

**FY 2012 Abridged Federal Annual Monitoring and Evaluation (FAME)
Report**

**Puerto Rico Department of Labor
Puerto Rico Occupational Safety and Health Administration**



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I. Executive Summary

The Puerto Rico Occupational Safety and Health Administration (PR OSHA) under the direction of Jose Israel Droz, Acting Assistant Secretary of Labor is responsible for administering the Puerto Rico State Plan, which is part of the Puerto Rico Department of Labor and Human Resources headed by Secretary of Labor Vance E. Thomas Rider. PR OSHA serves a population of 665,510 employees in the private sector and 202,818 employees in the public sector. There is a central administrative office and six (6) area offices for enforcement activities. PR OSHA's Consultation Program is funded under the 23(g) grant agreement and its services are provided primarily from the central office. PR OSHA provides free on-site consultation and training services to the private and public sector, upon request.

In the private sector, PR OSHA covers all employers with the exception of employers within the maritime industry, e.g. marine cargo handling, long shoring, shipbuilding and ship repairing. Employers of the Commonwealth and local government are under PR OSHA's jurisdiction.

The United States Postal Service (USPS), all federal agencies, and military facilities are under federal OSHA jurisdiction.

Federal OSHA safety and health standards are adopted identically by PR OSHA. The regulations and operational systems of the plan are essentially the same as the federal program. A hearing examiner handles review procedures with employer rights of appeal to the district court.

For FY 2012, PR OSHA's initial total 23(g) grant amount was \$7,318,664 which included federal/state matching funds of \$2,588,900 and state overmatch funds of \$2,140,864. Staffing continues to remain below allocated amounts: the total FTE allocated for PR OSHA is 63. PR OSHA currently has 42 FTE's (public and private sector) on board of which 36 fall under enforcement and six (6) under consultation.

The purpose of this report is to assess the State's progress related to enforcement activities and progress towards achieving their annual performance goals established in their Fiscal Year (FY) 2012 Annual Performance Plan. This report incorporated the findings of the 2011 Federal Annual Monitoring Evaluation (FAME) for the 23(g) State Plan.

The Annual Performance Plan results reported by PR OSHA in the State OSHA Annual Report (SOAR), indicates that the program continues to make advancement toward achieving its strategic goals. Evaluation of goal achievement or significant progress toward goal accomplishment has been reviewed, and the results are identified in this report.

PR OSHA continues to have a significant enforcement presence in the workplace through its inspection activity. Overall, PR OSHA reported in their SOAR a total of 1,600 inspections conducted during FY 2012; this number represents a 1.1% increase from FY 2011 when 1,582 inspections were conducted.

PR OSHA's 2011 FAME noted seven (7) recommendations. It is OSHA Region 2's assessment that PR OSHA, in its 2011 FAME Corrective Action Plan adequately addressed six (6) of the seven (7) recommendations. Finding 11-03 (Citation Lapse Time) is being converted into an observation and federal OSHA will continue to monitor this finding.

Citations and Penalties: The FY 2011 FAME noted that PR OSHA's Field Operations Manual (FOM) procedures for grouping applicable regulations, penalty calculations, and adjustment factors were not followed for safety inspections.

Missed apparent safety violations: The FY 2011 FAME noted that apparent violations were not cited and the need to review PR OSHA's FOM procedures whenever there is evidence for apparent violations.

Lapse time: The FY 2011 FAME noted that citation issuance lapse times for safety inspections were above the average compared to other state plan states and federal OSHA.

Abatement verification: The FY 2011 FAME noted that abatement verification of Serious/Willful/Repeat (S/W/R) was not timely for both the private sector and the public sector employers.

Union/Employee representative participation: The FY 2011 FAME noted that safety field staff needed training on PR OSHA's policy on union/employee representative involvement during and after inspections and the requirement to properly document compliance with this policy in safety case files.

Informal Conferences and union participation: The FY 2011 FAME noted that notification to the union representatives on the date, time and location of the informal conferences was not documented in the safety case files.

The first six (6) recommendations were addressed by PR OSHA by providing refresher training to supervisory (area directors) and field staff (Compliance Safety and Health Officers-CSHOs) on FOM directives and procedures and by performing internal case file audits.

Consultation Program on-the-job evaluations: The FY 2011 FAME noted that consultant's on-the-job evaluations were not conducted as required by Section VIII.A. This item was addressed and completed by December 2012 when the Voluntary Program Division Director accompanied consultants in the field to verify compliance with the CSP Assurance Program.

II. Major New Issues

No new issues have been identified.

III. State Progress in Addressing FY 2011 FAME Report Recommendations

PR OSHA's 2011 FAME noted seven (7) recommendations. It is OSHA Region 2's assessment that PR OSHA, in its 2011 FAME Corrective Action Plan adequately addressed six (6) of the seven (7) recommendations. Finding 11-03 (Citation Lapse Time) is being converted into an observation and federal OSHA will continue to monitor this finding.

Finding 11-01: Citation and Penalties

In five (5) of 31 safety case files evaluated (16%), these issues were noted:

- In one (1) safety case three (3) citations for 1926.404(b) (1) were issued separately (not grouped).
- In three (3) safety cases, the deficiency was cited under an incorrect standard (scaffold fall protection vs. Subpart M).
- In one (1) safety follow-up case, the Failure to Abate (FTA) penalty calculation was not documented in the file.

Recommendation 11-01:

Provide training to all safety field staff including supervisory staff, to ensure the application of PR OSHA's FOM guidance and procedures for grouping; applicable regulations, penalty calculations, and adjustment factors.

Status 11-01:

All area directors received instructions for compliance of FOM directives on August 3, 2012. Refresher training on Chapter 4 section X of the FOM (grouping) was conducted with area directors on August 21, 2012 and the CSHOs received training on October 15, 2012. The Bureau of Inspections was provided evidence of attendance for these training sessions. OSHA considers this item to be completed.

Finding 11-02: Citation and Penalties

- In four (4) of 31 safety cases reviewed (13%), apparent violations were not pursued by the CSHO although deficiencies were observed in case file photos (ladders; means of egress; scaffolds; and fall protection). During the FY 2009 review, only one (1) case file reviewed was found to have not pursued a willful violation.

Recommendation 11-02:

Provide training to all safety field staff, including supervisory staff, to ensure the application of PR OSHA's FOM guidance and procedures whenever there is evidence for apparent violations.

