inspection was 25% (7/28) for all public sector agencies.

Activity Measures:

- a) Number of health inspections/investigations conducted: 7
  - b) Number of IAQ issues observed: 7
  - c) Number of IAQ complaint received: 7
  - d) Number of IAQ complaint investigation completed: 7
- B. Implement an IAQ procedures and strategies based on VIDOSH FY2009 to FY 2011 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 using monitoring methodology procedures to follow through the OSHA Technical Manual and published OSHA references & guidelines.

B. VIDOSH 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 culture through consultation and training, education and seminars.

Year One Performance Goal #1-1.2: Increase training and education to public employers/employees to promote systematic approaches to safety and health.

VIDOSH planned to accomplish this goal by increasing training and education to public employers/employees to promote systematic approaches to safety and health and also by upgrading the level of V.I. Government awareness of health and safety issues.

## Outcome Measure

### a. Internal Training/Education.

Ensure that VIDOSH staff attended at least two courses per CSHO at OTI during FY 2011.

Number of training sessions VIDOSH staff attended during FY 2011: 12 VIDOSH Staff attended eight (8) OTI courses. The staff reduction due to vacant positions impacted the accomplishment of the goals.

### b. External Training Education Compliance Assistance

VIDOSH Director continued efforts to ensure that Territorial Government offices are educated about their responsibilities, and works toward creative avenues to achieve compliance with safety and health regulations. Director Dean Andrews attended the following activities:

- Three Quarterly OSHSPA Meetings (Fall, Winter, and Summer)
- State Plan Monitoring meetings /conferences.
- OIS Super User Training
- Annual On-site Consultation Conference.

During FY2011 VIDOSH completed several Interventions/Training Outreach Sessions. VIDOSH provided outreach to eight hundred and thirteen individuals; a six hundred percent over the annual goal of 150 personnel.

1. VI Dept. of Education; February 2-3, 2011
2. Small Business Administration (SBA); February 23, 2011
3. VI Dept. Housing Authority; April 2011
4. University of the Virgin Islands Health Services 12th Annual Health Fair Prevention Requires Action; April 2011
5. VI Dept. of Education: St Croix Educational Complex Accreditation Safety and Health Sub-Committee for the School Accreditation; May 5, 2011
6. VI Territory Emergency Management Authority (VITEMA) All Hazards Preparedness EXPO; June 2-3, 2011
7. VI Dept. of Labor: 2011 Labor Month Outreach; September 20 and 22, 2011

