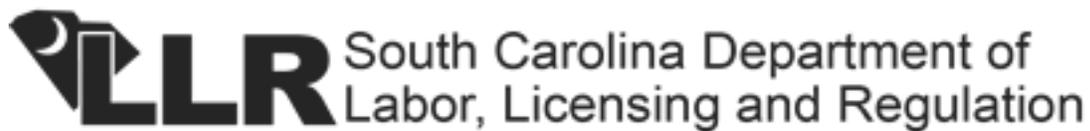


FY 2014 Follow-Up Federal Annual Monitoring and Evaluation (FAME) Report

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this report is to assess the South Carolina Occupational Safety and Health (SCOSH) program's activities for Fiscal Year (FY) 2014 and its progress in resolving outstanding findings and observations identified in the FY 2013 FAME Report. This report was prepared under the direction of Kurt A. Petermeyer, Regional Administrator, Region IV, Atlanta, Georgia, and covers the period of October 1, 2013, through September 30, 2014. The SCOSH program is administered by the South Carolina Department of Labor, Licensing, and Regulation (LLR); Office of Occupational Safety and Health.

Observation FY-2013-OB-2 and Finding FY-2013-07 are still awaiting final adoption by the South Carolina State Legislation, which will convene on or around April 1, 2015. There is expectation that adoption of both Title 71 – Article 1, Sub Article 6, which includes the adoption of a written Fall Protection Plan for Residential Construction, and the Whistleblower Manual will be completed. SCOSH does not anticipate a challenge to either issue. In addition, OSHA determined that one finding from the FY 2013 FAME Report should be continued for further monitoring. Finding FY 2013-05 will remain open until verification can be made in the FY 2015 FAME assessment to ensure that documents relating to informal conference meeting are now maintained in the case files. The FY 2014 FAME Report contains no new findings or observations.

Lastly, SCOSH's ability to continue the positive trend of accomplishing its strategic goals may be a concern due to financial limitations. The struggle to maintain a highly skilled and experienced staff may be compromised due to budget constraints, and SCOSH may be forced to eliminate positive and industry-required safety and health programs.

B. State Plan Introduction

The SCOSH State Plan was one of the first programs approved by the U. S. Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of state government, and the LLR was created. During this review period, Ms. Holly G. Pisarik served as the director of LLR, the official designated to administer the State Plan. Ms. Pisarik previously served as LLR's chief advice counsel. LLR is divided into three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The Office of OSHA within the Division of Labor is responsible for management and operation of the State Plan. Ms. Dottie Ison remains in the position as administrator for the SCOSH program.

Since a reorganization of SCOSH in 2006, the OSHA administrator has been over the Office of Voluntary Programs (OVP), as well as: Training; Safety and Health Compliance; Technical Support and Standards; Integrated Management Information System (IMIS); and the South Carolina Bureau of Labor Statistics. South Carolina's Office of Technical Support and Standards provides information and assistance to the public to assist them in complying with

their standards. That office also supports the compliance program with enforcement by providing guidance for internal and external use. In addition, the office reviews new OSHA standards and directives to determine whether they should be adopted by South Carolina. An informal conference hearing officer reports directly to the OSH administrator. In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities, and coverage as the private sector, and these activities are handled by the same staff as for the private sector. Private sector onsite consultative services are provided through a 21(d) grant administered by OVP. The private sector worker population in South Carolina consists of approximately 114,115 establishments and 1,511,940 workers. The state's public sector workforce consists of approximately 2,726 establishments and 302,439 workers.

A compliance manager supervises the Offices of Safety and Health Compliance, as well as the individuals responsible for complaint processing and inspection assignments. SCOSH categorizes inspectors as safety-construction, safety-general industry, and health, with one supervisor over each of the three teams of inspectors. South Carolina's inspectors all work out of their homes and routinely come in to the office on Mondays and Fridays to receive assignments, turn in reports, meet with supervisors, and conduct research. The three compliance supervisors also work out of their homes, with one of them being on duty in the office each week. Assignments to inspectors are centralized, with one individual in the office making all inspection assignments, with input from the supervisors and inspectors, if needed. Since 1986, South Carolina has maintained a benchmark of 17 safety and 12 health compliance officer positions. The tables below show funding levels and the number of full-time and part-time staff at the end of FY 2014.