Status 11-02:

Area directors received instructions to verify case file photos vs. citations on August 3, 2012. On August 21, 2012 area directors were retrained on case file review, with an emphasis on photo verification. Refresher training on the subject matter was then provided to CSHOs on October 15, 2012. Bureau of Inspections was provided evidence of attendance for these training sessions and will also be performing case file audits as of December 14, 2012. OSHA considers this item to be completed.

Finding 11-03: Citation Lapse Time

•PROSHA citation lapse time (the average number of calendar days from opening conference to citation issue) for FY 2011 was calculated at 50.7 days for Safety (vs. 35.6 for all state plans and 43.2 for federal OSHA) and 60.2 for Health (vs. 43.6 for all state plans and 54.8 for federal OSHA). Both reflect some improvement since FY 2010.

Recommendation 11-03:

Continue to implement mechanisms (e.g., expedited case file reviews, review of management reports, and ensuring CSHOs efficiently manage their workload) to improve citation lapse times.

Status 11-03:

The Bureau of Inspection developed and is in the process of implementing a weekly CSHO Performance Report and a monthly area office Performance Report. These reports are a tool to be used to fast track case lapse time, citation average and production rates. Area directors were trained on the use and implementation of the Performance Reports on August 21, 2012. Refresher training was provided to CSHOs on October 15, 2012 and evidence of attendance was provided to the Bureau of Inspection.

Although PROSHA has developed and is in the process of implementing a weekly CSHO Performance Report and a monthly area office Performance Report, the case file lapse time has increased significantly from the FY 2011 FAME report. For FY 2012, the lapse time was calculated at 62.61 days for safety, an increase from 49.23 days in FY 2011 and above the national average of 55.9 days. The lapse time for health was 91.82 days, an increase from 78.75 days in FY 2011 and above the national average of 67.9 days. (SAMM report 11-09-12 – SAMM #7).

Region 2 addressed the increase during the 1st quarter on-site meeting for FY 2013 and will continue to address and monitor the percentages throughout the remainder of the fiscal year.

OSHA recommends this item be converted into an observation and will continue to monitor PROSHA's citation lapse time.

Finding 11-04: Abatement

In FY 2011, the percentage of serious, willful, repeat violations cited that was verified as abated within the abatement date plus 30 days was 97.06% in the private sector (661 out of 681) and in the public sector the average was 66.23% (100 out of 151).

Recommendations 11-04:

Ensure timely hazard correction in the public sector by evaluating the abatement certification received from the employer and entering the data into IMIS/OIS. When certification is not timely received, encourage employers to submit adequate Petitions to Modify Abatement Dates or pursue Failure to Abate violations and penalties.

Status 11-04:

Area directors received retraining on August 21, 2012 in maintaining IMIS records that keep track of the abatements. Area directors will be responsible for following the schedule of tracking IMIS reports and keeping evidence of the records. The Bureau of Inspections, as of December 14, 2012, will be performing IMIS documentation audits to verify compliance with these instructions. OSHA considers this item to be completed.

Finding 11-05: (09-11) - Employee interviews and union involvement

- In four (4) safety cases (three (3) in-compliance, one (1) programmed planned) there was no information as to whether employees were interviewed or not.
- In one (1) safety case, citations were not sent to union although union information was documented in case file notes.

Recommendation 11-05 :

Provide training to all safety field staff regarding the agency's policy of union/employee representative involvement during and after inspections and the requirement to properly document compliance with this policy in case files.

Status 11-05:

Refresher training by the Bureau of Inspections was conducted with the area directors on August 21, 2012. The training was on Chapter 5 section VII and Chapter VIII of the FOM. CSHOs received the training on October 15, 2012, evidence of attendance was provided to the Bureau of Inspection. As of December 14, 2012, case file audits will be performed by the Bureau of Inspection. OSHA considers this item to be completed.

Finding 11-06: Lack of Employee/Union Involvement during Informal Conferences

- In six (6) of 31 safety cases or 19% (union sites) there was no evidence that either union or employee representatives were notified and afforded an opportunity to participate in the informal conference (four (4) informal conferences held), compared to FY 2009 when 10 health cases had the same finding.

Recommendation 11-06:

Relating to informal conferences, PR OSHA representatives must thoroughly document that notification to the parties of the date, time, and location of the informal conference was made.

Status 11-06:

An email was sent on August 3, 2012, by the Bureau of Inspections to all area directors with instructions that they are required to contact the Union when they schedule an Informal Conference and to document it on the case file diary sheet. Refresher training was held on August 21, 2012 on Chapter 5 section VII and Chapter VIII of the FOM. Case file audits by the Bureau of Inspections will be performed as of December 14, 2012. OSHA considers this item to be completed.

Finding 11-07: On-Site Consultation Visits

Consultation Program Review: Consultant's on-the-job evaluations were not conducted in any of the five (5) case files.

Recommendation 11-07:

Review and implement requirement for on-the-job evaluations Assurance Program (OSHA Directive CSP 02-00-002; Section VIIIA).

Status 11-07:

The Voluntary Program Division Director will join the consultants in the field to verify compliance with the OSHA Directive CSP 02-00-002; Section VIIIA of the Consultation Policies and Procedures Manual. As of December 31, 2012 at least three (3) consultants have been evaluated. OSHA considers this item to be completed.

IV. Assessment of FY 2012 State Enforcement Measures

Inspection Activity

The FY 2012 Inspection Activity Micro-to-Host report (INSP8 1-24-13) shows that PR OSHA conducted a total of 1,602 inspections during the fiscal year compared to 1,582 inspections in FY 2011. Of the 1,602 inspections conducted: 1,200 were safety inspections and 402 were health inspections. PR OSHA accomplished 105.96% of the total planned inspections (1,510) for the fiscal year.

A. Enforcement

1. Complaints

During this evaluation period, PR OSHA responded to 424 complaints with an average response time of 2.57 days from notification. PR OSHA continues to exceed its strategic goal of responding to complaint inspections within five (5) working days from notification (SAMM report 11-09-12 – SAMM #1)

PR OSHA received a total of six (6) non-formal complaints, with an average of 0.0 days for initiating the complaint investigations (FY 2011 – 0.20 days). PR OSHA continues to demonstrate prompt response to complaint investigations via phone/fax method, thus exceeding its 1-day response strategic goal. (SAMM report 11-09-12 – SAMM #2)

Complainants were timely notified of the inspection results in 98.58% of the complaint inspections (418 out of 424). (SAMM report 11-09-12 – SAMM #3)

The FY 2011 FAME found only two (2) abatement verification deficiencies related to complaint investigations that did not appear to be a programmatic problem; OSHA did not make a formal recommendation at that time.