## Appendix A

### FY 2011 Virgin Islands State Plan FAME Report Findings and Recommendations

Rec #	Findings	Recommendations	FY 10 #
11-1	<p>During this evaluation period, VIDOSH received a total of 4 formal complaints, with an average of 13.75 days for initiating complaint inspections. In FY 2010 VIDOSH performance in this area was an average of 24 days. VIDOSH continues to not satisfy this mandated requirement for initiating complaint inspections within 5 working days from notification.</p> <p>VIDOSH received a total of 17 non-formal complaints, with an average of 1.35 days for initiating the complaint investigations. There has been improvement since FY 2010 when the average number of days to initiate a complaint investigation was 3.75 days; VIDOSH continues to not satisfy this mandated requirement for initiating complaint investigations within 1 working day from notification.</p>	Implement internal control measure to ensure that complaint inspections are conducted in a timely manner.	
11-2	VIDOSH conducted a total of 54 inspections during the fiscal year. This is 52% of the planned annual goal of 103 inspections. Of the 54 inspections, 26 were safety inspections which was 43% of the planned goal of 60; and 28 were health inspections which was 65% of the planned goal of 43.	VIDOSH must develop an inspection targeting and scheduling system that ensures that its Annual Performance Plan inspection goals are met and that CSHO resources are fully utilized for compliance activities.	
11-3	During the evaluation period, VIDOSH issued citations in 20 cases, 8 safety and 12 health cases. For the safety cases, VIDOSH had a lapse time of 113.75 days (the national average was 51.9 days). The lapse time for the health cases was calculated at 157.25 days (the national average was 64.8 days). Both safety and health indicators were higher than the national average.	VIDOSH must implement mechanisms (e.g., expedited case file reviews, review of management reports, and retraining of employees) in order to improve its citation lapse times.	
11-4	VIDOSH had seventy-four (74) open non-contested cases with abatements incomplete 60 or more days after the last abatement date and does not utilize a reliable mechanism for achieving abatement for cited hazards.	VIDOSH must fully utilize strategies such as follow-up inspections, "failure to abate" citations, and 29 CFR 1903 provisions to ensure that abatement of cited hazards is achieved in a timely manner	
11-5	Standard Adoption: VIDOSH does not exercise its statutory authority to adopt standards, and that documentation is not available to verify adoption.	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 VIOSH Act.	
11-6	VIDOSH's Discrimination Program does not meet § 1977.23 standards. In general, the VIDOSH discrimination program is lacking the procedural knowledge, experience, and structure necessary to effectively execute investigations and meet program objectives.	VIDOSH needs to implement an effective discrimination program that follows the Whistleblower Investigation Manual (CPL02-03-002 8/22/2003) VIDOSH must work with the Virgin Island's Attorney General's Office to create a clear path for settlement review and execution of these cases. This includes access and use of the IMIS Whistleblower application and use of appropriate templates.	10-4 10-5 10-6
11-7	As also indicated in the 2009 EFAME, VIDOSH staff refer 11(c) cases to PROSHA and the U.S. Virgin Islands Department of Labor, Division of Labor Relations rather than to federal OSHA. Staff members understood that private Sector 11(c)	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	10-03

	complaints should be forwarded to Federal OSHA. Staff members stated that they contacted Federal OSHA Regional Supervisory Investigator for questions.	complaints. All screenings should be documented according to the guidelines in the Federal Manual. It is suggested that VIDOSH continue to refer cases out of their jurisdiction to Federal OSHA and contact Federal OSHA with any questions. VIDOSH should develop a working relationship with the Virgin Islands Department of Labor, Division of Labor Relations, so that each agency may refer appropriate cases to each other as complainants may concurrently file.	
11-8	As also indicated in the 2009 EFAME , as required by its 2003 developmental plan, the Virgin Islands has not developed nor maintained a public sector consultation program that can provide no cost safety and health services to public sector employers	VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.	10-02
11-9	VIDOSH covers establishments in water and wastewater treatment activities, subject to PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.	VIDOSH needs to ensure that an adequate number of qualified VIDOSH staff is trained to the requirements of DIRECTIVE NUMBER: 09-06 (CPL 02), "PSM Covered Chemical Facilities National Emphasis Program"	10-07
11-10	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 the second quarter of FY 2012.	VIDOSH must ensure that the State Plan narrative, with amendments reflecting the more limited public sector scope of the program, is completed and submitted to OSHA. This includes the narrative document as well as all relevant appendices. VIDOSH must also provide documentation on all outstanding developmental components of its State Plan.	10-01
11-11	According to VIDOSH, only four (4) of the inspections conducted in FY2011 were actually closed and available for review as part of this year's EFAME study. These closed cases only represent 7.4% of the inspections conducted during FY 2011. Even though four (4) cases were reported by VIDOSH as being closed, only two enforcement case files were made available to federal OSHA for the EFAME review. Both of these inspections were "in compliance" and no citation items were issued in either inspection. It was noted that of the 54 inspections conducted, thirteen (13) reportedly had citations issued.	VIDOSH needs to develop and implement mechanisms to ensure that inspection case files are closed in an expedient manner and in accordance with adopted policy in the Field Operations Manual.	

