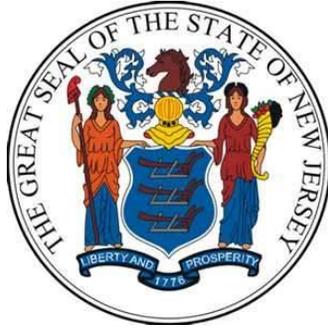


**FY 2013 Comprehensive
Federal Annual Monitoring and Evaluation (FAME) Report**

**State of New Jersey
Public Employees Occupational Safety and Health
(PEOSH)**



Evaluation Period: October 1, 2012-September 30, 2013

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I. Executive Summary

A. Summary of the Report

The New Jersey Public Employees Occupational Safety and Health (PEOSH) State Plan did not have any outstanding findings or recommendations from last year; therefore, the purpose of this report will be to assess the State Plan's activities during Fiscal Year (FY) 2013.

PEOSH continues to have a significant enforcement presence in the workplace through its inspection activity despite a decrease in the number of inspections conducted during FY 2013. Overall, PEOSH reported in their State OSHA Annual Report (SOAR) a total of 1,188 inspections conducted during FY 2013 (this number is slightly down from 1,236 in FY 2012). The 1,188 inspections during FY 2013 included 930 safety inspections and 258 health inspections. Although PEOSH did not meet its goal of conducting 1,265 inspections, consideration should be given to the fact that from October 2012-November 2012 PEOSH enforcement performed 188 outreach interventions related to Hurricane Sandy (these inspections/interventions were not counted in totals). Outreach and training by PEOSH also continues to excel. PEOSH's compliance assistance and training staff have conducted significant outreach to targeted high hazard agencies. The training unit for PEOSH (both safety and health) conducted 395 training classes, exceeding the goal of 150 training classes.

During FY 2013, PEOSH submitted to the Region a revised written State Plan that reflects all updated changes and adoptions as part of the final State Plan approval process. This revised written State Plan has been reviewed by the Region and submitted to solicitors in the National Office for final review.

While there has been a marked improvement in the quality of PEOSH cases from previous audits, this year the federal on-site review identified two areas that need improvement. The two findings are specific to complainants not being notified of the results of the inspection through a letter or other media resource and the continuing concern regarding multiple staffing vacancies within PEOSH. As a result of these staffing issues, safety compliance officers are at 11 compared to the allocated 15 and staffing of health compliance officers is at five compared to the allocated seven.

OSHA Region 2 has identified two items that are being noted as observations and will be monitored by the Region closely. The observations identified were noted in very few case files reviewed and involve excessive abatement time periods and inadequate abatement documentation.

B. State Plan Introduction

PEOSH is administered by the Public Safety and Occupational Safety and Health Division of the New Jersey Department of Labor and Workforce Development (LWD) in partnership with the Consumer Environmental Occupational Health Service (CEOHS) of the New Jersey Department of Health (DOH). The Commissioner overseeing the

State Plan is Harold J. Wirths. The State Plan has two offices: a labor (safety) central office and a health central office, both located in Trenton, New Jersey. These offices cover all public sector enforcement and consultation activities in New Jersey.

PEOSH covers both safety and health disciplines. Private sector enforcement is retained under federal jurisdiction, while private sector consultative services are provided by the NJLWD Consultation Services Bureau under section 21(d) of the OSH Act. Private sector consultation services are administered under a separate grant and a review of that program is not included in this report. The New Jersey State Plan agreement requires PEOSH to adopt all applicable OSHA safety and health standards, either identically or as alternative standards “at least as effective as” the federal standards.

PEOSH does not contain provisions for the issuance of monetary penalties for public employers found not to be in compliance with applicable standards on a first instance basis, except in cases of willful or repeat violations. There is, also a provision for penalties on all failure to correct violations. PEOSH’s review proceedings are similar to OSHA review procedures.

The table below shows PEOSH’s funding levels from FY 2010 through FY 2013.

