

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

State of Wyoming



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I. Executive Summary

The State of Wyoming received final State Plan approval on June 27th, 1985. Wyoming OSHA is housed in the Wyoming Department of Workforce Services, under the Office of Workforce Standards and Compliance and in the Division of Enforcement. John Ysebaert, the Administrator of the Office of Workforce Standards and Compliance is the designee. Mike Todd, Deputy Administrator, manages Wyoming OSHA. Wyoming OSHA consists of enforcement, discrimination, compliance assistance, consultation and risk management in both the public and private sectors. There are nine compliance officers and one compliance supervisor working in compliance. There are thirteen consultants and one supervisor working in consultation. In addition to the Operations Manager and the OSHA Deputy Administrator, there are four support staff and two Risk Management Specialists. Risk Management is 100% funded by the state. Private sector consultation is funded under the 21(d) cooperative agreement. The main office is located in Cheyenne, Wyoming with satellite offices in Casper, Gillette and Rock Springs. Wyoming closely mirrors the federal program, but does have unique Oil and Gas Well Drilling, Servicing and Special Servicing standards.

This report assesses the activities of Wyoming OSHA and their progress in resolving outstanding recommendations. During Fiscal Year (FY) 2012, Wyoming conducted 221 inspections, 30 public sector consultation visits as well as 27 outreach training seminars and presentations.

During FY 2012, Wyoming OSHA completed five of the seven recommendations listed in the FY 2011 FAME Report Corrective Action Plan. Overall, most recommendations were addressed through training. Recommendation 11-6 addresses modifying the Field Operations Manual (FOM) to specifically reflect Wyoming practices and reference the Rules of Practice and Procedure (ROPP) which was not formally completed.

II. Major New Issues

In February 2012, the State Epidemiologist's position was moved from the Governor's Office to the Department of Workforce Services to have unlimited access to occupational fatalities, injuries, and illness data. The information provided by the State Epidemiologist will help Wyoming to appropriately identify risks and assign resources to the industries and areas where injuries, illnesses, and fatalities occur.

Numerous changes to Wyoming's drilling rules were passed this fiscal year including hot work permits, emergency communication, eyewash stations, requirements for air-tuggers, written fall rescue plan, emergency descent devices, and additional requirements for coal bed methane drilling.

Wyoming worked diligently with the oil and gas industry and developed legislation that requires flame retardant clothing during drilling activities once the drilling goes below the surface casing. While that will not be effective until FY 2013, the groundwork was conducted in FY 2012.

III. State Progress in Addressing FY 2011 FAME Report Recommendations

Finding 11-1 Inspections: Wyoming is not consistently and appropriately documenting employer knowledge and employee exposure.

Recommendation: Wyoming should document the name and duty of any exposed employee. Compliance officers should also document how the employer has knowledge of the hazard before issuing a citation.

State Response/Corrective Action: Wyoming has corrected this by documenting all appropriate employer knowledge and employee exposure.

Completion Date: 7/2/2012

Finding 11-2 Inspections: In some cases, Wyoming did not cite all hazards that were documented in the case file.

Recommendation: When evaluating unusual or questionable situations, refer to the OSHA Field Operations Manual, the Wyoming Rules of Practice and Procedure (ROPP), or the OSHA Denver Regional Office.

State Response/Corrective Action: Wyoming has corrected with renewed training of compliance officers.

Completion Date: 7/2/2012

Finding 11-3 Discrimination: In one whistleblower case a decision was made not to investigate where evidence merited further investigation

Recommendation: When evaluating unusual or questionable situations, refer to the Whistleblower Investigation Manual, Wyoming Attorney General's Office, or the OSHA Denver Regional Office.

State Response/Corrective Action: Wyoming has corrected with renewed training of compliance officers.

Finding 11-4 Discrimination: Some Whistleblower case files were not fully developed, as reflected by the reports.

Recommendation: Provide training in developing, testing the Respondent's defenses and nexus, i.e., disparate treatment, animus, and timing.

State Response/Corrective Action: Wyoming has assigned one compliance officer to conduct all Whistleblower investigations as a collateral duty and sent this compliance officer to formal training in this area.

Status: Completed

Finding 11-5 Discrimination: Several case files did not contain documentation related to the terms of a settlement.

Recommendation: Ensure the terms and rationale of the settlement is documented in the case file and/or report.