2. Fatalities

During FY 2012 the number of fatalities reported was 13, an increase of five (5) from FY 2011.

The FY 2011 FAME found only one (1) fatality case file where “next of kin” (NOK) notification letter could not be located in the case file, this did not appear to be a programmatic problem; OSHA did not make a formal recommendation at that time.

PR OSHA committed to conduct training to staff so that they are aware that follow-up contact needs to be done with the family at the conclusion of the inspection and documentation and whether a letter to the family member or notation of phone conversations shall be placed in the case file. The training was provided to supervisors on 12/10/12 and the staff received training on 12/18/12. PR OSHA also modified its FOM to address maintaining contact with the family.

3. Targeting and Programmed Inspections

PR OSHA conducted a total of 1,602 inspections in FY 2012: 1,200 safety inspections and 402 health inspections. This was six (6) % higher than their planned goal of 1,510 inspections. PR OSHA accomplished 105.96% of the total planned inspections (1,510) for the fiscal year. Seven hundred seventy seven (777) of the 1,602 inspections, or 48.5%, were classified as unprogrammed inspections: 13 accident investigations, 415 complaint inspections, 189 referrals, five (5) follow-ups, and 155 un-programmed related inspections. Of the 825 inspections that were classified as programmed (51.4% of the inspection total), 553 were planned and 272 programmed-related inspections. (INSP8 report 1-24-13)

4. Citations and Penalties

Citations/Notices of Violations:

In FY 2012, PR OSHA issued a total of 3,303 violations compared to 3,467 violations issued in FY 2011. Of the 3,303 violations issued, 1,271 were classified as serious, compared to 1,988 serious violations in FY 2011. PR OSHA also issued citations for two (2) willful, 73 repeat, and two (2) Failure-to-Abate violations and 1,955 other-than-serious violations. (INSP8 report 1-24-13)

Three-hundred sixteen (316) of the safety programmed inspections, or 45.86%, resulted in the issuance of violations classified as serious/willful/repeat (S/W/R). In FY 2011, the S/W/R violations issued for safety was 42.13%. Thirty-one (31) of the programmed health inspections, or 52.54%, resulted in the issuance of violations classified as S/W/R. (SAMM report 11-09-12 – SAMM #8)

PR OSHA is aware of their lower than average rate of issuing of S/W/R violations for safety inspections and continues to work on their Local Emphasis Programs (LEPs) as part of their Strategic Plan with the intent of improving their targeted inspection program, focusing on the most hazardous workplaces in the Commonwealth. However, during FY 2012 the percent of S/W/R violations for health inspections was only 0.5% below the national average.

A total of 993 inspections resulted in citations issued: 1,887 violations classified as S/W/R and 1,669 classified as other-than-serious. This resulted in an average violation per inspection of 1.90 for S/W/R and 1.68 for other-than-serious. The national averages were 2.1 for S/W/R and

1.2 for other-than-serious. (SAMM report 11-09-12 – SAMM #9)

The FY 2011 FAME (11-01, 11-02) noted two (2) findings related to Citations/Notices of Violations.

a) 11-01 – Safety case files – citations issued separately (not grouped); incorrect standard cited; Failure to Abate (FTA) penalty calculation was not documented. PR OSHA provided instructions and training to area directors related to applicable FOM directive chapters on August 21, 2012. The area directors provided refresher training to CSHOs on October 15, 2012. OSHA considers this item to be completed.

b) 11-02 – Missed violations – apparent violations were not pursued by CSHO although deficiencies were observed in case file photos. Instructions and training on verifying case file photos vs. citations was given to the area directors on August 21, 2012. The area directors provided training to CSHOs on October 15, 2012. Case file audits conducted by the Bureau of Inspections to ensure this policy is being followed began on December 14, 2012. OSHA considers this item to be completed.

Penalties:

During this fiscal year, PR OSHA issued 1,300 serious violations in the private sector with an average penalty per serious violation of \$1,069.25. The three (3)-year average national data was \$1,990.5 (SAMM report 11-09-12 – SAMM #10)

Lapse Time:

PR OSHA's citations lapse time (the average number of calendar days from opening conference to citation issuance) for FY 2012 was calculated at 62.61 days for safety, an increase from 49.23 days in FY 2011 and above the national average of 55.9 days. The lapse time for health was 91.82 days, an increase from 78.75 days in FY 2011 and above the national average of 67.9 days. (SAMM report 11-09-12 – SAMM #7)

The FY 2011 FAME (11-03) noted that safety cases with citations had a lapse time of 50.7 days (vs. 35.6 for all state plans, 43.2 OSHA). Lapse time for health cases was 60.2 days (vs. 43.6 for all state plans, 54.8 OSHA).

PR OSHA developed and is in the process of implementing the CSHO Performance Report (weekly) and the area office Performance Report (monthly). These tools will allow faster tracking of case lapse times, citation average and production rates. Area directors were provided training on the use and implementation of the Performance Reports as of August 21, 2012. Area directors provided refresher training to CSHOs as of October 15, 2012.

Although PR OSHA has developed and is in the process of implementing a weekly CSHO Performance Report and a monthly area office Performance Report, the case file lapse time has increased significantly from the FY 2011 FAME report. For FY 2012, the lapse time was calculated at 62.61 days for safety, an increase from 49.23 days in FY 2011 and above the

national average of 55.9 days. The lapse time for health was 91.82 days, an increase from 78.75 days in FY 2011 and above the national average of 67.9 days. (SAMM report 11-09-12 – SAMM #7)

Region 2 addressed the increase during the 1st quarter on-site meeting for FY 2013 and will continue to address and monitor the percentages throughout the remainder of the fiscal year.

OSHA recommends this item be converted into an observation and will continue to monitor PR OSHA's citation lapse time.

5. Abatement

During FY 2012, the percentage of serious, willful, repeat violations cited that was verified as abated within the abatement date plus 30 days was 98.17% in the private sector (591 out of 602) and in the public sector the average was 84.85% (56 out of 66). (SAMM report 11-09-12 SAMM #6)

The FY 2011 FAME (11-04) noted that PR OSHA assured timely abatement of S/W/R violations 97.06% of the time for private sector employers, but only 66.2% of the time for public sector employers.