FY 2010-2013 Funding History						
FY	Federal Award (\$)	State Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Contribution	Deobligated/ One-Time Only/Reclaimed Funds (\$)
2013	\$1,901,900	\$1,901,900	\$946,025	\$4,749,825	59.3%	0/0/0
2012	\$1,984,700	\$1,984,700	\$1,093,483	\$5,062,883	60.8%	0/99,890/0
2011	\$1,984,700	\$1,984,700	\$773,508	\$4,742,908	58.2%	0/284,106/ 259,342
2010	\$1,895,800	\$1,895,800	\$1,462,924	\$5,254,524	57.9%	NA

Staffing continues to be a concern with multiple vacancies within PEOSH. During FY 2013, LWD lost two staff members due to retirement and have not filled those positions. The DOH consultation section lost one consultant due to retirement and is currently under a state hiring freeze. Currently interviews and a selection has been made for two new safety compliance safety and health officers (CSHOs); however, the process takes a considerable amount of time as they are required to go through civil service screening.

The table below shows the number of full-time and part-time staff as of the end of FY 2013.

FY 2013 Staffing					
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Funded	Total	50/50 Funded FTE On Board as of 09/30/13	100% State Funded FTE On Board as of 09/30/13
Managers/Supervisors (Administrative)	2.74	0.20	2.94	1.54	0.20
First Line Supervisors (Program)	3.59	0.98	4.57	3.59	0.98
Safety Compliance Officers	9.98	5.02	15.00	7.98	3.02
Health Compliance Officers	6.00	0.00	6.00	5.00	0.00
Public Sector Safety Consultants	1.23	0.77	2.00	0.73	0.27
Public Sector Health Consultants	5.52	0.98	6.50	2.52	0.98
Compliance Assistance Specialist	0.73	0.27	1.00	0.73	0.27
Clerical	5.73	2.18	7.91	3.55	1.00
Other (all positions not counted elsewhere)	3.70	0.55	4.25	2.70	0.55
Total 23(g) FTE	39.22	10.95	50.17	28.34	7.27

*Full-Time Equivalent

C. Data and Methodology

Monitoring of the New Jersey State Plan consisted of a team of OSHA personnel from both the safety and the health side and from the Whistleblower 11(c) Program. The team conducted the onsite audits at PEOSH's office in Trenton starting on December 11, 2013 and ending on December 20, 2013.

The evaluation of the PEOSH program covered FY 2013, the period of October 1, 2012 through September 30, 2013 and included the following documents:

- State Activity Mandated Measures (SAMM Report)
- Inspection (INSP-8) Report
- Mandated Activities Report for Consultation (MARC)

The OSHA team reviewed a total of 110 closed case files broken down by the following:

- Fatality case files (3)

- Whistleblower case files (7)
- Consultation case files (15)
- Enforcement case files (79 total – 55 safety and 24 health – complaints, planned, referrals)
- Non-formal/phone/fax complaint case files (6)

The Region solicited input from stakeholders and reviewed the results from the evaluation period October 1, 2012 through September 30, 2013. No notable were issues raised.

D. Findings and Recommendations

The FY 2013 audit of case files revealed two significant findings. Details of the findings and recommendations can be found in Section III and Appendix A of this report.

- Complaint Processing Issue:

Documentation that the complainant was notified of the results of the inspection was missing in 46% (6 of 13) of the health case files reviewed. OSHA is recommending that DOH ensure, through supervisory review, that the case files include all required letters or documentation of communication with the complainant.

- Staffing:

PEOSH staffing level is allocated for 50 employees; currently there are 35 FTEs onboard.

The audit also revealed two items that are being noted as observations. Details of the two observations can be found in Section III and Appendix B.

- Excessive abatement time periods specified for correction (Excessive Abatement Dates):

Though much improved from previous audits when a majority of the proposed abatement dates were excessive, this audit revealed excessive abatement periods in six of the 55 safety case files (10%) that had citations issued. Some examples during this review included 45 days for a trenching violation, 30 days to remove miscellaneous items from an exit route, 30 days to post a “not an exit” sign, and 30 days to abate a fire door that would not open.

- Inadequate Abatement Documentation:

In 11% of case files reviewed, seven of the 63 files with violations issued lacked specific documentation as to how violations were corrected.

II. Major New Issues

None

III. Assessment of State Plan Performance

1. ENFORCEMENT

a) Complaints

During this evaluation period, PEOSH responded to 142 complaints with an average response time of 17.34 days from notification. This is a decrease from 40.13 days in FY 2012. (SAMM report FY 2013 – SAMM #1)

Notification to Complainant

Finding 13-01

In six of the 13 health complaint files (46%) reviewed, documentation that the complainant was notified of the results of the inspections, either by letter or phone was missing in the case file. This was not the case with the safety complaint files reviewed.