State Response/Corrective Action: Wyoming has corrected by documenting the rationale in the case file.

Status: Completed

Finding 11-6 Procedural: References to the federal Field Operations Manual (FOM) are not made in the Rules of Practice and Procedure (ROPP).

Recommendation: References should be made between the ROPP and the FOM to clarify what procedures are being followed by the Wyoming state plan staff.

State Response: Wyoming has not yet implemented this recommendation, but is in the process of doing this.

Status: Not complete

Finding 11-7 SIEP: Internal evaluations are not done in the state.

Recommendation: Conduct internal evaluations.

State Response: Wyoming regularly conducts internal evaluations, but has not been consistent in documenting these evaluations.

Status: Completed

IV. Assessment of FY 2012 State Enforcement Measures

A. Enforcement

It is the policy of Wyoming OSHA to adopt all federal Occupational Safety and Health Administration standards with no changes. The state also enforces their own unique state standards for Oil and Gas Well Drilling, Servicing and Oil and Gas Special Servicing. By

statute, the state is prohibited from adopting more restrictive standards than those used by federal OSHA.

Wyoming provides effective first instance sanctions and has right of entry into workplaces. Wyoming follows Chapter 3 in the Wyoming Rules of Practice and Procedure (ROPP) for enforcement guidelines in conjunction with the detail provided in the federal FOM. Wyoming did not experience any denial of entries for the 2012 fiscal year.

Wyoming projected 350 inspections for FY 2012 in their grant application. Wyoming completed 221 inspections which is 63% of their goal. The state attributes this shortfall to personnel turnover in the compliance staff. In addition to personnel turnover and training new compliance officers, two health inspectors were involved with 3 partial and 2 full Process Safety Management (PSM) Inspections at local refineries.

- Complaints

Wyoming addresses un-programmed activity in the same manner as federal OSHA. Wyoming negotiated a complaint response time of 16 working days for inspections (due to long distances traveled) and one working day for inquiries (phone and fax process). Twenty-eight percent of Wyoming inspections (67 inspections) in FY 2012 were complaint generated as compared with 23% of federal OSHA inspections. This represents a 6% increase in complaint generated inspections since FY 2011 when the percentage of complaint generated inspections was 21%.

According to the SAMM report for FY 2012, Wyoming's response time was 5.53 days to initiate complaint inspections and 1.16 days to initiate inquiries. Complainants were notified of the inspection results in a timely manner 91% of the time.

- Fatalities

Wyoming OSHA investigated four workplace fatalities in FY 2012. One of these fatalities was in the oil and gas industry but occurred in a warehouse as a result of material handling, rather than directly working in the oil patch. In FY 2011, Wyoming had 8 workplace fatalities. Wyoming OSHA is addressing the industries where these fatalities occurred through their Local Emphasis Programs as well as outreach.

- Targeting and Programmed Inspections

Sixty-five percent (155) of Wyoming's inspections in FY 2012 were programmed as compared to 56% of federal inspections. Ninety-two percent of all programmed safety inspections and 100% of all programmed health inspections yielded S/W/R citations.

Wyoming OSHA addressed the following Local Emphasis Programs in 2012:

Workers' Compensation Companies
Construction, Including SIC 1500, 1600 and 1700
Oil and Gas Well Drilling
Oil and Gas Well Servicing
Public Sector Employees with a positive Experience Modification Rate (EMR)
Nursing and Personal Care Facilities

- Citations and Penalties

Wyoming issued 51 repeat, 663 serious, 10 unclassified and 288 other-than-serious citations. No willful or failure-to-abate citations were issued this fiscal year. Wyoming averaged 3.1 S/W/R violations per inspection with violations. This compares to 2.1 for the National Average. The average initial penalty per serious violation (private sector only) is \$2,391.05 which compares to the national average of \$1,990.50. On average, penalties are reduced 48.1%.

- Abatement

For FY 2012, SAMM Indicator 6, which is percent of S/W/R Violations verified, Wyoming OSHA is at 80.47% for the private sector and 100% for the public sector. The reference standard is 100%. In FY 2011, SAMM indicator 6 was 78.67% for the private sector and 34.29% for the public sector. Wyoming OSHA meets the reference for the public sector, and has shown improvement in verifying the abatement of violations. A review of the State Information Report (SIR) for FY 2012 indicates that cases where abatement is not verified within 30 days are the more recent cases indicating a possibility that abatement has not yet been entered into the system.