PR OSHA re-trained each Area Director on maintaining IMIS records that keep track of the abatements (corrective actions) as of 08/21/12. They will follow the schedule of tracking IMIS reports and keep evidence of the records. Case file audits by the Bureau of Inspections to ensure this policy is being followed began on December 14, 2012. The percentages have improved from FY 2011 for both the private sector and the public sector. OSHA considers this item to be completed.

6. Employee and Union Involvement

The FY 2011 FAME (11-05) noted there was no information as to whether employees were interviewed; citations were not sent to the union although union information was documented in case file notes.

PR OSHA provided refresher training to area directors on Chapter 5 section VII and Chapter VIII of the FOM, August 21, 2012 and area directors provided refresher training to all CSHOs as of October 15, 2012. Evidence of attendance was provided to the Bureau of Inspection. Case file audits by the Bureau of Inspections to ensure this policy is being followed began on December 14, 2012. OSHA considers this item to be completed.

B. Review Procedures

1. Informal Conferences

The FY 2011 FAME (11-06) noted that there was no evidence that either union or employee representatives were notified and afforded an opportunity to participate in the informal

conferences.

PR OSHA's Bureau of Inspections Director sent an e-mail on August 3, 2012 and instructed all area directors, of the requirement to contact the union when they schedule an informal conference and document it on the case diary sheet. PR OSHA conducted refresher training for area directors on Chapter 5 section VII and Chapter VIII of the FOM, on August 21, 2012. Case file audits by the Bureau of Inspections to ensure this policy is being followed will be performed beginning on December 14, 2012. OSHA considers this item to be completed.

2. Formal Review of Citations

During FY 2012, two-hundred eighty-seven (287) cases were contested with an average lapse time from the receipt of contest to the first level decision of 173.20 days. The three (3) year national average was 187 days. (SAMM report 11-09-12 – SAMM #12)

Inspections with contested violations for FY 2012 were at 29.4% compared to FY 2011 when the percentage was 26.7%.

C. Standards and Federal Program Changes Adoption

1. Standards Adoption

A total of two (2) Federal Standards were issued during FY 2012. The notice of intent to adopt was timely for both standards.

2. Federal Program/State Initiated Changes

During FY 2012, a total of nine (9) Federal Program Changes were issued. PR OSHA responded timely for all changes that required adoption and for the ones that only required intent.

PR OSHA (Creole) Instructions – PR OSHA has created a number of internal (State-initiated) directives addressing various State-only administrative/program instructions:

- CPL 2-0.0802 (PR OSHA Notice 12-002) Two (2) Year Extension to LEP - Public Sewage and Water Treatment Plants - January 27, 2012
- CPL 2-0.0701A (PR OSHA Notice 12-003) One (1) Year Extension to LEP - Warehousing and Storage Industries and Related - January 27, 2012

D. Variances

There were no variances requests received or processed during FY 2012.

E. Public Employee Program

PR OSHA conducted a total of 411(25.69%) inspections in the public sector during FY 2012. This is slightly lower than the 436 (28%) of inspections conducted in FY 2011 and lower than the 27.7% national average. (SAMM report 11-09-12 SAMM #11)

F. Discrimination Program

A total of 11 discrimination complaints were completed in FY 2012; all were handled within 90 days for a 100% timely completion rate. Six (6) of these were found to be meritorious (54.55%) and one (1) of the six (6) meritorious was settled (16.67%). (SAMM report 11-09-12 SAMM #13, 14, 15)

G. Voluntary Compliance Program

Voluntary Protection Program

During FY 2012 one (1) worksite applied to participate in the Voluntary Protection Program (VPP) and three (3) sites were re-certified, 16 sites previously approved continue to participate in the program, and two (2) new approvals add up to a total of 18 sites in the program. PR OSHA's VPP mirrors the federal VPP with one exception. The highest award, Guanín, is similar to OSHA's Star while the Cemi is similar to OSHA's Merit award. In addition, the category Taino was established for smaller employers that are working towards meeting all the core elements of the Guanín and/or Cemi eligibility requirements.

During FY 2012, one VPP application was received: Torcon, Inc. on December 22, 2011, two (2) new VPP sites were approved in the Guanín Program: Hamilton Sundstrand in Santa Isabel on March 22, 2012 and Torcon, Inc., on May 16, 2012.

Three (3) sites were re-certified at the Guanín level: Pfizer Pharmaceutical in Guayama on February 6, 2012; Veolia SE Technical Solutions in Caguas on May 11, 2012; and Monsanto Caribe, LLC in Isabela on August 20, 2012.

Safety and Health Achievement and Recognition Program (SHARP)

PR OSHA continues to make progress toward implementing the Safety and Health Achievement Recognition Program (SHARP). During FY 2012 there were two (2) sites approved in the program; there are currently 21 establishments participating in SHARP, an increase from 19 in FY 2011.

PR OSHA has been engaged in implementing SHARP. The two (2) new establishments approved in SHARP for FY 2012 are:

- Puerto Rico Children's Hospital on July 12, 2012.
- Caribbean Water Specialist Corp on August 7, 2012.

The participation for a second, third or fourth two (2) year or three (3) year term in the SHARP

was approved for the following sites:

- Laboratorio Clínico Cedro Arriba on October 25, 2011
- Oficina Dr. Patricio J. Sumaza, DMD on October, 28 2011
- Laboratorio Clínico Lares on November 18, 2011
- Laboratorio Ortega on December 21, 2011
- Clínica Dental Dra. Díaz on May 18, 2012
- IBG, PSP Orthodontics on May 9, 2012
- Laboratorio Clínico Rincón- on June 3, 2012
- Smiles of Beauty Dental Group, PSC on September 27, 2012
- Garaje Gil on September 28, 2012

“Door-to-Door” in Construction

During FY 2012 PR OSHA continued with this initiative. PR OSHA’s goal is to promote safety and health through island wide on-site consultation visits to construction projects. Those general contractors accepting to participate in this initiative should agree to abate all the hazards identified, improve their safety and health program, receive quarterly on-site consultation visits, and post a banner in a conspicuous place in the project, which reads as follows: “PR OSHA is Safety”. During this fiscal year, nine (9) construction projects were accepted in this initiative compared to one (1) from FY 2011.

H. Program Administration

Complaints About State Program Administration (CASPs)

No CASPs; were received during the evaluation period.

Funding:

No federal funding was returned during FY 2012.

Information Management (IMIS):

PR OSHA continues to use IMIS data for tracking purposes.