Recommendation 13-01

Ensure, through supervisory review, that case files include all required letters or documentation related to complaints according to PEOSH's Field Operations Manual (FOM).

b) Fatalities

PEOSH recorded a total of nine fatalities for FY 2013. Of the nine fatalities reported, four were determined to be “work-related.”

Three of the four fatality case files were reviewed (one is still open and awaiting issuance of citations). In one of the three case files reviewed the next of kin (NOK) closeout letter was not sent. PEOSH believed after attempts were made to contact the NOK by phone, email, and the initial letter, that the information obtained at the beginning of the inspection was not valid, and therefore did not send the closeout letter. In the future PEOSH will send letters to family members by certified mail. This was an issue in only one case file and OSHA is not making a formal recommendation at this time.

Five of the fatalities were appropriately determined to be “no inspection” or “no jurisdiction.” Responses to all fatalities were 100% within established timeframes. (SAMM report FY 2013 - SAMM #21)

c) Targeting and Programmed Inspections

PEOSH conducted a total of 1,188 inspections during FY 2013 – 930 were safety inspections and 258 were health inspections. Out of this, 1,188, unprogrammed inspections included four accidents and 149 complaints. (NJ SOAR FY 2013)

PEOSH focused programmed inspection resources based on historical incidence of recordable injuries and illness cases. Under this program PEOSH conducted a total of 351 programmed inspections within the four public sector agencies targeted for enforcement interventions as follows:

- Transportation Support Services – 5 inspections
- State Nursing and Residential Care Facilities – 14 inspections
- Local Fire Protection – 274 inspections
- Local Police Protection – 58 inspections

Based on inspection results PEOSH's targeting appears to be appropriate.

The percent of in-compliance inspections was recorded at 16.08% for safety which is below the national average of 29.1%. The health was recorded at 36.36% which is slightly above the 34.1% national average. (SAMM report FY 2013- SAMM# 20a and #20b)

PEOSH issued 3,186 violations compared to 3,598 violations issued in FY 2012 (a decrease of 412 violations). Of the 3,186 violations issued, 1,946 were serious, four were repeat, there were no willful or failure-to-abate (FTA) and the remaining 1,236 were other-than-serious. (INSP8 report -10-29-13)

PEOSH issued an average of 4.10 serious/willful/repeat (S/W/R) violations per inspection and 2.57 for other-than-serious violations per inspection. PEOSH continues to be above the national average of 2.04 for S/W/R and above the national average of 0.88 for other-than-serious. (SAMM report FY 2013 – SAMM #9a and #9b)

d) Citations and Penalties

A review of case files with violations showed an improvement in documentation supporting the violations from FY 2012, particularly in the safety case files. Only two of the 63 case files (3%) reviewed with violations did not have adequate evidence to support violations. The missing information on the OSHA 1B was located under Section 20 (instance description, location, equipment, and injury/illness). OSHA is not making a formal recommendation at this time.

In most of the case files reviewed with citations issued, all apparent violations were cited. However, in three of the 35 safety case files (8%) with citations issued the wrong standard was cited. Examples of the wrong standard issued include:

- 1910.215(a) (1) was cited for a missing work rest and tongue guard on a bench grinder - 1910.215 (a) (4) for work rest and 1910.215(b) (9) for adjustable tongue guard should have been cited.
- 1910.132(a) was cited instead of 1910.135(a) (1) for head protection violation (no hard hat).
- 1910.37(a) (3) was cited instead of 1910.24(f) for stair treads not being slip resistant.

OSHA is not making a formal recommendation at this time.

PEOSH issued 3,186 violations compared to 3,598 violations issued in FY 2012 – a decrease of 412 violations. Of the 3,186 violations issued, 61% were issued as S/W/R violations. There were 1,946 serious, four repeat, no willful or FTAs, and 1,236 other-than-serious. (INSP8 report -10-29-13)

Violations appeared to be classified and grouped appropriately. During FY 2013, PEOSH appropriately classified four violations as repeat. There were no willful violations issued during FY 2013. (INSP8 report -10-29-13) PEOSH does not issue monetary penalties except in cases of willful or repeat violations. During FY 2013, PEOSH collected a total of \$80,392.86 in penalties. (NJ SOAR FY 2013)

e) Abatement

Excessive Abatement Periods

Observation 13-01 - Excessive Abatement Periods

Abatement periods established for correction of violations were found to be excessive in six of the 55 safety case files (10%) that had citations issued. The health case files did not have issues regarding excessive abatement periods. Examples of the excessive abatement periods included: 45 days for a trenching violation, 30 days to remove miscellaneous items from an exit route, 30 days to post a “not an exit” sign, 30 days to abate a fire door that would not open.

