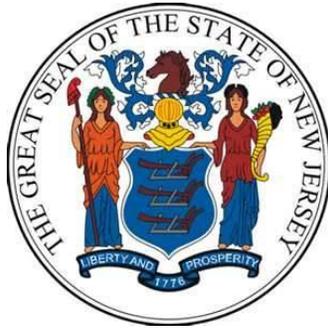


# **FY 2014 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report**

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



**Evaluation Period: October 1, 2013 – September 30, 2014**

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## **I. Executive Summary**

### **A. State Plan Activities, Themes, and Progress**

The purpose of this report is to assess the New Jersey Public Employees Occupational Safety and Health (PEOSH) State Plan activities for Fiscal Year (FY) 2014, and its progress in resolving outstanding findings and recommendations from previous FAME reports, with a focus being on the FY 2013 Comprehensive FAME Report.

FY 2014 is the first year of PEOSH's new Five-Year Strategic Plan. Revisions from the previous Strategic Plan are reflected in the removal of Local Police Protection and the addition of Public Works Departments and Water and Sewage Treatment Facilities.

As in the past, PEOSH continues to have a significant presence in the workplace through its inspection activity, partnerships, and outreach activity. PEOSH conducted 899 inspections in FY 2014 which is 95% of the 945 inspection goal. Consultation visits performed exceeded the projected goal by 129 visits.

PEOSH also continues to excel in outreach and training. PEOSH's compliance assistance and training staff conducted significant outreach to targeted high hazard agencies. In addition, PEOSH continues to be a leader in the realm of homeland security in New Jersey. PEOSH personnel continue to be key members of the emergency response community and have served in leadership roles in a number of local, state, and federal emergency response activities. This participation helps to ensure effective PEOSH integration into the emergency response community.

The FY 2013 FAME report included a total of two findings and two observations. Although one finding was completed, the finding related to staffing continues to be a concern. Enforcement staffing continues to be below allocated levels specifically on the safety side. PEOSH currently has nine of the 15 allocated safety compliance positions filled. Approval has been received from the governor and deputy commissioner to hire two more safety compliance positions which would increase the total safety compliance staff to 11 – still four positions short of the allocated number of 15.

This FY 2014 Follow-Up FAME Report includes two findings (one new). The new finding is related to excessive abatement periods for correcting violations. This finding was converted/elevated from an observation noted in last year's FAME report. This report also contains two observations (one new). These issues were noted in very few case files and involved inadequate abatement documentation and issues with Petition for Modification of Abatement (PMA).

### **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 (NJDLWD) in partnership with the Consumer Environmental Occupational Health Service (CEOHS) of the New Jersey

Department of Health (DOH). Harold J. Wirths is the commissioner who oversees the NJ State Plan which included two offices: a labor (safety) central office and a health central office – both located in Trenton, New Jersey. These offices cover all state and local government 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. 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 state and local government sector 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 2014.

<b>FY 2010-2014 Funding History</b>						
<b>FY</b>	<b>Federal Award (\$)</b>	<b>State Match (\$)</b>	<b>100% State Funds (\$)</b>	<b>Total Funding (\$)</b>	<b>% of State Contribution</b>	<b>Deobligated/ One-Time Only/Reclaimed Funds (\$)</b>
<b>2014</b>	\$1,912,800	\$1,912,800	\$824,156	\$4,649,756	58.9%	0/\$100,000/ \$162,300
<b>2013</b>	\$1,901,900	\$1,901,900	\$946,025	\$4,749,825	59.3%	0/0/0
<b>2012</b>	\$1,984,700	\$1,984,700	\$1,093,483	\$5,062,883	60.8%	0/99,890/0
<b>2011</b>	\$1,984,700	\$1,984,700	\$773,508	\$4,742,908	58.2%	0/284,106/ 259,342
<b>2010</b>	\$1,895,800	\$1,895,800	\$1,462,924	\$5,254,524	57.9%	NA

The table below shows the number of full-time and part-time staff as of August 15, 2014.