FY 2010-2014 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2014	1,788,902	1,788,902	-	3,577,804	50%
2013	1,734,200	1,734,200	-	3,468,400	50%
2012	1,734,200	1,734,200	-	3,468,400	50%
2011	1,734,200	1,734,200	-	3,468,400	50%
2010	1,734,200	1,734,200	-	3,468,400	50%

FY 2014 Staffing					
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Plan Funded	Total	50/50 Funded FTE on Board as of 09/30/14	100% State Plan Funded FTE on Board as of 09/30/14
Managers/ Supervisors (Administrative)	3.35		3.35	3.35	
First-Line Supervisors (Program)	8.0		8.0	8.0	

Safety Compliance Officers	16.00		16.00	14.00	
Health Compliance Officers	8.00		8.00	8.00	
Public Sector Safety Consultants	0.80		0.80	0.70	
Public Sector Health Consultants	0.40		0.40	0.30	
Compliance Assistance Specialists	1.80		1.80	1.60	
Clerical	8.10		8.10	8.10	
Other (<i>all positions not counted elsewhere</i>)	0.91		0.91	0.91	
Total 23(g) FTEs	47.36		47.36	43.96	

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This was the follow-up year, and as such, OSHA was not required to perform an onsite evaluation and case file review. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

OSHA’s report on the operation and performance of the SCOSH program was based upon compilation of information gained from South Carolina’s State OSHA Annual Report for FY 2014; the State Indicator Report for FY 2014; federal and state meetings; and verbal and electronic communications between state and federal offices, as well as regional and national personnel. Included in the review of data were reports from the South Carolina OSHA Redesign and Enhancement (SCORE) Information System (OSHA Express and other requested reports of inspection, statistical reports, and consultation reports, etc.) and the FY 2014 State Activity Mandated Measures (SAMM) Report from IMIS.

The state’s adoption and use of the SCORE Information System, along with the federal transfer from IMIS to the web-based OSHA Information System (OIS), continues to challenge the accuracy of collected data used to track, verify, and confirm inspection, consultation, and other required statistical information.

D. Findings and Observations:

Last year's FAME Report included nine findings and four observations. During the FY 2014 performance period, OSHA determined that SCOSH took the corrective actions necessary to properly address eight of the nine findings, as well as all four observations.

Finding FY 2013-05 will remain opening until verification can be made in the FY 2015 FAME assessment to ensure that documents relating to informal conference meetings are now maintained in the case files. As previously mentioned, Observation FY-13-OB-2 and Finding FY-13-07 are still awaiting final adoption by the South Carolina State Legislation convening on or around April 1, 2015. There is expectation that adoption of both Title 71 – Article 1, Sub Article 6, which includes the adoption of a written Fall Protection Plan for Residential Construction, and the Whistleblower Manual will be completed without challenge to either issue.

No new findings or observations were identified during this follow-up evaluation.

II. Assessment of State Plan Performance

A. Major New Issues

As stated earlier, during the review period, Ms. Holly G. Pisarik was the director of LLR. However, on December 8, 2014, Ms. Richele Taylor was appointed director of LLR by Governor Nikki Haley. Ms. Taylor, a labor attorney prior to her appointment, has already shown a supportive and educated understanding of OSHA and the importance of our mission. Ms. Taylor was confirmed as director by the State Senate on February 12, 2015.

Also, on a positive note, Ms. Kristina Baker has been appointed by the director of LLR as the chief labor counsel for the Division of Labor. Ms. Baker will be working with OSHA, Elevators and Amusement, Immigration Compliance, and Wages and Child Labor.

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

FY 2014 was the third year of the State Plan's current Five-Year Strategic Performance Plan. Seen as a productive year for SCOSH, South Carolina met all but one of its strategic goals set in FY 2013 and boasted strides in accomplishing many internal goals (e.g., revising manuals, implementing an internal audit procedure, and developing and updating internal policies).

SCOSH's ability to continue this positive trend of accomplishing strategic goals, however, may be a concern due to financial limitations. For the past three years, SCOSH has experienced serious budget cuts and budget restrictions, resulting in manpower retention problems. Currently, SCOSH's struggle to maintain a highly skilled and experienced staff may be compromised due to insufficient funding. Future industry growth projected in South Carolina over the next five years will find SCOSH struggling to maintain the high level of assistance and outreach they have been providing South Carolina businesses for the past three years.

In addition, enforcement responsibilities may be compromised as SCOSH’s ability to maintain a strong and skilled enforcement division will be hampered by budget constraints. The assessment is not that SCOSH fails to meet set goals, but rather an acknowledgement that SCOSH will likely have to refocus strategic goals to reflect the reality of the budgetary climate. SCOSH may be forced to eliminate positive and industry-required safety and health programs.

GOAL 1: Improve and Ensure Workplace Safety and Health.