Federal Monitoring Plan 13-01

For FY 2014, a limited scope review of selected case files will be reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

Abatement Documentation

Observation 13-02

In seven of the 63 case files (11%) with violations issued, documentation was inadequate or was lacking as to how the violations were abated. This was evident in five safety case files and two health case files.

Federal Monitoring Plan 13-02

For FY 2014, a limited scope review of selected case files will be reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

It should be noted that PEOSH conducts 100% follow-up inspections regardless of whether acceptable abatement certification is received from employers.

f) Worker and Union Involvement

PEOSH continues to follow proper procedures outlined in their FOM with regard to appropriate notification being delivered to workers and their union representatives. Cases reviewed during this FY 2013 evaluation indicated that workers and their union representatives were afforded an opportunity to participate in the inspection process.

2. REVIEW PROCEDURES

a) Informal Conferences

PEOSH has no first instance sanctions and therefore conducts very few informal conferences. During FY 2013, PEOSH held five informal conferences. Two of the five employers agreed to full comprehensive safety and health consultation visits. Two are still open with extensions to abatement and one agreed to a penalty settlement.

b) Formal Review of Citations

During FY 2013, PEOSH had one contested case that went through the post contest process.

3. STANDARDS AND FEDERAL PROGRAM CHANGES ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal Program Changes (FPCs) within a six-month timeframe. State Plans that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" (ALAE) as the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During this period, PEOSH responded in a timely manner with the required notice of intent to adopt. The tables below provide a complete list of the federal directives and standards which required action during this period:

a) Standards Adoption

Standards Requiring Action	Federal Register Date	Adopted Identical	Date Promulgated
National Consensus Standards; Head Protection	November 2012	Yes	June 2013
Cranes & Derricks in Construction: Underground Construction & Demolition	April 2013	Yes	October 2013

b) OSHA/State Plan-Initiated Changes

FPCs Requiring Action and Federal Directive Number	Date of Directive	Adopted Identical	Adoption Date
Inspection & Citation Guidance for Roadway & Hwy Construction Work Zones	10/16/2012	No	N/A
Site-Specific Targeting SST-12	01/04/2013	No	N/A
NEP-Occupational Exposure to Isocyanates	06/20/2013	Yes	12/20/2013
Inspection Scheduling for Construction	09/06/2013	No	N/A
Maritime Cargo gear Stds. & 29 CFR Part 1919 Certification	09/30/2013	No	N/A

Note: Although PEOSH responded in a timely manner, there is still one (1) outstanding issue regarding the Global Hazard Communication directive. PEOSH responded that they will be adopting the Globally Harmonized System (GHS) standard; however, they currently have a State Plan Standard (NJAC 12:100 Subchapter 7) for hazard communication that covers both workers and the communities under OSHA Directorate of Enforcement Programs' "Right to Know." To adopt this directive, NJ will have to go through legislation and possibly through the governor which will require an extension for the adoption. At no time during this extension will NJ public workers not be covered by a hazard communication standard.

4. VARIANCES

There were no variance requests received or processed during FY 2013.

5. PUBLIC EMPLOYEE PROGRAM

One hundred percent (100%) of all inspections conducted by PEOSH occurred in the public sector.

PEOSH does not contain provisions for the issuance of monetary penalties for public employers found not to be in compliance with applicable standards on a first instance basis, except in cases of willful or repeat violations. There is, also a provision for penalties on all failure to correct violations. If an employer incurs penalties for violations, PEOSH may at an informal conference offer a reduction in the amount of the imposed penalty, providing the employer agrees to total consultation services for all facilities within the municipality. During FY 2013, PEOSH conducted five informal conferences of which one resulted in a penalty settlement and an agreement to conduct a full safety and health consultation visit at their municipality.

6. DISCRIMINATION PROGRAM

PEOSH has two investigators who are trained to conduct discrimination investigations. During FY 2013, PEOSH completed five discrimination complaint investigations two of which were completed within 90 days. Three cases were settled and two cases were found not meritorious. One of the non-meritorious cases was forwarded to the Office of Administrative Law and is currently pending.

A review of seven case files – (two carried over from FY 2012, three settled, two non-merit) showed that they were well-documented, orderly, and concise. Determinations reached in the case files were based on substantive evidence and sound legal reasoning. The review also determined that the program is in conformance with guidelines and meets the objectives of the guidelines effectively.