State Internal Evaluation Program (SIEP):

PR OSHA’s State Internal Evaluation Program (SIEP) is used to identify potential policy and procedural weakness, areas for improvement, unsatisfactory execution of the Office’s program and any other activity discovered during evaluations. Evaluation activities are accomplished by on-site visits, case file reviews, IMIS data reviews, questionnaire completion or other documentation review. Evaluations are done annually.

V. State Progress in Achieving Annual Performance Goals

A. PR OSHA Strategic Goal 1

Performance Goal 1.1.1A Reduce by five (5) % the most prevalent workplace injuries/illnesses in Handling and Working with Blood in the Emergency Room Industry.

Establish baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

NAICS 621493

Year	TRC (OSHA300) Rate	% Change	BLS TRC Rate	% Change	BLS DART Rate	% Change
2012	2.89	Baseline	3.4	Baseline	2.0 (CY 2011 Rate)	Baseline

NAICS 622110

Year	TRC (OSHA300) Rate	% Change	BLS TRC Rate	% Change	BLS DART Rate	% Change
2012	9.53	Baseline	8.8	Baseline	4.3 (CY 2011 Rate)	Baseline

During FY 2012 PR OSHA’s Bureau of Inspections (BI) identified 192 establishments to which the LEP Directive would apply. During this fiscal year the BI conducted 32 inspections. As a result of these inspections, 22 establishments were cited with a total of 88 violations classified as follows: 63 serious violations and 25 “other violations”.

For the NAICS 621493 and 622110 the first baselines were established using the Total Recordable Cases Rate reported by selected industry employers to PR OSHA in the OSHA 300 Forms for FY 2011. The second (BLS TRC) and third (BLS DART) baselines were established using the Bureau of Labor Statistics data for calendar year 2011. PROSHA met the goal.

Performance Goal 1.1.1B Reduce by five (5) % the most prevalent workplace injuries/illnesses in the Fast Food Industries (Limited and Full Services Restaurants).

Establish baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

Year	TRC (OSHA300) Rate	% Change	BLS TRC Rate	% Change	BLS DART Rate	% Change
2012	2.51	Baseline	7.0	Baseline	5.2 (CY 2011 Rate)	Baseline

During FY 2012 PR OSHA’s Bureau of Inspections (BI) identified 1,294 establishments to which the LEP Directive would apply. During this fiscal year the BI conducted 257 visits, 240 inspections and 17 attempts (establishments not found or out of business). As a result of these inspections, 148 establishments were cited with a total of 1,006 violations classified as follows: 291 serious violations and 442 “other violations” related to hazards associated with the LEP. In addition we cited nine (9) serious and 263 “other citations and one (1) repeated that were not related to hazards associated with the LEP.

The first baseline was established as 2.51 Total Recordable Cases Rate reported on the OSHA 300 Forms for FY 2011 with data provided by the employers of the Limited and Full Services Restaurants targeted by PR OSHA. The second baseline is the injury data for the NAICS group obtained from the Bureau of Labor Statistics using calendar year 2011. The Total Recordable Injury Rate was 7.0; and the third baseline is the DART Rate established as 5.2. PROSHA met the goal.

Performance Goal 1.1.1C Reduce by five (5) % the most prevalent workplace injuries/illnesses in the Emergency, Disaster Preparedness and Management Offices.

Establish baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

Year	TRC (OSHA300) Rate	% Change	BLS TRC Rate	% Change	BLS DART Rate	% Change
2012	8.85	Baseline	19.3	Baseline	15.4 (CY 2011 Rate)	Baseline

During FY 2012 PR OSHA’s Bureau of Inspections identified 237 establishments to which the LEP Directive would apply. During this fiscal year the BI conducted 57 visits. As a result of these inspections, 42 establishments were cited with a total of 237 violations classified as follows: 113 serious violations and 124 “other violations”.

The first baseline was established as 8.85 Total Recordable Cases Rate reported on the OSHA 300 Forms for FY 2011 with data provided by the employers of the Emergency, Disaster Preparedness and Management Offices targeted by PR OSHA. The second baseline is the injury data for the NAICS group obtained from the Bureau of Labor Statistics using calendar year 2011. The Total Recordable Injury Rate was 19.3; and the third baseline is the DART Rate established as 15.4. PR OSHA met the goal.

Performance Goal 1.1.1D Achieve an additional one (1) % reduction from baseline measure of the most prevalent injuries/illnesses in the Public Water Treatment Plant Industry.

Year	TRC (OSHA300) Rate	% Change	BLS TRC Rate	% Change	BLS DART Rate	% Change
2008	16.8	Baseline	11.5	Baseline	9.8 (CY 2007 Rate)	Baseline

2009	5.3	68% Decrease	8.4	27% Decrease	4.1	58% Decrease
2010	3.9	77% Decrease	0	* No data	0	* No data
2011	1.8	89.3% Decrease	0	* No data	0	* No data
2012	0	* No data	* No data	* No data	* No data	* No data

** No data was available from BLS at the time of SOAR write up.*

The Local Emphasis Program Directive to target the Water Treatment Plant Industry (PR OSHA Instruction CPL 2-0.0802) was issued on June 20, 2008. The Bureau of Inspections identified 89 establishments to which the LEP Directive would apply for this fiscal year. During FY 2012 the BI conducted nine (9) visits, resulting in nine (9) inspections. As a result of these inspections, seven (7) establishments were cited with a total of 76 violations classified as follows: 57 serious violations and 16 “other violations” and three (3) other violations not related to the CPL.

Using the data reported on the OSHA 300 Forms for FY 2011 with data collected directly by the employers of the Public Sewage and Water Treatment Plants Industry targeted by PR OSHA, the Total Recordable Cases Rate was zero. This rate constituted a 16.8 decrease (or 100%) from the baseline of 16.8. PR OSHA exceeded the goal of an additional one (1) % reduction per year from baseline.

The second baseline and the third baseline (BLS TRC Rate and BLS DART Rate) are the injury data for the NAICS group of the Public Sewage and Water Treatment Plants Industry, obtained from the Bureau of Labor Statistics using calendar year 2011; the data of PR OSHA is too small to be displayed (the data was not available). (BLS TRC Rate Baseline 11.5) (BLS DART Rate Baseline 9.8)

No data was available for this NAICS group from BLS TRC and DART rates to compare with baselines from FY 2008.

Performance Goal 1.1.2 Decrease the fatality rate in the construction industry by an additional five (5) % from the baseline by focusing on the four leading causes of fatalities (falls; struck by; crushed by; electrocutions & electrical injuries).