- Employee and Union Involvement

The State of Wyoming is a “right to work state” and has a small workforce working in establishments with unions. During every inspection, CSHOs are required to fill out the “Employer Contact Sheet.” This form insures documentation of union presence and participation.

B. Review Procedures

- Informal Conferences

The state requires that a letter of contest be submitted to Wyoming OSHA within 15 working days after receipt of citations. According to the Rules of Practice and Procedures (ROPP), the state has unlimited time to informally settle cases; therefore, informal conferences are not routinely scheduled within the 15 working days.

Wyoming OSHA continues to work informally with employers until the case is settled or absolutely cannot be settled informally. If this occurs, a letter of contest is officially filed with the Office of Administrative Hearings (OAH), and the case is turned over to the State Attorney General's (AG) Office for formal settlement or litigation.

- Formal Review of Citations

Because of the unlimited time to settle a case informally, few cases go to litigation. According to SAMM Indicator #12, no cases went to litigation in FY 2012. The first level decision in Wyoming is made by the Wyoming State appointed commission based on the recommendation of the Hearing Officer. However, two cases that were opened in FY 2011 were litigated in FY 2012.

It is rare that Wyoming cases are litigated; however, one public sector employer did enter a notice of contest in FY 2013 for an inspection that occurred in conjunction with a fatality inspection in FY 2012.

C. Standards and Federal Program Changes Adoption

- Standards Adoption
 - i. Wyoming adopted numerous standards addressing the oil and gas drilling industry.
 - ii. 29 CFR 1910.1200 Final Rule Hazard Communication – Adopted 10/31/2012. (FY 2013)
- Federal Program/State Initiated Changes

CPL 02-01-053 Compliance Policy for Manufacture, Storage, Sale, Handling, Use and Display of Pyrotechniques – Adopted 1/1/2012

CPL 03-00-014 PSM Covered Chemical Facilities National Emphasis Program – Adopted 4/1/12

CPL 03-00-016 NEP Nursing and Residential Care Facilities – Adopted 7/1/2012

CPL 02-00-153 Communicating OSHA Fatality Inspection Procedures to a Victim's Family – Adopted 7/1/2012

D. Variances

Wyoming OSHA has no variances.

E. Public Employee Program

According to the most recent data available (2011), approximately 23% of employees work in the public sector. In FY 2012, according to SAMM Indicator 11, 1.81% of all inspections were in the public sector. This is a 2.17% reduction from FY 2011, and falls below the reference standard of 5%. Wyoming OSHA does have a local emphasis program that addresses public sector employers with a positive Experience Modification Rate (EMR). However, the decline in inspections in the public sector to below the previous year, and well below the reference standard will be an considered an observation (OB-12-3) to encourage continued focus in the public sector.

F. Discrimination Program

The following table is a summary of discrimination investigations during FY 2012. The data in this table was obtained from a Web IMIS report.

Disposition		Totals
Total cases received in FY 2012		3
Cases completed in FY 2012		0
Cases completed in a timely fashion		0
	Withdrawn	0
	Dismissed	0
	Merit	2
	Settled	2
Investigators on staff (collateral duty)		All Compliance Officers

In FY 2012, only 3 cases were received. The cases were assigned to compliance officers as collateral duty. In an attempt to better focus resources with regard to the discrimination program, Wyoming OSHA has identified one new compliance officer who will be responsible for the discrimination inspections in FY 2013.

G. Voluntary Compliance Program

During FY 2012, twenty-seven outreach training seminars and presentations were conducted, reaching a total of 965 attendees. Wyoming OSHA has the Cowboy Voluntary Protection Program (CVPP) which added one participant in FY 2012 raising their total number of participants to 10.

Wyoming's seventh annual Governor's Safety Awards Conference was held in August 2012. Three-hundred participants attended this event which included numerous safety seminars, and 28 exhibitor booths. Keni Thomas, an Army Ranger involved in the "Black Hawk Down" mission, was the keynote speaker who addressed the topics of leadership, teamwork and training. Additionally, eight Governor's Safety Awards were presented to companies that demonstrated outstanding safety and health programs.