<b>FY 2014 Staffing</b>					
<b>23(g) Grant Positions</b>	<b>Allocated FTE* Funded 50/50</b>	<b>Allocated FTE 100% State Funded</b>	<b>Total</b>	<b>50/50 Funded FTE On Board as of 08/15/14</b>	<b>100% State Funded FTE On Board as of 08/15/14</b>
<b>Managers/Supervisors (Administrative)</b>	0.90	0.29	1.19	0.80	0.19
<b>First Line Supervisors (Program)</b>	3.64	0.93	4.57	3.64	0.93
<b>Safety Compliance Officers</b>	9.66	5.34	15.00	6.66	2.34

<b>Health Compliance Officers</b>	5.50	0.00	5.50	5.50	0.00
<b>Public Sector Safety Consultants</b>	1.12	0.88	2.00	0.37	0.13
<b>Public Sector Health Consultants</b>	1.50	0.00	1.50	1.00	0.00
<b>Compliance Assistance Specialist</b>	0.74	0.26	1.00	0.74	0.26
<b>Trainers</b>	2.48	0.52	3.00	2.48	0.52
<b>Clerical</b>	5.18	2.18	7.36	3.90	0.90
<b>Total 23(g) FTE</b>	<b>30.72</b>	<b>10.40</b>	<b>41.12</b>	<b>25.09</b>	<b>5.27</b>

\*Full-Time Equivalent

### C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year and as such, OSHA was not required to perform an on-site evaluation and case file review. However, the FY 2013 FAME report included a total of two findings and two observations; as such, a sample of case files were selected and reviewed to determine if these were isolated instances or if this represented a trend that required further action.

The Regional State Plan Manager conducted an onsite evaluation at PEOSH's office in Trenton, New Jersey on January 22, 2015. The evaluation period covered the 3<sup>rd</sup> and 4<sup>th</sup> quarters of FY 2014 (April 1, 2014 through September 30, 2014). Case files were selected from a micro-to-host report and included safety and health inspections with violations. The micro-to-host report produced a total of 136 inspections during that time period. One hundred and twenty-four (124) were closed. Case files reviewed totaled 19 and were broken down as follows:

- Safety – 17
- Health - 2

### D. Findings and Observations

The FY 2014 Follow-Up FAME identifies two findings and two observations. One finding and one observation are new. One observation was continued, and one observation was converted to a finding from last year's FAME. Appendix A describes new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring. Appendix C describes the status of each FY 2013 recommendation in detail.

The FY 2013 FAME included two findings and two observations. OSHA determined that PEOSH completed the necessary corrective action for one finding and it is considered completed. One of the two observations will be continued for further monitoring, and the other observation has been converted to a finding.

### Completed FY 2013 Findings/Recommendations

**Notification to Complainant** (Completed by PEOSH): The required complaint letters and/or documentation were placed in the case files. All activity regarding complainant notification is listed on the activity/diary sheet.

### FY 2014 Findings

Staffing continues to be a concern with multiple vacancies within PEOSH. The FY 2014 allocated staffing level for PEOSH is 41 employees (currently there are 30 FTEs onboard).

### New Issue/Finding Identified

Abatement periods established for correction of violations were found to be excessive in ten of the 19 (52%) of the case files reviewed. It was frequently found that 30 day abatement periods were assigned for violations that should be able to be abated immediately or within one to two business days. Some examples of excessive abatement periods during this review included: 30 days for blocked exits, 30 days to secure a ladder, and 30 days for a blocked eyewash. It should be noted that PEOSH conducts follow-up inspections regardless of whether acceptable abatement certification is received from employers.

### FY 2014 Observations

One of the observations noted in the FY 2013 FAME report is being carried over and one observation is new for FY 2014. The new observation involves issues with the timing to grant PMAs. There were three cases reviewed with PMAs in which it appeared that the PMAs were granted after abatement dates and with missing elements. Information provided by PEOSH that contradicts this observation was not available in the case files selected and reviewed; therefore, OSHA will continue this observation for further monitoring.

## **II. Assessment of State Plan Performance**

### **A. Major New Issues**

#### **Complaints About State Program Administration (CASPs)**

There was one CASPA received late in FY 2014. The nature of the allegations has to do with lack of staffing and federal funds designated to fill vacant positions have been possibly diverted to other purposes and/or returned to the federal government. A response has been received from the State of New Jersey; however, based on their response OSHA's Regional Office is further investigating the allegations. OSHA's response is pending.