## Appendix B

### FY 2011 Virgin Islands State Plan FAME Report Status of FY 2010 Findings and Recommendations

Rec #	Findings	Recommendation	Corrective Action Plan	State Action Taken	Status
10-01	The 2009 EFAME noted that submission of a draft version of revised State Plan Narrative was due on December 31, 2005. This document has not yet been received by OSHA but VIDOSH reports that it will be submitted to OSHA for approval by the end of FY 2010.	VIDOSH must ensure that the State Plan narrative, with amendments reflecting the more limited public sector scope of the program, is completed and submitted to OSHA. This includes the narrative document as well as all relevant appendices. VIDOSH must also provide documentation on all outstanding developmental components of its State Plan.	The VIDOSH will strive to submit a completed draft of the State Plan Narrative by the end of the 2nd Qtr. of FY 2012.	VIDOSH was in the process of completing a revised State Plan Narrative. This detailed document requires ample revisions. The VIDOSH Director and staff must review and enhance the report, and agree that the said operations are able to achieve VIDOSH goals and objectives.	Pending.  Subject to further Federal review and monitoring and VIDOSH completion of all actions and submission of all documentation necessary to demonstrate completion of its developmental steps.
10-02	The 2009 EFAME noted that as required by its 2003 developmental plan, the Virgin Islands has not developed nor maintained a public sector consultation program that can provide no cost safety and health services to public sector employers.	VIDOSH must ensure that a public-sector consultation program is fully operational and provides appropriate services to public-sector employers in the territory.	VIDOSH will establish a Public Sector Consultation Program and efforts to accomplish consultation visits is in progress. Efforts for the VIDOSH Consultant to receive "on the job training" from the New Jersey Public Sector program is being accomplished in March 2012.	The VIDOSH Director has Taken the following steps in the development of a public sector consultation program. The Industrial Hygienist has been assigned to the public sector consultation program. This employee has completed the OTI Course 1000 and OTI 1500 mandatory online and is currently enrolled in Course OTI 1250. The other required mandatory courses are scheduled to be finished at the end of FY 2011.  VIDOSH and Region II have discussed VIDOSH's need to implement the 23(g) consultation program with the current staff under the terms of the FY2012 grant agreement. VIDOSH's consultant will be performing consultation visits in FY 2012.	Pending.  These activities will be accomplished on or about June 30, 2012. Subject to further Federal review and monitoring, and VIDOSH completion of all actions and submission of all documentation necessary to demonstrate completion of its developmental steps.
10-03	The 2009 EFAME noted that VIDOSH staff appeared to refer cases to Federal OSHA, PROSHA, and the U.S. Virgin Islands Department of Labor, Division of Labor Relations. Staff members understood that private Sector 11(c) complaints should be forwarded to Federal OSHA. Staff members stated that they contacted Federal OSHA Regional Supervisory Investigator for questions. One investigator has attended the Basic Discrimination Investigator's Course 1420 at OTI.	VIDOSH staff needs to forward all 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 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.	VIDOSH previously had one Whistleblower trained CSHO. The Whistleblower trained CSHO resigned on or about July 2010 creating a vacancy. To date, a vacancy still exists. Prior Whistleblower training was provided to VIDOSH staff by Region II in February 2010. The Director and the Department of Labor are working with the Virgin Islands Department of Personnel to fill the vacant CSHO position. The VIDOSH Director will work with the Virgin Islands Attorney General's Office to create a structure for processing 11(c) complaints. Once created, the system will be utilized to process and tracking meritorious investigations.  The VIDOSH Director will work towards accomplishing these actions by 4th Qtr. of FY 2012.	The VIDOSH Director and 2 CSHO's have been enrolled in the Whistleblower Investigation OTI Class #1420 – Basic Whistleblower Investigation. This item to be completed in FY2012.	Pending.  Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.