Wyoming OSHA has, since 2004, advocated the use of the Workers' Compensation PIERS (Providers, Injured Workers, and Employer's Resource System) Program which gives the employer the ability to retrieve on-line injury and claim information for their company. Understanding this type of information enables employers to better identify injury and illness trends and then reduce these trends.

The goal of the Wyoming Oil & Gas Industry Safety Alliance (WOGISA) is to promote, communicate, educate, and train employees and employers in order to ultimately reduce the fatality and injury rate in the Oil & Gas Industry. While consultation has a more active role in this alliance, the program manager regularly attends meetings and addresses compliance issues as they arise. Additionally, this alliance played an important part in the development of the oil and gas rules mentioned earlier.

The Compliance Assistance Specialist and Public Sector Consultation are funded for 1.4 FTE from 23(g) grant money.

H. Program Administration

The state continued to work proactively with the region throughout this past year. However, only three of the four quarterly calls were conducted due to scheduling issues on the part of the region as well as the state.

1. Training

Wyoming conducts "in-house" initial training for new CSHOs during the first year of employment. This training consists of both classroom training (approximately nine weeks) and "on-the-job" training. The classroom training is conducted by the administrator, the supervisor and 21(d) consultants (for technical issues). Presentations shared by the OSHA Training Institute (OTI) have been incorporated into the initial training. On-the-job training is provided by experienced CSHOs. Data entry training is done by the compliance supervisor. The state also conducts "in-house" training for their staff when they gather in one location for week-long meetings twice a year. During that week, one or two issues are identified and training is conducted.

The following is a listing of training received by compliance officers in FY 2012.

Training	Number of Attendees
OTI Webinar #0046 – OSHA's New Guidance on Workplace Violence & Communicating with a Victim's Family	3
OTI Webinar #0047 – Electronic Resources Available	1
OTI Webinar #0049 – Overview of Hydraulic Fracturing	8
OTI Webinar #0053 – Distracted Driving Prevention	7
OTI Webinar #0056 – Revised Hazard Communication Standard GHS	7

Training	Number of Attendees
OTI Webinar #0057 – Overview of Victims Family and Nursing Home NEP Directives	6
OTI Webinar #0059 – OSHA Workplace Violence	8
OTI Webinar #0061 – State Plan Changes	1

Additionally, Wyoming OSHA attended three OSHSPA Conferences.

2. Funding

Wyoming continued to overmatch their grant by \$318,659.00 in order to maintain the integrity of the program. The state has no funding problems at this time.

3. Staffing

Wyoming OSHA is staffed with nine compliance officers. This is above the benchmark of eight. There have been numerous staffing changes throughout FY 2012 including the promotion of the most senior compliance officer to Consultation Manager and the transfer of two compliance officers to the Consultation Program. Three new compliance officers were hired in the third quarter. The Governor added a compliance position increasing its mandatory staffing level from eight to nine compliance officers. At the end of FY 2012, two compliance officer positions were not filled.

4. Information Management

The state is using IMIS reports and is proactively entering data and making corrections as needed. Wyoming plans to participate in the rollout of the OIS in their enforcement program when it is ready to be implemented.

5. State Internal Evaluation Program (SIEP)

The state has not yet completed the development and implementation of the State Internal Evaluation Program. While processes are reviewed on a regular basis, no mechanism is in place to specifically document what was reviewed, and the outcome of the review. This was a Corrective Action Item in FY 2011, and will remain an item in FY 2012.

V. State Progress in Achieving Annual Performance Goals

FY 2012 marked the fourth year of Wyoming's Five Year Strategic Management Plan.

Strategic Goal 1: Improve workplace safety and health for all Wyoming workers by reducing fatalities.

Annual Performance Goal #1 –Reduce fatalities by minimizing occupational hazards, promoting safety and health cultures, and maximizing Workers’ Safety and Compensation Division (WSCD) effectiveness and efficiency.

In FY 2012, Wyoming investigated 4 workplace fatalities compared to 8 fatalities in FY 2011. Wyoming compares their fatalities to a baseline of 10.4 fatalities which was calculated as the average annual fatalities between the years of 2004 – 2008. When compared to the baseline, the fatality rate for FY 2012 shows a 44.7% reduction. Wyoming attributes their change in the fatality rate to the Consultation Program outreach and assistance, additional training, and involvement in the WOGISA Alliance, especially in the oil and gas industry. In FY 2012, only one fatality was related to the oil and gas industry, whereas in FY 2011, 5 fatalities were related to the oil and gas industry.