#### **Significant Legislative/Programmatic Changes**

New Jersey PEOSH will be amending its Recording and Reporting of Occupational Injuries and Illnesses requirements to reflect the newly amended federal standard (29 CFR 1904). The New

Jersey PEOSH requirement for all New Jersey state and local government sector employers, including those on the OSHA non-mandatory 29CFR1910(b) Appendix A-Partially Exempt Industries, will be required to record and report all occupational injuries, illnesses, and fatalities in accordance with N.J.A.C. 12:110, Subchapter 5.

## **Workplace Violence**

As a result of the OSHA National Emphasis Program Nursing and Residential Care and Facilities, in conjunction with complaints and referrals pertaining to workplace violence, New Jersey PEOSH has issued several Orders to Comply enforcing the New Jersey Violence Prevention in Healthcare Facilities Act, N.J.S.A. 26:2H-5.17 to address the characteristic violent acts by patients against workers in these types of facilities.

## **Initiatives**

### **Safety**

In FY 2014, a series of training presentations entitled “PEOSH Fire Service Update” were offered to all New Jersey fire departments as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100-10 Firefighter Standards, hazards specific to firefighting, and the PEOSH On-Site Consultation and Training program. Thirteen sessions of the class were held at seven fire academies throughout the state to reach all geographic regions of New Jersey. Afternoon and evening sessions were held to accommodate both career and volunteer firefighters. In all, 190 firefighters attended the training. As the “Local Fire Protection” topic is one of PEOSH’s goals in the annual performance plan, these sessions have provided an excellent opportunity to promote cooperative services and have led to many PEOSH on-site consultations.

### **Health**

New Jersey Department of Health (DOH) PEOSH has provided technical assistance investigating health care acquired infectious legionella cases; as well as planning for the remediation, monitoring, and treatment of potable water systems in the associated facilities. New Jersey DOH PEOSH had seven cases in the spring in a variety of long-term care facilities which was a significant increase compared to previous years. New Jersey DOH PEOSH has also assisted in the investigation and technical assistance for travel-related legionellosis in New Jersey.

In response to recommendations by the National Transportation Safety Board (NTSB) to PEOSH after the November 2012 Conrail derailment in Paulsboro, NJ, PEOSH health staff have initiated an expansion of the Firefighter Local Emphasis Program (LEP) targeting emergency responder preparedness. Preliminary efforts have included collaboration with several state agencies including New Jersey State Police, and the Department of Environmental Protection to identify emergency responders near high risk chemical facilities and transportation corridors throughout the state. Inspections of fire departments in these high risk areas will be expanded to include

preparedness for potential hazardous material response support. Special outreach training efforts are being planned, in collaboration with other state agencies, for the regulated community.

**B. Assessment of State Plan Progress in Achieving Annual Performance Goals** (Source: FY 2014 APP and FY 2014 SOAR)

This section focuses on PEOSH’s progress toward meeting its targeted performance goals as outlined in the program’s FY 2014 Annual Performance Plan (APP). The APP consists of three fundamental goals to reduce workplace injuries, illness, and fatalities in New Jersey. PEOSH began its new Five-Year Strategic Plan in FY 2014 and as such, new baselines were established. Revisions from the previous Strategic Plan are reflected in the removal of Local Police Protection and the addition of Public Works Departments and Water and Sewage Treatment Facilities.

**Strategic Goal #1**

Improve workplace safety and health for all state and local government sector workers 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 2018 (1% per year).

Entities targeted under this emphasis area identified were:

- New Jersey Turnpike Authority (includes Garden State Parkway)
- South Jersey Transportation Authority (includes Atlantic City Expressway)
- South Jersey Port Corporation

The National Emphasis Program (NEP) associated with this performance goal is Highway Work Zone Safety.

Incidence rates <sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types, New Jersey, 2013							
		Total recordable cases					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2013	2014	2015	2016	2017	2018
Support activities for transportation	488	11.1	Not yet available				

<sup>1</sup> Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: (N/EH) x 200,000 where

N = number of injuries and illnesses  
 EH = total hours worked by all employees during the calendar year  
 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>2</sup> Totals include data for industries not shown separately.

<sup>3</sup> North American Industry Classification System -- United States, 2007.

<sup>4</sup> Data for the baseline was not available at the time of this report because Public Works Departments do not have a specific NAICS code and their injury and illness rates must be calculated using an alternate method.