7. SPECIAL STUDY – STATE PLAN TARGETING PROGRAMS

The purpose of the Special Evaluation Study is to evaluate the State Plans' targeting programs. The Special Study contains two components: an analysis of how the State Plan develops a targeting program and an analysis of how the State Plan evaluates the effectiveness of its program. The findings of the study can be found in the separate template provided by the National Office.

State Plan adoption of Local Emphasis Programs (LEPs) is not required per CPL 2-0.102A (11/10/99) and as such PEOSH does not have any LEPs.

8. Complaints About State Program Administration (CASPs)

There were no CASPs received during FY 2013.

9. VOLUNTARY COMPLIANCE PROGRAM

PEOSH does not have a Voluntary Compliance Program; however, it does have a Safety and Health Achievement Recognition Program (SHARP) which is comparable to a Voluntary Compliance Program. Although there were no new SHARPs awarded this year, the program is discussed with employers during each consultation visit. PEOSH currently has three facilities maintaining their SHARP status.

10. PUBLIC SECTOR ON-SITE CONSULTATION PROGRAM

During FY 2013, PEOSH's public sector consultation program conducted a total of 99 consultation visits, six visits shy of their projected 105 visits outlined in the Annual Performance Plan. The percentage of visits with hazards abated within a timely manner was 96.84% for the fiscal year. (MARC report 10-29-13 – MARC #4a)

A total of 15 consultation case files were reviewed: nine safety and six health. Documentation in all case files was adequate. Visits were performed in a timely manner. Written reports were sent to employers after review by the supervisor and abatement was verified by letter from the employer.

11. PRIVATE SECTOR 23(g) ON-SITE CONSULTATION PROGRAMS (KENTUCKY, PUERTO RICO, AND WASHINGTON)

N/A

12. STATE PLAN ADMINISTRATION

Training:

PEOSH continues to provide CSHOs the opportunity to attend the OSHA Training Institute (OTI) for the much needed safety and health technical training. In addition, PEOSH took advantage of a number of local training opportunities. During FY 2013, PEOSH personnel attended various training classes provided by the Atlantic OSHA Training Center. PEOSH has also taken full advantage of applicable OSHA in-house webinars.

Funding:

Due to a sequestration order from Congress, \$391,700 was cut from PEOSH 23(g) during FY 2013.

Staffing (including benchmarks, furloughs, hiring freezes, etc.):

Finding 13-02

PEOSH staffing level is allocated for 50 employees, currently there are 35 FTEs onboard. There were 20 that fall under enforcement, five that fall under consultation (23(g) public sector only), four that are compliance assistance specialist/trainers, and the remaining six who are managers or administrative staff.

Recommendation 13-02

PEOSH needs to evaluate their staffing to ensure they meet their strategic plan goals.

During FY 2013, LWD lost two staff members due to retirement and have not filled those positions. The DOH consultation section lost one consultant due to retirement and is currently under a state hiring freeze.

Integrated Management Information System (IMIS):

PEOSH continues to use the IMIS system for information management.

State Internal Evaluation Program (SIEP) Report:

The New Jersey State Internal Evaluation Program (SIEP) consists of field audits conducted to evaluate CSHO performance to key job elements. Documentation of these audits is retained and was reviewed during this evaluation period. This program was initiated to determine if program operations conform to policies and procedures established by the State Plan.

IV. Assessment of State Plan Progress in Achieving Annual Performance Goals

(Source: FY 2013 APP and FY 2013 SOAR)

This section focuses on PEOSH's progress toward meeting its targeted performance goals as outlined in the Program's FY 2013 Annual Performance Plan which consisted of three fundamental goals to reduce workplace injuries, illnesses, and fatalities in New Jersey. FY 2013 was the fifth year of New Jersey's current Five-Year Strategic Plan.

Strategic Goal #1

Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses, and fatalities.

Performance Goal 1.1 State Support Activities for Transportation (NAICS 488)

Decrease non-fatal occupational injury and illness incident rates in state, county, and/or local agencies in the specific NAICS segments by 5% by 2013 (1% per year).