Strategic Goal 2: Reduce injuries and illnesses (Workers Compensation claims) by 10% by focusing enforcement and on workplaces identified through Workers’ Safety and Compensation Division (WSCD) data and by conducting consultation visits.

Annual Performance Goal #2 – Reduce injuries and illnesses (Workers’ Compensation claims) by 2% by focusing enforcement on workplaces identified through Workers’ Safety and Compensation Division (WSCD) data and by conducting consultation audits.

Wyoming OSHA has access to Workers’ Compensation data, and analyzes data from the companies that it inspects to determine if there was a change in both the number of claims and the cost of claims from the 12 months prior to the inspection/intervention to the 12 months past the inspection/intervention. The data shows that in addition to an increase in the number of employees (employment), there is a reduction not only in the number of claims, but also in the cost of claims.

23g Pre and Post Data for FY 2012						
	Number of Employees in Prior 12 months	Number of Claims in Prior 12 months	Cost of Prior Claims	Number of Employees After Inspection	Number of Post Claims	Cost of Post Claims
Total	24,387	1393	\$7,180,098	31,879	1,348	\$5,721,280
Change				7,492	-45	-\$1,458,818
Percent				30.7%	-3.2%	-20.3%

Strategic Goal 3: Increase new participants in the VPP and SHARP Recognition Programs by 20% by developing relationships with companies applying safety and health best practices.

Annual Performance Goal #3 – Increase participants in the CVPP (Cowboy Voluntary Protection Program) and SHARP Recognition Programs by four percent by developing relationships with companies and applying safety and health best practices.

In FY 2012, Wyoming OSHA added one new CVPP participant. The addition of this CVPP company reflects an 11 percent growth in CVPP participation. This indicates that this portion of the goal is being met; although no new SHARP companies were added.

VI. Other Areas of Note

In FY 2012, Wyoming OSHA worked with the federal OSHA Health Response Team to conduct a thorough investigation of an employer in the Oil and Gas Industry where numerous fires and chemical exposures had occurred. Wyoming OSHA had been on this site on several occasions prior to working with the federal OSHA Health Response Team. The focus of the team was to address the 7 incidents that occurred since July 5, 2012. The site visit occurred on September 4, 2012. Working together, Wyoming OSHA and federal OSHA developed an extensive list of corrective actions for the employer to implement, and identified six potential causal factors for the seven incidents. The report the Health Response Team developed was issued in FY 2013, and Wyoming OSHA issued numerous citations to this employer.

Appendix A – New and Continued Findings and Recommendations
FY Wyoming State Plan Abridged FAME Report

Wyoming does not have any new or continued findings and recommendations.

Appendix B – Observations Subject to Continued Monitoring
FY 2012 Wyoming State Plan Abridged FAME Report

Rec # [OB-1]	Observations	Federal Monitoring Plan	FY 11#
OB-12-1	Procedural: Wyoming-specific modifications to the federal Field Operations Manual (FOM) are not completed reflecting the Rules of Practice and Procedure.	In FY 2013, conduct a review to ensure that state specific modifications are being added to the Wyoming FOM.	11-6
OB-12-2	Discrimination: Some Whistleblower case files were not fully developed, as reflected by the reports. Wyoming has asked that Federal OSHA come up and help train their staff on 11c procedures. Wyoming has assigned and trained one compliance officer to specifically conduct all whistleblower investigations as a collateral duty. This should result in more consistent and better developed files.	In FY 2013, review whistleblower log entries throughout the year to ensure that appropriate updates are being conducted. Work with state to specifically address open whistleblower investigations.	11-4
OB-12-3	Inspections in the public sector continue to decrease. In FY 2012, only 1.81% of the inspections were conducted in the public sector. This is a decrease of 2.17% for FY 2011, and falls below the reference standard of 5% in the SAMM,	Encourage the state to develop programs that address public sector employers and employees.	