SOURCE: N.J. Department of Labor & Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, December 04, 2014.

The baseline to be used is the 2013 NAICS 488 incidence rate of non-fatal occupational injuries and illnesses of 11.1 total recordable cases (NJDLWD, Office of Research and Information). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

During FY 2014, PEOSH conducted five inspections and two outreach training sessions. The compliance assistance specialist participated in quarterly meetings of the NJ Highway Work Zone Safety Partnership.

**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 2018 (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

The NEP associated with this performance goal is Nursing Homes Residential Care.

Incidence rates <sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types, New Jersey, 2013							
		Total recordable cases					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2013	2014	2015	2016	2017	2018
State government Nursing and residential care facilities	623	11.9	Not yet available				
Local government	623	14.0	“ “	“ ”	“ ”	“ ”	“ ”

<sup>1</sup>Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as (N/EH) x 200,000 where:

N = number of injuries and illnesses

EH = total hours worked by all workers during the calendar year

200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>2</sup>Totals include data for industries not shown separately.

<sup>3</sup>North American Industry Classification System -- United States, 2007

<sup>4</sup>Data for the baseline was not available at the time of this report because Public Works Departments do not have a specific NAICS code and their injury and illness rates must be calculated using an alternate method.

SOURCE: N.J. Department of Labor & Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, December 04, 2014.

The baseline used is the 2013 NAICS 623 incidence rates of non-fatal occupational injuries and illnesses of 11.9 total recordable cases for state government facilities and 14.0 for local government facilities (NJDLWD, Office of Research and Information). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

During FY 2014, PEOSH conducted 29 inspections and 19 outreach training sessions. Staff from the consultation program initiated an emphasis program to reduce the injuries and illnesses related to workplace violence and lifting (safe patient handling). Nursing and residential care 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.

The PEOSH Safety Training/Consultation Unit exhibited at the Healthcare Association of New Jersey’s (HCANJ) Annual Convention. This convention provided an opportunity to promote PEOSH cooperative services to state and local government sector nursing home administrators, directors of nursing and other high ranking officials.

**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 2018 (1% per year).

Incidence rates <sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types, New Jersey, 2013							
		Total recordable cases					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2013	2014	2015	2016	2017	2018
<b>Local government</b>							
Fire protection	92216	10.5	Not yet available				

<sup>1</sup> Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: (N/EH) x 200,000 where

N = number of injuries and illnesses

EH = total hours worked by all employees during the calendar year

200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>2</sup> Totals include data for industries not shown separately.

<sup>3</sup> *North American Industry Classification System* -- United States, 2007

<sup>4</sup> Data for the baseline was not available at the time of this report because Public Works Departments do not have a specific NAICS code and their injury and illness rates must be calculated using an alternate method.

SOURCE: N.J. Department of Labor & Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, December 04, 2014.

The baseline to be used is the 2013 NAICS 92216 incidence rate of non-fatal occupational injuries and illnesses of 10.5 total recordable cases (NJDLWD, Office of Research and Information). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

During FY 2014, PEOSH conducted 77 inspections, 15 consultation visits, 24 outreach training sessions, and distributed over 249 outreach materials.

PEOSH provided a series of training presentations entitled the “PEOSH Fire Service Update.” This training was offered to all New Jersey fire departments as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100-10 Firefighter Standards, hazards specific to firefighting, and the PEOSH On-Site Consultation and Training program. Thirteen sessions of the class were held at seven fire academies throughout the state to reach all

geographic regions of New Jersey. Afternoon and evening sessions were held to accommodate both career and volunteer firefighters. In all, 190 firefighters attended the training. As the “Local Fire Protection” topic is one of PEOSH’s goals in the annual performance plan, these sessions have provided an excellent opportunity to promote cooperative services resulting in many PEOSH on-site consultations.

**Performance Goal 1.4 – Public Works Departments**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5% by 2018 as follows (1% per year).

Data for the baseline was not available at the time this report because Public Works Departments do not have a specific NAICS code and their injury and illness rates must be calculated using an alternate method. The NEP associated with this performance goal is Highway Work Zone Safety and Trenching. During FY 2014, PEOSH conducted 170 inspections, eight consultation visits, and 59 outreach training sessions.