10-04	The 2009 EFAME noted that staff and investigator(s) have no access to Whistleblower Application. There is also no process for tracking case files.	Staff and investigators need to access to IMIS Whistleblower Application so that they may track investigations and pertinent information such as Complainant and Respondent contact information, timeliness, and jurisdiction	<p>Once a Whistleblower CSHO is identified and trained the CSHO will be provided IMIS access to the Whistleblower Module.</p> <p>VIDOSH has identified nine (9) employees within the Virgin Islands Department of Labor to become familiar [with] Whistleblower policies and procedures. Five (5) of the nine employees will be trained upon availability of OTI Whistleblower training. An alternative if OTI training is unavailable in the near future or is not cost effective --VIDOSH will request the National Office to provide onsite training.</p> <p>The VIDOSH Director will work towards accomplishing these actions by 4th Qtr. of FY 2011.</p>	See Finding 11-1	<p>Pending.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
10-05	The 2009 EFAME noted that VIDOSH's Discrimination Program did not meet the § 1977.23 standards. In general, the VIDOSH discrimination program has not had any whistleblower cases since 1999, and is lacking the procedural knowledge, experience, and structure necessary to effectively execute investigations and meet program objectives.	VIDOSH needs to follow the Whistleblower Investigation Manual (CPL02-03-002 8/22/2003) to create a process to settle cases. VIDOSH should work with the Virgin Island's Attorney General's Office to create a clear path for settlement review and execution.	<p>VIDOSH will work with the Virgin Island's Attorney General's Office and the Department of Labor's Legal Counsel to create a clear path for settlement review and execution.</p> <p>The VIDOSH Director will work towards accomplishing these actions by 4th Qtr. of FY 2011.</p>		<p>Pending.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
10-06	VIDOSH does not have templates for docket letters, FIRS, and other necessary investigative documents and correspondence.	VIDOSH should adopt the Federal Manual templates for all investigative documents including but not limited to docket letters, FIRs, and Secretary's Findings. These documents should be created as soon as possible, so that they are available when investigations arise.	<p>The VIDOSH staff will follow the adopted 02-00-140 CPL standards (Complaint Policies and Procedures). Several control measures have been created and put into place by VIDOSH. The creation of the VIDOSH Complaint Data E-tool has facilitated and enhanced collection of pertinent data during the complaint process. The staff will be formally trained on the use of the E-Tool during the weekly staff meeting.</p> <p>The utilization of standardized inspection processing will be developed and implemented. Inspection template will be created to address operational agency categories, i.e. Health Care, Education, Utilities and Infrastructure, Business &amp; Administration offices, Emergency Responders and Law Enforcement Executive and Legislative Agencies. The guidelines will reflect the required enforcement compliance directives. VIDOSH inspection guidelines will include standardized Opening and/or Closing Conference data and Interview data, employee exposure and employer knowledge. The form will also document the union representative's involvement during all inspection activities. These customized forms will be utilized by the CSHO's. Inspection activities pertaining to hazard recognition and compliance assessment will be documented by these forms. VIDOSH staff will be trained on all the new standardized system. The data points will be used by the director to access effectiveness.</p> <p>The VIDOSH Director will provide and ensure additional training is provided to the VIDOSH staff. These procedures will encompass established policies and procedures. The Director will ensure the staff utilizes the federal templates.</p>	VIDOSH is adopting the Federal Templates and staff is to be trained in FY2012.	<p>Pending.</p> <p>Subject to further Federal review and monitoring and VIDOSH submission of documentation on revised procedures, training, etc., for Regional review.</p>
10-07	The 2009 EFAME noted that VIDOSH covers establishments in water and wastewater treatment activities, subject to PSM standard. VIDOSH does not have adequate trained staff to deal with these worksites.	Ensure that an adequate number of qualified VIDOSH staff are trained to the requirements of DIRECTIVE NUMBER: 09-06 (CPL 02), "PSM Covered Chemical Facilities National Emphasis Program"	VIDOSH will identify the required PSM training for water and waste water treatment activities. The Director will dedicate time for staff to review and discuss Directive Number 09-06 (CPL 02). VIDOSH will seek	VIDOSH has one member wait-listed for the OTI 3430-Advanced PSM in the Chemical Industries course scheduled for August 2012.	<p>Pending.</p> <p>Subject to further Federal review and</p>

			assistance from Region II to train the staff on the PSM standard.		monitoring, and submission of documentation on revised procedures, training, etc. VIDOSH should seek Federal technical assistance when faced with PSM-related issues.
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**Appendix C**  
**Virgin Islands Public Employee Only State Plan**  
**FY 2011 Enforcement Activity**