Establish baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

Year	Number of Fatalities	Workforce	Fatality Rate	% Change From Baseline
2012	5	48,000	1.04	Baseline

During FY 2012, the fatality rate was calculated at 1.04 per 10,000 employees (5 fatalities ÷ 48,000 workers) ÷ 10,000 employees).

During FY 2012 PR OSHA investigated five (5) fatalities in the construction industry; all were

related to the four (4) leading causes: falls - four (4), struck-by, crushed-by - one (1) and electrocution and electrical injuries. The BI conducted 539 programmed planned construction inspections. As a result of the five (5) fatalities investigated six (6) citations were issued related to the four (4) leading causes. The number of employees covered by the construction Industry was 48,000 in FY 2012.

PR OSHA continued to maintain a successful program initiative such as the “Door-to-Door” in the Construction Industry initiative. The “Door-to-Door” initiative is used to promote safety and health on-site consultation visits in the construction projects throughout the Island. Those general contractors accepting to participate in this initiative should agree to abate all the hazards identified, receive three (3) additional consultation visits in a year, and post a banner in a conspicuous place in the project, which reads as follows: “PR OSHA is Safety”; nine (9) new sites were approved during FY 2012.

Other PR OSHA efforts regarding this goal included training sessions in the following areas:

- Safety and Health for Contractors- Hato Rey
- Safety and Health in the Construction Industry- Cayey
- Electrical Safety in the Construction Industry - Aguadilla
- Crane requirements for Constructions – Hato Rey

The participation in these training sessions was as follows: 92 employer representatives, 65 employees, 19 students and 19 for general public. Six hundred fifty nine (659) informational materials (booklets) were distributed at the training sessions.

During FY 2012, the Voluntary Programs Division conducted 57 onsite consultation visits in the construction industry resulting in 137 hazards identified and reported to employers. Eighty five (85) of the 137 hazards identified were related to the four (4) leading causes of fatalities in construction.

Two (2) formal training sessions were delivered in two (2) of the 57 onsite consultation visits where six (6) employer representatives and 102 employees were trained. PR OSHA met the goal.

B. PR OSHA Strategic Goal 2

Performance Goal 2.1.1A Achieve a 10% of the targeted employers in general industry that have either implemented an effective safety and health program or improved their existing program.

PR OSHA’s Annual Performance Goal achieved a 60%. This percent is a 15% decrease from the baseline established in FY 2011. The percent change from the Annual Performance Goal is above by 50%. The annual performance goal of 10% was exceeded.

In addition, as part of the State Plan’s effort, the Division of Voluntary Programs delivered three (3) open training sessions in safety and health programs and worker involvement in safety and health matters; two (2) in Hato Rey, and one (1) in Aguadilla on April 4 and 30, and

September 10, 2012. The participation was as follows: 119 employer representatives, 160 employees, 17 students and eight (8) from general public. PR OSHA exceeded their annual goal.

Performance Goal 2.1.1B Achieve 50% percent of the targeted employers in general industry that have implemented an effective safety and health program or improved their existing program.

During FY 2012, the Division of Voluntary Programs conducted 108 on-site consultation visits to employers in the general industry. Ninety five (95) out of 108 employers requesting consultation services implemented an effective safety and health program or improved their existing one. Eighty eight percent (88%) of the employers targeted by the on-site consultation visits developed or improved their safety and health program. The annual performance goal of 50% was exceeded.

Performance Goal 2.2.2A Provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters for 100% of employers inspected or provided consultations in the Handling and Working with Blood in the Emergency Room Industry.

Establish the baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

For FY 2012 the Bureau of Inspections conducted 32 training sessions out of the 32 inspections conducted, a baseline of 100% has been established in the General Medical Services where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters. The participation was as follows: 119 employer representatives, 160 employees, 17 students and eight (8) from general public. PR OSHA met the goal.

Performance Goal 2.2.2B Provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters for 100% of employers inspected or provided consultations in the Fast Food (Limited and Full Services Restaurants) Industry.

Establish the baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

The Bureau of Inspections conducted 240 inspections, of which 240 actually provided training to employers and workers, for 100%. As it arises from the evaluation of the Annual Performance Plan, a baseline of 100% has been established in the Limited and Full Services Restaurants where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters. The participation was as follows: 119 employer representatives, 160 employees, 17 students and eight (8) from general public. PR OSHA met the goal.

Performance Goal 2.2.2C Develop and provide training to employers and worker on the skills necessary for effective worker involvement in safety and health matters for 100% of employers

inspected or provided consultations in the Emergency, Disaster Preparedness and Management Offices Industry.

Establish the baseline and performance measure to assess progress towards achievement of the five (5) year performance goal.

The Bureau of Inspections conducted 57 inspections, of which 57 actually provided training to employers and workers, for 100%. As it arises from the evaluation of the Annual Performance Plan, a baseline of 100% has been established in the Emergency, Disaster Preparedness and Management Offices where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters. The participation was as follows: 119 employer representatives, 160 employees, 17 students and eight (8) from general public. PR OSHA met the goal.

Performance Goal 2.2.2D Achieve an additional 15% in the Public Sewage and Water Treatment Plants Industry to provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters.

The Bureau of Inspections conducted nine (9) inspections in the Public Sewage and Water Treatment Plants Industry, of which nine (9) employers and employees received training on the skills necessary for effective worker involvement in safety and health matters, for 100%. The participation was as follows: 119 employer representatives, 160 employees, 17 students and eight (8) from general public. PR OSHA met the goal.

Performance Goal 2.3.1 Develop and disseminate occupational safety and health training and reference materials to 100% private workplaces identified as Nursing Homes. The Voluntary Programs Division conducted 25 onsite consultation visits in the Nursing Homes industry. One hundred fifty-two (152) hazards were identified and reported to employers. One (1) formal training session and one (1) informal training session were delivered in two (2) of the 25 onsite consultation visits where two (2) employer representatives and one (1) employee were trained.

Five (5) open training sessions of Safety and Health in the Nursing Homes industry were delivered in Hato Rey, Cayey, Aguadilla and Mayaguez on March 2, 9, and 12; September 13 and 19, 2012. The participation was as follows: 86 employer representatives, 43 employees, 17 students, and 13 from general public. PR OSHA met the 100% goal.