**Performance Goal 1.5 –Sewage Treatment Facilities (NAICS 221320)**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5 % by 2018 as follows (1% per year):

Incidence rates <sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types							
New Jersey, 2013							
		Total recordable cases					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2013	2014	2015	2016	2017	2018
<b>Local government</b>							
Water, sewage and other systems	2213	8.1	Not yet available				

<sup>1</sup> Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: (N/EH) x 200,000 where

N = number of injuries and illnesses  
 EH = total hours worked by all employees during the calendar year  
 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>2</sup> Totals include data for industries not shown separately.

<sup>3</sup> *North American Industry Classification System* -- United States, 2007

<sup>4</sup> Data for the baseline was not available at the time of this report because Public Works Departments do not have a specific NAICS code and their injury and illness rates must be calculated using an alternate method.

SOURCE: N.J. Department of Labor & Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, December 04, 2014.

The baseline to be used is the 2013 NAICS 221320 incidence rate of non-fatal occupational injuries and illnesses of 8.1 total recordable cases (NJDLWD, Office of Research and Information). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheavvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheavvy_index.html)).

During FY 2014, PEOSH conducted 51 inspections, 10 consultation visits, 35 outreach training sessions, and distributed 90 outreach materials. A presentation was provided to the New Jersey Utilities Association entitled “Occupational Safety in Water and Wastewater Facilities.” Thirty-one state and local government sector workers attended the training from various water

utilities throughout New Jersey. The facilities' most common safety hazards identified by PEOSH and the resources available from NJLWD to assist with compliance were discussed.

## **Strategic Goal #2**

To promote safety and health values in New Jersey's state and local government sector workplaces.

### **Performance Goal 2.1 – Worker Involvement**

All (100%) of PEOSH interventions (e.g., inspections, consultations, etc.) will include worker involvement (every year).

All (100%) of PEOSH interventions conducted in FY 2014 included worker involvement.

### **Performance Goal 2.2 – SHARP Award**

Award Safety and Health Achievement Recognition (e.g., SHARP, Inspection Deferral) to 20 worksites by the end of 2018 (four per year).

There are no state and local government sector SHARP facilities in NJ. There are three facilities being considered for SHARP renewal, and several additional facilities that are interested in the program which PEOSH plans to add in FY 2015. Although SHARP is discussed during each consultation visit, PEOSH did not reward any new worksites with SHARP recognition; therefore, this goal was not met.

### **Performance Goal 2.3 – Promote Safety and Health Management System**

All (100%) of PEOSH consultations will include site specific recommendations to improve the Safety and Health Program Management System in place at that facility.

In FY 2014, 100% of PEOSH consultations included site specific recommendations to improve the Safety and Health Program Management System in place at that facility.

### **Performance Goal 2.4 – Compliance Assistance for High Hazard Industry Organizations/Groups**

Perform compliance assistance interventions for high hazard industry organizations / groups specifically those named in Performance Goals 1.1, 1.2, 1.3, 1.4, and 1.5 (State Support for Transportation, Public Nursing Homes, Local Fire Protection, Public Works, and Water and Sewer). These interventions will focus on the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH cooperative services.

Eleven (11) specific interventions were conducted which reached 363 individuals in high hazard industry organizations / groups.

## **Strategic Goal #3**

Secure public confidence through excellence in the development and delivery of PEOSH programs and services.

### **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 2018. There were ten state and local government worker fatalities in FY 2014. All investigations were initiated within one day of notification which met this strategic goal.

### **Performance Goal 3.2A–Safety Complaints Received**

As stated in the Annual Plan, the NJDLWD planned to initiate 100% of safety complaint inspections within five working days of notification. During FY 2014, NJ PEOSH received 53 formal complaints. One hundred percent (100%) of the FY 2014 complaint investigations were initiated within five days.

### **Performance Goal 3.2B –Health Complaints Received**

As stated in the APP, the NJDOH goal is to initiate 95% of non-IAQ/ sanitation complaint inspections within five working days of notification. For FY 2014, NJDOH/PEOSH received 27 non-IAQ/Sanitation complaints. Twenty-six (26) of the 27 (99%) inspections were initiated within five days (average 2.7 days, range 1-5 days). The NJDOH PEOSH Program received 90 IAQ and sanitation complaints in FY 2014.