	VI*	State Plan Total	Federal OSHA
<b>Total Inspections</b>	<b>54</b>	<b>52,056</b>	<b>36,109</b>
Safety	26	40,681	29,671
% Safety	48%	78%	82%
Health	28	11,375	6,438
% Health	52%	22%	18%
Construction	-	20,674	20,111
% Construction	0%	40%	56%
Public Sector	54	7,682	N/A
% Public Sector	100%	15%	N/A
Programmed	49	29,985	20,908
% Programmed	91%	58%	58%
Complaint	4	8,876	7,523
% Complaint	7%	17%	21%
Accident	-	2,932	762
Insp w/ Viols Cited	13	31,181	25,796
% Insp w/ Viols Cited (NIC)	24%	60%	71%
% NIC w/ Serious Violations	85%	63.7%	85.9%
<b>Total Violations</b>	<b>93</b>	<b>113,579</b>	<b>82,098</b>
Serious	57	50,036	59,856
% Serious	61%	44%	73%
Willful	-	295	585
Repeat	3	2,014	3,061
Serious/Willful/Repeat	60	52,345	63,502
% S/W/R	65%	46%	77%
Failure to Abate	7	333	268
Other than Serious	26	60,896	18,326
% Other	28%	54%	22%
Avg # Violations/ Initial Inspection	4.0	3.4	2.9
<b>Total Penalties</b>	<b>\$ 7,500</b>	<b>\$ 75,271,600</b>	<b>\$ 181,829,999</b>
Avg Current Penalty / Serious Violation	\$ 61.40	\$ 963.40	\$ 2,132.60
% Penalty Reduced	0.0%	46.6%	43.6%
<b>% Insp w/ Contested Viols</b>	<b>0.0%</b>	<b>14.8%</b>	<b>10.7%</b>
Avg Case Hrs/Insp- Safety	11.1	17.1	19.8
Avg Case Hrs/Insp- Health	46.7	26.8	33.1
Lapse Days Insp to Citation Issued- Safety	82	35.6	43.2
Lapse Days Insp to Citation Issued- Health	113.9	43.6	54.8
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	74	1,387	2,436

Note: Federal OSHA data does not include OIS data.  
The total number of inspections for Federal OSHA is 40,684.

Source: DOL-OSHA. State Plan & Federal INSP & ENFC Reports, 11.8.2011.

# Appendix D

## Virgin Islands FY 2011 State Activity Mandated Measures (SAMM) Report

U. S. D E P A R T M E N T O F L A B O R  
O C C U P A T I O N A L S A F E T Y A N D H E A L T H A D M I N I S T R A T I O N  
S T A T E A C T I V I T Y M A N D A T E D M E A S U R E S ( S A M M s )

NOV 09, 2011  
PAGE 1 OF 2

State: VIRGIN ISLANDS

RID: 0257800

MEASURE	From: 10/01/2010		CURRENT PY-TO-DATE	REFERENCE/STANDARD
	To: 09/30/2011			
1. Average number of days to initiate Complaint Inspections	55 13.75 4		0	Negotiated fixed number for each State
2. Average number of days to initiate Complaint Investigations	23 1.35 17		0	Negotiated fixed number for each State
3. Percent of Complaints where Complainants were notified on time	5 100.00 5		0	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	0 0		0	100%
5. Number of Denials where entry not obtained	0		0	0
6. Percent of S/W/R Violations verified				
Private	0 0		0	100%
Public	0 .00 21		0 .00 21	100%
7. Average number of calendar days from Opening Conference to Citation Issue				
Safety	910 113.75 8	365 121.66 3	2631708 51.9 50662	National Data (1 year)
Health	1887 157.25 12	358 179.00 2	767959 64.8 11844	National Data (1 year)