Appendix C - Status of FY 2011 Findings and Recommendations
FY 2012 Wyoming State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-1	Inspections: Wyoming is not consistently and appropriately documenting employer knowledge and employee exposure.	Wyoming should document the name and job duty of any exposed employee. Compliance officers should also document how the employer has knowledge of the hazard before issuing a citation.	Documenting all appropriate employer knowledge and employee exposure.	Wyoming has corrected this by documenting all appropriate employer knowledge and employee exposure.	Completed
11-2	Inspections: In some cases Wyoming did not cite all hazards that were documented in the case file.	When evaluating unusual or questionable situations, refer to the Whistleblower Investigation Manual, Wyoming Attorney General's Office, or the OSHA Denver Regional Office.	Retrain compliance officers.	Wyoming has corrected with renewed training of compliance officers.	Completed
11-3	Discrimination: In one whistleblower case a decision was made not to investigate where evidence merited further investigation.	When evaluating unusual or questionable situations, refer to the Whistleblower Investigation Manual, Wyoming Attorney General's Office, or the OSHA Denver Regional Office.	Retrain compliance officers.	Wyoming has corrected with renewed training of compliance officers.	Completed
11-4	Discrimination: Some Whistleblower case files were not fully developed, as reflected by the reports.	Provide training in developing, testing the Respondent's defenses and nexus, i.e., disparate treatment, animus, and timing.	Retrain compliance officers. Evaluate how to most effectively conduct whistleblower investigations.	Wyoming has assigned the whistleblower role as a collateral duty to one compliance officer who attended training at OTI and will do all of these investigations.	Observation
11-5	Discrimination: Several case files did not contain documentation related to the terms of a settlement.	Ensure the terms and rationale of the settlement is documented in the case file and/or report.	Retrain compliance officers to better document their case files.	Wyoming has corrected by documenting the rationale in the case file.	Awaiting verification.

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-6	Procedural: References to the Rules of Practice and Procedure (ROPP) are not made in the Wyoming specific Field Operations Manual.	References should be made between the ROPP and the FOM to clarify what procedures are being followed by the Wyoming state plan staff. Update: Anticipated completion date of 09/30/12.	Modify the Wyoming FOM to reflect the ROPP.	Wyoming has been modifying the FOM to reflect the ROPP.	Observation
11-7	SIEP: Internal evaluations are not done in the state.	Anticipated completion date of 09/30/12.	Wyoming will conduct self-evaluations.	Wyoming self-evaluations are anticipated to be completed by 12/30/12. State internal evaluations will not be formally monitored other than through the SOAR.	Completed

Appendix D - FY 2012 State Activity Mandated Measures (SMM) Report FY 2012 Wyoming State Plan Abridged FAME Report

NOV 09, 2012 RID: 0855600

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	393 5.53 71	38 38.00 1	Negotiated fixed number for each state
2. Average number of days to initiate Complaint Investigations	149 1.16 128	36 3.60 10	Negotiated fixed number for each state
3. Percent of Complaints where Complainants were notified on time	65 91.55 71	1 100.00 1	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	4 100.00 4	0 0 0	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	379 80.47 471	1 11.11 9	100%
Public	13 100.00 13	5 100.00 5	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	19939 85.57 233	599 99.83 6	2032800 55.9 36336
Health	2183 94.91 23	85 85.00 1	647235 67.9 9527

0*WY FY12

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix D - FY 2012 State Activity Mandated Measures (SAMM) Report FY 2012 Wyoming State Plan Abridged FAME Report

NOV 09, 2012 RID: 0855600

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			
Safety	178 91.75 194	5 100.00 5	76860 58.5 131301
Health	9 100.00 9	0 0 0	9901 53.0 18679
9. Average Violations per Inspection with Violations			
S/W/R	795 3.10 256	20 2.85 7	367338 2.1 175950
Other	253 .98 256	6 .85 7	216389 1.2 175950
10. Average Initial Penalty per Serious Violation (Private Sector Only)	1757428 2391.05 735	23990 2399.00 10	624678547 1990.5 313826
11. Percent of Total Inspections in Public Sector	4 1.81 221	0 .00 3	42 5.0 842
12. Average lapse time from receipt of Contest to first level decision	0 0	0 0	3197720 187.0 17104
13. Percent of 11c Investigations Completed within 90 days*	1 50.00 2	0 .00 1	100%
14. Percent of 11c Complaints that are Meritorious*	2 100.00 2	0 .00 1	1619 23.4 6921
15. Percent of Meritorious 11c Complaints that are Settled*	2 100.00 2	0 0 0	1444 89.2 1619

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

Appendix E - State OSHA Annual Report (SOAR)
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[Available Upon Request]