### **Performance Goal 3.3 – Consultation Customer Satisfaction Surveys**

Each year, 90% of state and local government sector employers targeted through consultation visits rate the intervention as highly effective (score seven or higher on a scale of one through 10 on a customer satisfaction survey). NJDLWD PEOSH received four customer satisfaction surveys for initial consultation interventions. One hundred percent (100%) of the customer satisfaction surveys received rated the consultation interventions as highly effective. NJDOH PEOSH received 19 customer satisfaction surveys for initial consultation interventions. One hundred percent (100%) of the customer satisfaction surveys received rated the consultation interventions as highly effective.

### **Performance Goal 3.4 – Compliance Assistance Customer Satisfaction Surveys**

Every year, 90% of compliance assistance interventions (e.g., outreach, seminars, mass mailings, hazard bulletins, newsletters, etc.) conducted/distributed in the state and local government sector rated the intervention as highly effective.

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 representative 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).

## **C. Highlights from the State Activity Mandated Measures (SAMMs)**

(Source: Appendix D SAMM report 02-23-2015)

PEOSH conducted 899 inspections in FY 2014 which is 95% of the 945 inspection goal. Safety staff conducted 663 inspections (86% of the goal) and industrial hygiene staff conducted 236 inspections (135% of their goal). (SAMM #17)

### Complaints

PEOSH response time to complaints averaged 21.19 days. This response time is skewed due to the high number of indoor air quality (IAQ) complaints that were received by the NJDOH during the year. PEOSH's response to all non-IAQ complaints averaged less than five days which is acceptable. (SAMM #1)

The average number of days to initiate complaint investigations was 4.2 days which is above the reference of one day. This number is above average due to NJDOH phone/fax complaints not being entered during the 2<sup>nd</sup> quarter of FY 2014 in a timely manner. Phone/fax complaints are currently being initiated within the one day. (SAMM #2)

### Fatalities

One day response to fatalities was reported at 42%. (SAMM #21)

PEOSH reported ten fatalities and 100% one day response time for FY 2014. (FY 2014 SOAR) Data was entered incorrectly in three of the fatality inspections:

- One of the fatality inspections was entered twice and the response time of two days is the result of the employer requesting to delay the meeting for the opening conference by one day due to a predicted snow storm. Contact was made via phone the day PEOSH was notified.
- Two other fatalities were entered incorrectly into the NCR. Case file documentation shows that contact was made with the employer the same day of notification; however, the CSHO incorrectly entered the response date in the NCR.

### Citations/Notices of Violations

As in the past, PEOSH continues to be above the national average of 1.99 serious/willful/repeat violations per inspection. During FY 2014, PEOSH's average S/W/R was 4.9. Their average for other-than-serious violations per inspection was 3.06, also above the 1.22 national average. (SAMM #9a & #9b)

### Lapse Time

PEOSH's citations lapse time (the average number of calendar days from opening conference to citation issuance) for FY 2014 was calculated at 9.73 days for safety, well below the national average of 43.4 days. The lapse time for health was 43.5 days, also below the national average of 57.05 days. (SAMM # 23a & #23b)

### III. Assessment of State Plan Corrective Actions

Two findings and two observations were noted in the last year's FAME report. The State Plan completed one finding, and based on a sample of reviewed case files, OSHA determined that one of the two observations would continue to be monitored. The other observation was converted into a FY 2014 FAME finding.

#### **Finding 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.

#### **Status Finding 13-01:**

Required complaint letters and/or proper documentation will be placed into the case files. Also, all activity is now listed on the activity/diary sheet. OSHA considers this item to be completed.

#### **Finding 13-02:**

PEOSH's staffing level is allocated for 50 employees and currently there are 35 FTEs onboard. Twenty fall under enforcement, five are under consultation (23(g) state and local government sector only), four are compliance assistance specialist/trainers, and the remaining six are managers or administrative staff.

#### **Status Finding 13-02:**

PEOSH's staffing level is currently allocated for 41 employees, and currently there are 30 full-time FTEs onboard. Fifteen (15) positions fall under the enforcement category, two are under consultation (23(g) state and local government sector only), four are compliance assistance specialist/trainers, and the remaining nine are managers or administrative staff. Although PEOSH staffing falls short of its allocated staffing, progress is being made towards improving the staffing situation. LWD currently has nine of the 15 allocated safety compliance positions filled.