South Carolina indicators related to workplace safety and health inspections include the following:

Five-Year Strategic Goals	Annual Performance Goals	Outcome	Comments
Reduce the overall injury and illness rate [total recordable case (TRC) rate] in manufacturing by 10%.	Reduce the overall injury and illness rate (TRC rate) in manufacturing by 2% each year (October 1 thru September 30).	EXCEEDED	The TRC baseline rate for manufacturing was 4.0. The goal for FY 2014 was 3.6. According to the 2013 Bureau of Labor Statistics (BLS) Survey Report, the TRC rate for manufacturing in South Carolina is 3.1.
Initiate inspections of fatalities and catastrophes within one working day of notification for 95% of occurrences to prevent further injuries and death.	Initiate inspections of fatalities and catastrophes within one working day of notification for 95% of occurrences to prevent further injuries and death.	EXCEEDED	Ninety-eight percent of the fatalities were opened within one working day of notification.
Reduce the overall injury and illness rate (TRC rate) in construction by 10%.	Reduce the injury and illness (TRC rate) in construction by 2% each year (October 1 thru September 30).	EXCEEDED	The TRC baseline rate for construction was 2.6. Our goal for FY 2014 was a rate of 2.5. According to the 2013 BLS data, the TRC rate for construction was 2.4.
Provide timely responses to formal complainants by reducing the notification time for	Provide timely responses to formal complainants by reducing the notification time for	EXCEEDED	Complainants were notified of inspection results within 20 days of closing the inspection 96% of the

inspection results to 20 days for 95% of formal complaints that are inspected.	inspection results to 20 days for 95% of formal complaints that are inspected.		time.
Initiate investigations of 98% of formal complaints within seven workdays.	Initiate investigations of 98% of formal complaints within seven workdays.	DID NOT MEET	For 2014, an average of 86% of formal complaints were initially investigated within seven workdays.
Ensure worker protection by obtaining 95% of warrants in a timely manner (within 10 workdays of refusal).	Ensure worker protection by obtaining 95% of warrants in a timely manner (within 10 workdays of refusal).	MET	Eleven companies denied entry during the year. Eleven warrants were obtained in a timely manner.

GOAL 2: Promote a Culture of Safety and Health.

Five-Year Strategic Goals	Annual Performance Goals	Outcome	Comments
Fifty percent of employers who receive a 21(d) visit will either implement an effective safety and health program or improve their existing program.	Fifty percent of employers who receive a 21(d) visit will either implement an effective safety and health program or improve their existing program.	EXCEEDED	Ninety-seven percent of the employers that requested a 21(d) visit implemented or improved their safety and health programs.
Fifty percent of high-hazard employers who requested an informal conference will develop and implement systems to address specific safety and health issues.	Fifty percent of high-hazard employers who requested an informal conference will develop and implement systems to address specific safety and health issues.	EXCEEDED	Eighty-eight percent of high-hazard employers that requested an informal conference entered into an informal settlement agreement.

C. Highlights from the State Activity Mandated Measures (SAMM)

Data from the FY 2014 SAMM Report shows that 978 inspections were conducted, resulting in 1,710 violations being cited. Seventy-six percent of the citations issued were serious in nature. Three repeat violations were also issued, and 19% were classified as other-than-serious.

Twenty-two fatality inspections were conducted in FY 2014, indicating there is no substantial change in fatality statistics from the FY 2013 FAME Report.

III. Assessment of State Plan Corrective Actions

Nine findings and four observations were noted in the FY 2013 FAME Report. SCOSH successfully completed corrective actions to properly address eight of the nine findings. OSHA will continue to monitor one finding and have it validated in FY 2015. SCOSH has closed all of the four previous observations.

Findings

Finding FY 2013-01: South Carolina did not conduct programmed health inspections in the construction industry.

Recommendation: Evaluate and establish a formal, written policy for targeting health-related hazards in the construction industry.

Status – Completed. SCOSH is in the process of hiring three additional industrial hygienists to fill current vacancies, thus providing the resources needed to target health-related hazards in construction. In the interim, SCOSH has developed a written policy establishing SCOSH training requirements and a referral process that safety enforcement personnel will be required to use. Training of all safety enforcement CSHOs on identification of health-related construction hazards, desired/required documentation of these hazards (e.g., pull tubes, noise meters...), and the submittal of CSHO referrals to ensure maximum use has been provided.

Finding FY 2013-02 (formerly Finding FY 2012-01): Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.

Recommendation: SCOSH should provide additional training to both CSHOs and supervisory staff on Chapter IV, Section B of the SC Field Operations Manual (FOM) to ensure compliance with current guidelines and continuity of classification.