VI. Other Areas of Note

PR OSHA's Public Sector Consultation Program - 23(g)

See **Section IV Assessment of FY 2012 State Enforcement Measure** (E – Public Employee Program)

PR OSHA's Private Sector Consultation Program -23(g)

Onsite Consultation Visits

According to the MARC reports, (MARC report 11-08-12) PR OSHA conducted 165 on-site consultation visits, an increase from the FY 2011 total visits of 135. Of the 165 on-site consultation visits conducted this fiscal year, 82 were safety and 83 were health. These on-site consultation visits breakdown as follows: 147 in the private sector and 18 in the public sector.

Additionally, training and educational services were provided during 15 of the 165 consultation visits as follows: three (3) informal and 12 formal training sessions for both employers and employees where 18 employer representatives and 276 employees were trained. The outcome was above projections by achieving a 110% of the total visits conducted in both sectors.

PR OSHA has a comprehensive and very active outreach and training program. Numerous outreach activities, including training seminars and speeches are conducted by PR OSHA's experienced consultants, compliance officers and management throughout the year.

The FY 2011 FAME (11-07) noted that consultant's on-the-job evaluations were not conducted in any of the case files reviewed.

The Director for the Voluntary Program Division accompanied the consultants in the field to verify compliance with the CSP Assurance Program 02-00-002; Section VIII A of the Consultation Policies and Procedures Manual. Three (3) consultants were evaluated by December 31, 2012. OSHA considers this item to be completed.

Appendix A – New and Continued Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Puerto Rico does not have any new or continued findings and recommendations

Appendix B – Observations Subject to Continued Monitoring

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec # [OB-1]	Observations	Federal Monitoring Plan	FY 11#
OB-12-01	<p>PR OSHA’s citations lapse time (the average number of calendar days from opening conference to citation issuance) for FY 2012 was calculated at 62.61 days for safety, an increase from 49.23 days in FY 2011 and above the national average of 55.9 days. The lapse time for health was 91.82 days, an increase from 78.75 days in FY 2011 and above the national average of 67.9 days. (SAMM report 11-09-12 – SAMM #7)</p> <p>The FY 2011 FAME (11-03) noted that safety cases with citations had a lapse time of 50.7 days (vs. 35.6 for all state plans, 43/2 OSHA). Lapse time for health cases was 60.2 days (vs. 43.6 for all state plans, 54.8 OSHA).</p>	<p>Although PR OSHA has developed and is in the process of implementing a weekly CSHO Performance Report and a monthly area office Performance Report, the case file lapse time has increased significantly from the FY 2011 FAME report. Region 2 addressed the increase during the 1st quarter on-site meeting for FY 2013 and will continue to address and monitor the percentages throughout the remainder of the fiscal year.</p>	11-03

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-01	<p>In five (5) of 31 safety case files evaluated (16%) these issues were noted:</p> <p>a) In one (1) safety case three (3) citations for 1926.404(b)(1) were issued separately (not grouped).</p> <p>b) In three (3) safety cases, deficiency cited under an incorrect standard (scaffold fall protection vs. Subpart M).</p> <p>c) In one (1) safety follow-up case, the FTA penalty calculation was not documented in file.</p>	<p>Provide training to all safety field staff, including supervisory staff, to ensure the application of PR OSHA’s FOM guidance and procedures for grouping; applicable regulations, penalty calculations, and adjustment factors.</p>	<p>Instructions for compliance of FOM directives were given on August 3, 2012 to all AD’s.</p> <p>Bureau of Inspections Director will be coordinating with the area directors for refresher training on Chapter 4 section X of the FOM (grouping). The training with AD’s will be held on Aug-21-2012.</p> <p>The AD’s will provide refresher training to all CSHOs, due date for the training will be October 15, 2012. Evidence of attendance will be provided to the Bureau of Inspection.</p>	<p>All area directors received instructions for compliance of FOM directives on August 3, 2012.</p> <p>Refresher training on Chapter 4 section X of the FOM (grouping) was conducted with area directors on August 21, 2012 and the CSHOs received training on October 15, 2012. The Bureau of Inspections was provided evidence of attendance for these training sessions.</p>	Completed

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-02	In four (4) of 31 safety cases (13%) apparent violations were not pursued by CSHO although deficiencies were observed in case files photos (ladders; means of egress; scaffolds; and fall protection).	Provide training to all safety field staff, including supervisory staff, to ensure the application of PR OSHA’s FOM guidance and procedures whenever there is evidence for apparent violations.	Instructions to verify case file photos vs. citations were given on August 3, 2012 to all AD’s. Each AD will be re-trained on case file review, with emphasis on photo verification. This will be done at the AD training that will be held on August 21, 2012. The AD’s will provide refresher training to all CSHOs, due date for completion of the training will be October 15, 2012. Evidence of attendance will be provided to the Bureau of Inspection. Bureau Inspection will be performing a case file Audits, beginning on December 14, 2012.	Area directors received instructions to verify case file photos vs. citations on August 3, 2012. On August 21, 2012 area directors were retrained on case file review, with an emphasis on photo verification. Refresher training on the subject matter was then provided to CSHOs on October 15, 2012. Bureau of Inspections was provided evidence of attendance for these training sessions and is performing case file audits as of December 14, 2012.	Completed
11-03	Safety cases with citations had a lapse time of 50.7 days (vs. 35.6 for all state plans, 43.2 OSHA). Lapse time for	Continue to implement mechanisms (e.g. expedited case file reviews, review of	Bureau of inspection developed and is in the process of implementing the CSHO Performance	The Bureau of Inspection developed and is in the process of implementing a	Observation

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	health cases was 60.2 days (vs. 43.6 for all state plans, 54.8 OSHA). Both reflect some improvement since FY 2010.	management reports, and ensuring CSHOs efficiently manage their workload) to improve citation lapse times.	<p>Report (weekly) and the area office Performance Report (monthly). The CSHO Performance Report and the Area Performance Report. These tools provide fast track of the cases lapsed times, citation average and production rates.</p> <p>Each AD will be trained on the use and implementation of the Performance Reports. This will be done at an AD training that will be held on August 21, 2012.</p> <p>The AD's will provide refresher training to all CSHOs, due date for completion of the training will be October 15, 2012. Evidence of attendance will be provided to the Bureau of Inspection.</p>	<p>weekly CSHO Performance Report and a monthly area office Performance Report. These reports are a tool to be used to fast track case lapse time, citation average and production rates. Area directors were trained on the use and implementation of the Performance Reports on August 21, 2012. Refresher training was provided to CSHOs on October 15, 2012 and evidence of attendance was provided to the Bureau of Inspection.</p> <p>Region 2 recommends this item be converted into an observation and will continue to monitor.</p>	
11-04	In FY 2011 PR OSHA assured timely abatement of S/W/R violations 97.06% of the time for private sector	Ensure timely hazard correction in the public sector by evaluating the abatement certification	Each AD will be re-trained in maintaining IMIS records that keep track of the abatements (corrective	Area directors received retraining on August 21, 2012 in maintaining IMIS	Completed