Approval has been received from the governor and deputy commissioner to hire two more safety compliance positions which would increase the total safety compliance staff to 11, four short of the allocated number of 15. Interviews are being conducted. OSHA considers this item to be open.

#### **Observation 13-OB-01:**

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, and 30 days to abate a fire door that would not open.

#### **Status Observation 13-OB-01:**

The Region converted this observation into a new finding.

**Observation 13-OB-02:**

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

**Status Observation 13-OB-02:**

In 26% of case files reviewed, five of the 19 files with violations issued lacked specific documentation as to how violations were corrected. This was evident in four safety files and one health file. OSHA is continuing this observation.

## Appendix A – New and Continued Findings and Recommendations

### FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report

FY 2014-#	Finding	Recommendation	FY 2013-# or FY 2013-OB-#
FY 2014-01	<p><i>Staffing:</i> PEOSH staffing level is allocated for 41 employees, currently there are 30 full-time equivalents (FTEs) onboard. Fifteen (15) fall under the enforcement category, two are under consultation (23(g) state and local government sector only), four are compliance assistance specialist/trainers, and the remaining nine are managers or administrative staff.</p>	PEOSH needs to evaluate their staffing to ensure they meet their strategic plan goals.	FY 2013-02
FY 2014-02	<p><i>Excessive Abatement:</i> Abatement periods established for correction of violations were found to be excessive in 52% (ten of 19) of the case files reviewed. Examples of excessive abatement periods included: 30 days for a blocked exit, 30 days to secure a ladder, and 30 days for blocked eyewash.</p>	Ensure appropriate time periods are established for all abatement.	FY 2013-OB-01

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report

Observation # FY 2014-OB-#	Observation# FY 2013-OB-#	Observation	Federal Monitoring Plan	Current Status
	FY 2013-OB-01	<i>Excessive Abatement:</i> Abatement periods established for correction of violations were found to be excessive in 42% (eight of 19) of the case files reviewed. Examples of excessive abatement periods included: 30 days for a blocked exit, 30 days to secure a ladder, and 30 days for blocked eyewash.		Converted to a Finding
FY 2014-OB-01	FY 2013-OB-02	<i>Inadequate Abatement Documentation:</i> In 26% of case files reviewed, five of the 19 files with violations issued lacked specific documentation as to how violations were corrected. This was evident in four safety files and one health file.	During next year's FAME, a sample of case files will be reviewed to determine if this reflects a trend.	Continued
FY 2014-OB-02		<i>Petition for Modification of Abatement (PMA):</i> Of the 17 safety case files reviewed, all three with PMAs showed issue with the time it took to grant the PMAs.	During next year's FAME, a sample of case files will be reviewed to determine if this reflects a trend.	New

**Appendix C - Status of FY 2013 Findings and Recommendations**  
**FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report**

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-01	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).	Required complaint letters and/or proper documentation will be placed into the case files. Also, all activity is now listed on the Activity/Diary sheet.	7/22/2014	Completed (September 30, 2014)
FY 2013-02	PEOSH staffing level is allocated for 50 employees, currently there are 35 FTEs onboard. Twenty fall under enforcement, five are under consultation (23(g) state and local government 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.	<p>PEOSH is taking steps to address these vacant positions as follows:</p> <ul style="list-style-type: none"> <li>• A priority list of vacant positions that fall under the 50/50 federal funding will be created.</li> <li>• This priority list will be sent to the Deputy Commissioner for hiring approval.</li> <li>• Once approval is received; recruitment, interviews, and selection for the vacant positions will begin.</li> </ul>	Not Completed	Open (September 30, 2014)

## Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report

### FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report

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OSHA is in the process of moving operations from a legacy data system (NCR) to a modern data system (OIS). During FY 2014, federal OSHA case files were captured on OIS, while most State Plan case files continued to be processed through NCR. New Jersey opened 899 enforcement inspections in FY 2014. Of those, 869 inspections were captured in NCR, while 30 were captured in OIS. The SAMM Report, which is native to IMIS (a system that generates reports from the NCR), is not able to access data in OIS. Additionally, certain algorithms within the two systems are not identical. These challenges impact OSHA's ability to combine the data. For FY14 we will use a format very similar to the one used for FY13. Below is an explanation of which data OSHA was able to use when calculating each metric.