Entities targeted under this emphasis area include:

- New Jersey Turnpike Authority
- South Jersey Transportation Authority
- South Jersey Port Corporation

INDUSTRY SECTOR	2007	*2008	2009	2010	2011	2012
Support activities for transportation	17.4	11.5	12.3	13.9	12.0	11.8

*Baseline Year 2008

As indicated in the latest Division of Program Planning, Analysis and Evaluation data for 2012, the total recordable cases for Support Activities for Transportation increased from the baseline of 11.5 to 11.8, and thus PEOSH did not meet its goal of 5% reduction. It should be noted that the overall injury and illness rates have been trending downward (4%) since 2009.

Performance Goal 1.2 State Nursing and Residential Care Facilities (NAICS 623)

Decrease non-fatal occupational injury and illness incident rates in state, county, and/or local agencies in the specific NAICS segments by 5 % by 2013 (1 % per year).

Entities targeted under this emphasis include:

- NJ Department of Corrections
- NJ Department of Human Services
- NJ Department of Law and Public Safety
- NJ Department of Military and Veterans Affairs

INDUSTRY SECTOR	2007	*2008	2009	2010	2011	2012
Nursing and residential care facilities	16.7	15.5	16.6	13.0	10.6	9.3

*Baseline Year 2008

The 2012 total recordable case rate decreased from the baseline of 15.5 to 9.3. PEOSH exceeded the goal of a 5% decrease (7 % overall decrease).

PEOSH continues to promote their cooperative services to public sector nursing homes and exhibited at two Healthcare Association of New Jersey (HCANJ) conferences.

PEOSH consultation staff initiated a consultation emphasis program to reduce the injuries and illnesses related to workplace violence and lifting (safe patient handling). These facilities have recorded high injury and illness rates. PEOSH will evaluate rates, evaluate the workplace, and make recommendations to reduce injuries and illnesses related to workplace violence and lifting.

Performance Goal 1.3 – Local Fire Protection (NAICS 92216)

Decrease non-fatal occupational injury and illness incident rates in state, county, and/or local agencies in the specific NAICS segments by 5% by 2013 (1 % per year).

INDUSTRY SECTOR	2007	*2008	2009	2010	2011	2012
Fire protection	14.0	12.7	11.7	12.8	12.7	11.5

*Baseline Year 2008

A 5% decrease from the baseline of 12.7 will result in a rate of 12.1 total recordable cases.

The 2012 total recordable cases for Fire Protection decreased to 11.5 for an overall decrease in the injury and illness rate by 1.2%.

Performance Goal 1.4 – Local Police Protection (NAICS 92212)

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5% by 2013 as follows (1% per year):

INDUSTRY SECTOR	2007	*2008	2009	2010	2011	2012
Police protection	12.5	11.4	10.4	11.0	12.3	10.8

*Baseline Year 2008

The 2012 total recordable cases for the local police protection decreased from the baseline of 11.4 to 10.8. PEOSH met the goal of a 5% decrease.

Strategic Goal #2

To promote safety and health values in New Jersey’s public sector workplaces.

Performance Goal 2.1

Disseminate Guidelines for Joint Labor Management Health and Safety Committees to all New Jersey State Agencies. Encourage public New Jersey State Agencies to develop and implement or improve Joint Labor Management Safety and Health Committees.

As in past years, progress on this goal has not occurred due to the lack of available staff and resources. This FY2013 NJDOH PEOSH goal was not met.

Performance Goal 2.2 - Municipal Public Works Departments

PEOSH will conduct programmed inspections, and/or consultation visits, and/or provide outreach and training to 20% (110) of municipal departments of public works by the end of FY2013 (4% or 22 per year).

The annual goal of 22 programmed inspections and consultations was met. The NJDOH PEOSH Program conducted 33 programmed inspections and six consultations at

municipal departments of public works. At each programmed inspection and consultation, education/outreach materials were provided. In addition, three training programs were conducted at a municipal department of public works.

Performance Goal 2.3 – Customer Satisfaction (Consultation)

Every year 90% of public employers targeted through consultation visits rate the intervention as highly effective (score 7 or higher, on scale of 1 through 10 on the customer satisfaction survey).

All 100% of public employers responding to the PEOSH Consultation Survey rated the intervention as highly effective which exceeds the goal of 90% customer satisfaction.

Performance Goal 2.4 – Customer Satisfaction – (Education and Training)

Every year 90% of compliance assistance interventions (outreach, seminars, mass mailings, hazard bulletins, newsletters) conducted/distributed in the public sector have rated the intervention as highly effective (score 7 or higher, on a scale of 1 through 10 on the customer satisfaction survey).

Of those who responded to the survey, 100% rated the compliance assistance as “Highly Effective.”