\*VI FY11

\*\*PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

State: VIRGIN ISLANDS

RID: 0257800

MEASURE	From: 10/01/2010		CURRENT		REFERENCE/STANDARD
	To: 09/30/2011		PY-TO-DATE		
8. Percent of Programmed Inspections with S/W/R Violations					
	7		3	90405	
Safety	70.00	100.00	3	58.5	National Data (3 years)
	10		3	154606	
	4		1	10916	
Health	100.00	25.00	4	51.7	National Data (3 years)
	4		4	21098	
9. Average Violations per Inspection with Vioations					
	60		18	419386	
S/W/R	3.00	3.60	5	2.1	National Data (3 years)
	20		5	198933	
	26		2	236745	
Other	1.30	.40	5	1.2	National Data (3 years)
	20		5	198933	
10. Average Initial Penalty per Serious Violation (Private Sector Only)	0	0	0	611105829	
	0		0	1679.6	National Data (3 years)
	0		0	363838	
11. Percent of Total Inspections in Public Sector	54	0	0	196	
	100.00		0	100.0	Data for this State (3 years)
	54		0	196	
12. Average lapse time from receipt of Contest to first level decision	0	0	0	3533348	
	0		0	199.7	National Data (3 years)
	0		0	17693	
13. Percent of 11c Investigations Completed within 90 days	0	0	0	100%	
	0		0		
14. Percent of 11c Complaints that are Meritorious	0	0	0	1517	
	0		0	23.0	National Data (3 years)
	0		0	6591	
15. Percent of Meritorious 11c Complaints that are Settled	0	0	0	1327	
	0		0	87.5	National Data (3 years)
	0		0	1517	

\*VI FY11

\*\*PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

**Appendix E**

***FY 2011 State Information Report (SIR) – VIDOSH***

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

INTERIM STATE INDICATOR REPORT (SIR)

STATE = VIRGIN ISLANDS

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		-----12 MONTHS-----		-----24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
C. ENFORCEMENT (PRIVATE SECTOR)								
1. PROGRAMMED INSPECTIONS (%)								
A. SAFETY	3694	0	8169	0	18137	0	40070	0
	61.3	.0	61.4	.0	62.5	.0	63.7	.0
	6026	0	13312	0	29042	0	62876	0
B. HEALTH	480	0	1020	0	2126	0	4357	0
	39.7	.0	36.4	.0	34.6	.0	34.7	.0
	1208	0	2806	0	6150	0	12569	0
2. PROGRAMMED INSPECTIONS WITH VIOLATIONS (%)								
A. SAFETY	3378	0	7266	0	14959	0	32614	0
	73.7	.0	72.4	.0	70.1	.0	69.1	.0
	4583	0	10036	0	21330	0	47196	0
B. HEALTH	456	0	890	0	1723	0	3487	0
	57.0	.0	57.2	.0	56.2	.0	55.3	.0
	800	0	1555	0	3068	0	6309	0
3. SERIOUS VIOLATIONS (%)								
A. SAFETY	11703	0	23768	0	48704	0	109064	0
	79.6	.0	77.4	.0	76.7	.0	78.4	.0
	14698	0	30703	0	63528	0	139117	0
B. HEALTH	2634	0	5290	0	10266	0	21598	0
	66.6	.0	64.7	.0	64.4	.0	66.7	.0
	3957	0	8180	0	15930	0	32380	0
4. ABATEMENT PERIOD FOR VIOLS								
A. SAFETY PERCENT >30 DAYS	2394	0	4978	0	10776	0	23693	0
	16.6	.0	16.8	.0	17.9	.0	17.9	.0
	14465	0	29573	0	60243	0	132414	0
B. HEALTH PERCENT >60 DAYS	259	0	711	0	1451	0	3159	0
	6.5	.0	8.6	.0	9.4	.0	10.0	.0
	4006	0	8234	0	15507	0	31619	0