- a. Measures 1 & 2 will use State Plan data for FY14 as captured in NCR and compared to the State Plan's negotiated number. Any State Plan data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR.
- b. Measures 20a-b, 23, and 24 will use State Plan data for FY14 as captured in NCR and compared to the historical FY2011 national average (FY09-11). Any State Plan data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR.
- c. Measures 5, 9, 11, 17, 19, 21, and 25 will use State Plan data for FY14 as tabulated manually to include both OIS and NCR data and compared to the fixed/negotiated/national numbers associated with them.
- d. Measures 13, 14 and 16 will be extracted from NCR (OIS conversion should not impact). National data will be pulled from WebIMIS for FY12-14.
- e. Measures 18a-e will use State Plan data for FY14 as captured in NCR. Any data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR. Much like FY13, no national data will be available for comparison.
- f. Measure 22 will be excluded from the report (other than as a placeholder to demonstrate that it is one of the agreed upon metrics, but not one we can currently generate).
- g. Measure 4 will use State Plan data for FY 14 as captured in NCR.

<b>U.S. Department of Labor</b>				
<b>Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)</b>				
<b>State Plan: New Jersey</b>			<b>FY 2014</b>	
SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	21.19	5 days Serious hazards/120 days Other than serious	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.

**Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report**  
**FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report**

<b>2</b>	Average number of work days to initiate complaint investigations	4.2	1	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
<b>4</b>	Percent of complaints and referrals responded to within 1 work day (imminent danger)	0.0%	100%	State Plan data taken directly from SAMM report generated through IMIS.
<b>5</b>	Number of denials where entry not obtained	0	0	State Plan data taken directly from SAMM report generated through IMIS and Open Inspection OIS report.
<b>9a</b>	Average number of violations per inspection with violations by violation type	4.9	SWR: 1.99	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS; national data was manually calculated from data pulled from both IMIS and OIS for Fiscal Years (FY) 2012-2014.
<b>9b</b>	Average number of violations per inspection with violations by violation type	3.06	Other: 1.22	
<b>11</b>	Percent of total inspections in the state and local government sector	100.00%	100.00%	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS. The reference/standard is derived from the FY 14 grant application.
<b>13</b>	Percent of 11c Investigations completed within 90 calendar days	57%	100%	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>14</b>	Percent of 11c complaints that are meritorious	28.57	24.8% meritorious	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>16</b>	Average number of calendar days to complete an 11c investigation	104.71	90 Days	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>17</b>	Planned vs. actual inspections - safety/health	663/236	720/175	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS; the reference standard number is taken from the FY 2014 grant application. The reference/standard is a negotiated number for each State Plan.

**Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report**  
**FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report**

<b>18a</b>	Average current serious penalty - 1 -25 Employees	0		State Plan data taken directly from SAMM report generated through IMIS.
<b>18b</b>	Average current serious penalty - 26-100 Employees	0		
<b>18c</b>	Average current serious penalty - 101-250 Employees	0		
<b>18d</b>	Average current serious penalty - 251+ Employees	0		
<b>18e</b>	Average current serious penalty - Total 1 - 250+ Employees	0		
<b>19</b>	Percent of enforcement presence	n/a	National Average 1.51%	Data is pulled and manually calculated based on FY 2014 data currently available in IMIS and County Business Pattern data pulled from the US Census Bureau.
<b>20a</b>	20a) Percent In Compliance – Safety	12.67	Safety - 29.1	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2014 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
<b>20b</b>	20b) Percent In Compliance – Health	36.69	Health - 34.1	
<b>21</b>	Percent of fatalities responded to in 1 work day	42%	100%	State Plan data is manually pulled directly from IMIS for FY 2013.
<b>22</b>	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	n/a		Data not available.
<b>23a</b>	Average Lapse Time - Safety	9.73	43.4	State Plan 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.
<b>23b</b>	Average Lapse Time - Health	43.5	57.05	
<b>24</b>	Percent penalty retained	0	66	State Plan 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.

**Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report**  
**FY 2014 New Jersey PEOSH State Plan Follow-up FAME Report**

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25	Percent of initial inspections with employee walk around representation or employee interview	100	100%	State Plan data taken from SAMM report generated through IMIS and the Inspection where Workers Involved report generated in OIS.
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