In addition, PEOSH is involved in other activities that include involvement of workers or their representatives including: conducting a total of four PEOSH Advisory Board meetings that involve employer and worker representatives from State, counties and municipalities, involvement with the PEOSH Advisory Board Subcommittee on workplace violence in Schools, and the American Lung Association, Pediatric/Adult Asthma Coalition (IAQ-related).

Performance Goal 2.5 – Employee Involvement

100% of PEOSH interventions include employee involvement (every year).

There was 100% worker involvement.

Performance Goal 2.6 – Safety and Health Achievement Recognition (SHARP)

Award Safety and Health Achievement Recognition (SHARP, Inspection Deferral) to 20 worksites by the end of FY 2013.

In FY 2013, three SHARP facilities continue to maintain SHARP status.

As stated in the annual plan, PEOSH planned to award four worksites SHARP recognition. Although SHARP is discussed during each consultation visit, PEOSH did not award any new worksites with SHARP recognition; therefore, this goal was not met.

Strategic Goal 3

Performance Goal 3.1–Fatality Investigations/Inspections

Initiate inspections of fatalities and catastrophes within one day of notification for 100% of occurrences to prevent further injuries or deaths by the end of FY 2013.

There were four work-related fatalities in FY 2013. All investigations were initiated within one day of notification meeting the strategic goal of 100%.

Performance Goal 3.2A–Safety Complaints Received

NJDLWD’s goal is to initiate 100% of safety complaint inspections within five working days of notification.

NJDLWD met this goal. During FY 2013, NJDLWD received 41 formal complaints. All resulting inspections were initiated within five days.

Performance Goal 3.2B –Health Complaints Received

NJDOH’s goal is to initiate 95% of non-IAQ/ sanitation complaint inspections within five working days of notification.

The goal to initiate 95% of non-IAQ/sanitation complaints was met. Ninety-nine percent or (35/36) of the non-IAQ, non-sanitation complaints were initiated within five days. During FY 2013, PEOSH received 128 complaints. There were 35 inspections initiated within five days (average 2.4 days, ranged 1-5 days). PEOSH received 92 IAQ and sanitation complaints in FY2013.

V. Other Special Measures of Effectiveness and Areas of Note

None

Appendix A – New and Continued Findings and Recommendations

FY 2013 New Jersey Public Employees Occupational Safety & Health (PEOSH) State Plan Comprehensive FAME Report

FY- Rec #	Finding	Recommendation	FY 2013
13-01	In six of the 13 health complaint files reviewed, documentation that the complainant was notified of the results of the inspections, either by letter or phone was missing in the case file.	Ensure case files, through supervisory review, include all required letters or documentation related to complaints according to PEOSH's Field Operations Manual (FOM).	
13-02	PEOSH staffing level is allocated for 50 employees, currently there are 35 full-time equivalents (FTEs) onboard. Twenty fall under enforcement, five are under consultation (23(g) public sector only), four are compliance assistance specialist/trainers, and the remaining six are managers or administrative staff.	PEOSH needs to evaluate their staffing to ensure they meet their strategic plan goals.	

Appendix B – Observations Subject to Continued Monitoring

FY 2013 New Jersey Public Employees Occupational Safety & Health (PEOSH) State Plan Comprehensive FAME Report

Observation # [FY13-OB-1]	Observation# [FY12-OB-1]	Observation	Federal Monitoring Plan	Current Status
FY13-OB-01	N/A	Abatement periods established for correction of violations were found to be excessive in six of the 55 safety case files (10%) that had citations issued. Examples of the excessive abatement periods included: 45 days for a trenching violation, 30 days to remove miscellaneous items from an exit route, 30 days to post a “not an exit” sign, 30 days to abate a fire door that would not open.	In FY 2014, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New
FY13-OB-02	N/A	In seven of the 63 case files (11%) with violations issued, documentation was inadequate or was lacking as to how the violations were abated. This was evident in five safety case files and two health case files.	In FY 2014, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New

Appendix C - Status of FY 2012 Findings and Recommendations

FY 2013 New Jersey Public Employees Occupational Safety & Health (PEOSH) State Plan Comprehensive FAME Report

FY 2013 New Jersey Public Employees Occupational Safety & Health (PEOSH) State Plan Comprehensive FAME Report					
FY 12- Rec #	Finding	Recommendation	State Plan Response/Corrective Active	Completion Date	Current Status

There were no findings in FY 2012.