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	employers, but only 66.2% of the time for public sector employers. (SAMM 6)	received from the employer and entering the data into IMIS/OIS. When certification not timely received, encourage employers to submit adequate Petitions to Modify Abatement Dates, or pursue Failure to Abate violations and penalties.	actions). They will follow the schedule of tracking IMIS reports and keep evidence of the records. The training will be on August 21, 2012. The Bureau will be performing IMIS Documentation Audits and compliance of these instructions, beginning on December 14, 2012.	records that keep track of the abatements. Area directors will be responsible for following the schedule of tracking IMIS reports and keeping evidence of the records. The Bureau of Inspections, as of December 14, 2012, is performing IMIS documentation audits to verify compliance with these instructions.	
11-05	<p>In four (4) of 31 (13%) safety cases reviewed (three (3) in-compliance, one (1) programmed planned) there was no information as to whether employees were interviewed.</p> <p>In one (1) safety case, citations were not sent to the union although union information was documented in case file notes.</p>	Provide training to all safety field staff regarding the agency's policy of union/employee representative involvement during and after inspections and the requirement to properly document compliance with this policy in case files.	<p>Bureau of inspections will be coordinating with the area directors for refresher training on Chapter 5 section VII and Chapter VIII of the FOM, Aug-21-2012</p> <p>The AD's will provide refresher training to all CSHOs, due date for the training will be October 15, 2012. Evidence of attendance will be provided to the Bureau of Inspection. Bureau Inspection will be</p>	Refresher training by the Bureau of Inspections was conducted with the area directors on August 21, 2012. The training was on Chapter 5 section VII and Chapter VIII of the FOM. CSHOs received the training on October 15, 2012, evidence of attendance was provided to the Bureau	Completed

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			performing a case file Audits, beginning on December 14, 2012.	of Inspection. As of December 14, 2012, case file audits are being performed by the Bureau of Inspection.	
11-06	In six (6) of 31 safety cases or 19% (union sites) there was no evidence that either union or employee representatives were notified and afforded an opportunity to participate in the informal conference (four (4) informal conferences held).	Relating to informal conferences, PR OSHA representatives must thoroughly document the following in the case file: The fact that notification to the parties of the date, time and location of the informal conference was made.”	Bureau of Inspections Director sent by e-mail on August 3, 2012 an instruction to all area directors, they are required to contact the Union when they schedule an Informal Conference and document it on the Case Diary. Bureau of inspections will be coordinating with the area directors for refresher training on Chapter 5 section VII and Chapter VIII of the FOM, on Aug-21-2012 Bureau Inspection will be performing a case file Audits, beginning on December 14, 2012.	An email was sent on August 3, 2012, by the Bureau of Inspections to all area directors with instructions that they are required to contact the Union when they schedule an Informal Conference and to document it on the case file diary sheet. Refresher training was held on August 21, 2012 on Chapter 5 section VII and Chapter VIII of the FOM. Case file audits by the Bureau of Inspections are being performed as of December 14, 2012.	Completed
11-07	Consultation Program Review of five (5) case file (two (2) Safety, two (2) Health, one (1) S&H);	Review and implement requirement for on-the-job evaluations Assurance Program (CSP	The Voluntary Program Division Director will join the consultants in the field to verify compliance with	The Voluntary Program Division Director will join the consultants in the field	Completed

Appendix C – Status of FY 2011 Findings and Recommendations

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	Consultant’s on-the-job evaluations were not conducted.	Assurance Program 02-00-002; Section VIII(A)).	the CSP Assurance Program 02-00-002; Section VIII(A) of the Consultation Policies and Procedures Manual. By December 31, 2012, at least three consultants will have been evaluated.	to verify compliance with the CSP Assurance Program 02-00-002; Section VIII(A) of the Consultation Policies and Procedures Manual. As of December 31, 2012 at least 3 consultants have been evaluated.	

Appendix D – FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

NOV 09, 2012
RID: 0257200

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	1091 2.57 424	58 2.52 23	Negotiated fixed number for each state
2. Average number of days to initiate Complaint Investigations	0 .00 6	0 0 0	Negotiated fixed number for each state
3. Percent of Complaints where Complainants were notified on time	418 98.58 424	28 100.00 28	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	4 80.00 5	2 100.00 2	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	591 98.17 602	25 83.33 30	100%
Public	56 84.85 66	7 43.75 16	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	46271 62.61 739	4682 66.88 70	2032800 55.9 36336
Health	23324 91.82 254	1810 82.27 22	647235 67.9 9527

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix D – FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan Abridged FAME Report

NOV 09, 2012
RID: 0257200

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
8. Percent of Programmed Inspections with S/W/R Violations			
	316	36	76860
Safety	45.86	65.45	58.5
	689	55	131301
	31	5	9901
Health	52.54	55.56	53.0
	59	9	18679
9. Average Violations per Inspection with Violations			
	1887	172	367338
S/W/R	1.90	1.86	2.1
	993	92	175950
	1669	156	216389
Other	1.68	1.69	1.2
	993	92	175950
10. Average Initial Penalty per Serious Violation (Private Sector Only)	1390032	128162	624678547
	1069.25	1144.30	1990.5
	1300	112	313826
11. Percent of Total Inspections in Public Sector	411	26	1285
	25.69	37.68	27.7
	1600	69	4647
12. Average lapse time from receipt of Contest to first level decision	49710	1743	3197720
	173.20	290.50	187.0
	287	6	17104
13. Percent of 11c Investigations Completed within 90 days*	11	1	100%
	100.00	100.00	
	11	1	
14. Percent of 11c Complaints that are Meritorious*	6	1	1619
	54.55	100.00	23.4
	11	1	6921
15. Percent of Meritorious 11c Complaints that are Settled*	1	1	1444
	16.67	100.00	89.2
	6	1	1619

*Note: Discrimination measures have been updated with data from SAMM reports run on 1/3/2013

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix E - State OSHA Annual Report (SOAR)

FY 2012 Puerto Rico Occupational Safety & Health Administration (PR OSHA) State Plan
Abridged FAME Report

[Available Upon Request]