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

INTERIM STATE INDICATOR REPORT (SIR)

STATE = VIRGIN ISLANDS

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		-----12 MONTHS-----		-----24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
C. ENFORCEMENT (PRIVATE SECTOR)								
5. AVERAGE PENALTY								
A. SAFETY								
	505479	0	1258835	0	2803637	0	5086228	0
OTHER-THAN-SERIOUS	1181.0	.0	1195.5	.0	1126.9	.0	1055.2	.0
	428	0	1053	0	2488	0	4820	0
B. HEALTH								
	219203	0	441915	0	853346	0	1667151	0
OTHER-THAN-SERIOUS	1184.9	.0	1077.8	.0	980.9	.0	958.7	.0
	185	0	410	0	870	0	1739	0
6. INSPECTIONS PER 100 HOURS								
A. SAFETY								
	6874	19	15417	25	33850	25	73070	51
	6.0	.0	5.6	.0	5.5	.0	5.4	3.6
	1138	0	2730	0	6145	0	13476	14
B. HEALTH								
	1458	15	3330	23	7311	28	14958	43
	2.4	.0	2.2	23.0	2.2	3.1	2.0	1.5
	615	0	1501	1	3390	9	7404	28
7. VIOLATIONS VACATED %								
	1270	0	3026	0	6577	0	12352	0
	5.6	.0	6.6	.0	7.0	.0	6.2	.0
	22608	0	46128	0	93448	0	200310	0
8. VIOLATIONS RECLASSIFIED %								
	737	0	1997	0	4456	0	9147	0
	3.3	.0	4.3	.0	4.8	.0	4.6	.0
	22608	0	46128	0	93448	0	200310	0
9. PENALTY RETENTION %								
	19478404	0	40012395	0	77322520	0	134938244	0
	61.0	.0	61.6	.0	62.8	.0	62.8	.0
	31918969	0	65001782	0	123124542	0	214845679	0

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

INTERIM STATE INDICATOR REPORT

STATE = VIRGIN ISLANDS

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC
D. ENFORCEMENT (PUBLIC SECTOR)								
1. PROGRAMMED INSPECTIONS %								
A. SAFETY	0	19	0	25	0	25	0	46
	.0	100.0	.0	100.0	.0	100.0	.0	90.2
	0	19	0	25	0	25	0	51
B. HEALTH	0	15	0	23	0	23	0	26
	.0	100.0	.0	100.0	.0	82.1	.0	60.5
	0	15	0	23	0	28	0	43
2. SERIOUS VIOLATIONS (%)								
A. SAFETY	0	6	0	6	0	17	0	138
	.0	75.0	.0	75.0	.0	63.0	.0	76.7
	0	8	0	8	0	27	0	180
B. HEALTH	0	10	0	13	0	40	0	68
	.0	55.6	.0	54.2	.0	67.8	.0	63.0
	0	18	0	24	0	59	0	108

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

COMPUTERIZED STATE PLAN ACTIVITY MEASURES

STATE = VIRGIN ISLANDS

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
E. REVIEW PROCEDURES								
	579	0	1131	0	2220	0	4270	0
1. VIOLATIONS VACATED %	22.8	.0	23.4	.0	23.5	.0	23.0	.0
	2542	0	4834	0	9442	0	18586	0
	328	0	620	0	1259	0	2360	0
2. VIOLATIONS RECLASSIFIED %	12.9	.0	12.8	.0	13.3	.0	12.7	.0
	2542	0	4834	0	9442	0	18586	0
	3616720	0	9500018	0	16062961	0	28079915	0
3. PENALTY RETENTION %	56.1	.0	62.4	.0	62.3	.0	60.6	.0
	6443756	0	15212620	0	25766759	0	46371522	0

## **Appendix F**

# **FY 2011 STATE OSHA ACTIVITY REPORT (SOAR) - VIDOSH**

(Available Separately)

# **APPENDIX G**

## **FY 2011 23(g) Consultation Data - VIDOSH**

**No data available for FY 2011**