Appendix D – FY 2013 State Activity Mandated Measures (SAMM) Report

FY 2013 Comprehensive FAME Report

OSHA is in the process of moving operations from a legacy data system (IMIS) to a modern data system (OIS). During FY 2013, OSHA case files were captured on OIS, while State Plan case files continue to be processed through IMIS. The SAMM, which is native to IMIS, is not able to access data in OIS, which impacts OSHA's ability to process SAMM standards pinned to national averages (the collective experience of State Plans and OSHA). As a result, OSHA has not been able to provide an accurate reference standard for SAMM 18, which has experienced fluctuation in recent years due to changes in OSHA's penalty calculation formula. Additionally, OSHA is including FY 2011 national averages (collective experiences of State Plan and OSHA from FY 2009-2011) as reference data for SAMM 20, 23 and 24. OSHA believes these metrics are relatively stable year-over-year, and while not exact calculations of FY 2013 national averages, they should provide an approximate reference standard acceptable for the FY 2013 evaluation. Finally, while SAMM 22 was an agreed upon metric for FY 2013, OSHA was unable to implement the metric in the IMIS system. OSHA expects to be able to implement SAMM 22 upon the State Plan's migration into OIS.

Occupational Safety and Health Administration State Activity Mandated Measures (SAMMs)				
State: New Jersey			FY 2013	
SAMM Number	SAMM Name	State Plan Data	Reference/ Standard	Notes
1	Average number of work days to initiate complaint inspections	17.34	(Negotiated fixed number for each state) - 5	State data taken directly from SAMM report generated through IMIS.
2	Average number of work days to initiate complaint investigations	0	(Negotiated fixed number for each state) - 1	State data taken directly from SAMM report generated through IMIS.
4	Percent of complaints and referrals responded to within 1 work day (imminent danger)	0%	100%	State data taken directly from SAMM report generated through IMIS.
5	Number of denials where entry not obtained	0	0	State data taken directly from SAMM report generated through IMIS.
9a	Average number of violations per inspection with violations by violation type	4.1	SWR: 2.04	State data taken directly from SAMM report generated through IMIS; national data was manually calculated from data pulled from both IMIS

**Appendix D – FY 2013 State Activity Mandated Measures (SAMM) Report
FY 2013 Comprehensive FAME Report**

9b	Average number of violations per inspection with violations by violation type	2.57	Other: .88	and OIS for Fiscal Years (FY) 2011-2013.
11	Percent of total inspections in the public sector	100	(Negotiated fixed number for each state) - 100%	State data taken directly from SAMM report generated through IMIS.
13	Percent of 11c Investigations completed within 90 calendar days	40.00	100%	State data taken directly from SAMM report generated through IMIS.
14	Percent of 11c complaints that are meritorious	60.00	24.8% meritorious	State data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2011-2013.
16	Average number of calendar days to complete an 11c investigation	65.6	90 Days	State data taken directly from SAMM report generated through IMIS.
17	Planned vs. actual inspections - safety/health	775/256	(Negotiated fixed number for each state) - 1100/185	State data taken directly from SAMM report generated through IMIS; the reference standard number is taken from the FY 2013 grant application.
18a	Average current serious penalty - 1-25 Employees			Not applicable to state and local government only State Plans.
18b	Average current serious penalty - 26-100 Employees			
18c	Average current serious penalty - 101-250 Employees			
18d	Average current serious penalty - 251+ Employees			
18e	Average current serious penalty - Total 1 - 250+ Employees			

**Appendix D – FY 2013 State Activity Mandated Measures (SAMM) Report
FY 2013 Comprehensive FAME Report**

19	Percent of enforcement presence		National Average 1.5%	Not applicable to state and local government only State Plans.
20a	20a) Percent In Compliance – Safety	Safety - 16.08	Safety - 29.1	State data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2011 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
20b	20b) Percent In Compliance – Health	Health - 36.36	Health - 34.1	
21	Percent of fatalities responded to in 1 work day	100%	100%	State data is manually pulled directly from IMIS for FY 2013
22	Open, Non-Contested Cases with Abatement Incomplete > 60 Days			Data not available
23a	Average Lapse Time - Safety	11.18	43.4	State data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2011 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
23b	Average Lapse Time - Health	40.94	57.05	
24	Percent penalty retained			Not applicable to state and local government only State Plans.
25	Percent of initial inspections with employee walk around representation or employee interview	100%	100%	State data taken directly from SAMM report generated through IMIS.