Status – Completed. Training was provided to both SCOSH enforcement staff and management.

Finding FY 2013-03: Case files reviewed did not comply with SCOSH's Operational Policy, Immediate Abatement Penalty Reduction (IAPR), Section C, dated April 30, 2013, which requires verification through documentation, such as photographs or file narratives, that permanent hazard abatement was obtained and/or observed at the time of the inspection.

Recommendation: Instruct and emphasize to both enforcement officers and supervisors SCOSH's policy on IAPR documentation requirements and acceptable means of permanent abatement.

Status – Completed. Reviewed SCOSH’s policy with managers and enforcement personnel.

Finding FY 2013-04: The State Plan did not ensure that good-faith penalty reductions conformed to the criteria established in the SC FOM, Chapter 6.

Recommendation: Recommend SCOSH review the established guidelines to determine how to affect adherence to the established criteria.

Status – Completed. Retraining of SCOSH managers and enforcement personnel on good faith penalty reductions, as established in SCOSH FOM, Chapter 6, has been completed.

Finding FY 2013-05: The State Plan did not comply with SCOSH Operational Policy, OP-002-10 by maintaining all supportive facts in each case file.

Recommendation: All supportive documentation/facts used to justify actions taken to render a settlement agreement are to be maintained in the appropriate case file.

Status – Open. Documentation currently being maintained strictly in OSHA Express relating to informal conferences will now also be made available (maintained in current case files) for audit requirements. No review or audit of current FY 2014 case files was performed. Will validate during FY 2015 audit.

Finding FY 2013-06: SCOSH has not established a written policy setting guidelines and criteria for the automatic 50% reduction in penalty afforded to employers telephonically requesting a penalty reduction only.

Recommendation: Revise the current SCOSH informal conference policy to include the guidelines and criteria to be used to qualify companies and authorizing a 50% reduction in penalty without an informal conference.

Status - Completed. The informal conference memorandum has been revised to include a section for checking the ineligibility log and the database for employer history. Employers who did not complete some portion of a prior informal settlement agreement are/were entered into the ineligibility log for two years. Employers are evaluated based on recent history of informal conferences. Telephonic requests(s) for penalty reduction will follow the policy of documentation checks for eligibility.

Finding FY 2013-07: The State Plan’s Whistleblower Investigation Manual has not been approved.

Recommendation: Finalize and implement the manual.

Status – Completed. Chief Attorney, Ms. Christina Baker, has reviewed and approved the Whistleblower Investigation Manual.

Finding FY 2013-08: Compliance manager or enforcement officers designated to perform discriminating investigations have not received training on the basic Whistleblower statutes.

Recommendation: Recommend the state develop and implement a formal training program to which manager(s) and enforcement officers delegated to perform 11(c) investigations attend.

Status – Completed. Investigators have been appointed during FY 2014. The development of a training program for newly appointed 11(c) investigators and managers has been implemented. Three 11(c) investigators were provided both OTI training and in-house training. One of the three 11(c) investigators has left, and SCOSH is currently projecting a minimum of one additional CSHOs being designated an 11(c) investigator. Both the new chief labor counsel and

the appointed compliance officer will attend OTI training.

Finding FY 2013-09: The South Carolina Palmetto Star Policies and Procedures Manual did not address enforcement activities at the VPP sites.

Recommendation: Recommend that CSP-03-01-003 (VPP Policies and Procedures Manual), Chapter VIII, dated May 29, 2013, or similar language; be incorporated into the South Carolina Palmetto Star Policies and Procedures Manual.

Status – Completed. SCOSH has added to its VPP procedures similar language to Chapter VIII addressing how enforcement activities will be addressed with SCOSH/OVP.

Observations

Observation FY 2013 OB-1: Several of the fatality case files reviewed did not provide evidence that a final NOK letter was sent to the families at the completion of the investigation and/or settlement process.

Status – Completed. Procedures are in place to review case files to ensure NOK letters are sent as required upon completion of the investigation. (NOTE: The requirement to send a letter after settlement of the case is not mandated by the State Plan.)

Observation FY 2013 OB-2: SCOSH standards and enforcement program for fall protection in residential construction is not identical to OSHA's policy and requires additional monitoring and review.

Status – Completed. The Fall Protection Standard in Residential Construction has been adopted and is identical to the federal standard with one exception. The requirement for a written fall protection plan has not been finalized but is expected to be adopted on April, 1, 2015.

Observation FY 2013 OB-3: The VPP incentive program evaluations conducted during onsite visits were not properly documented in the VPP reports.

Status – Completed. SCOSH has added documentation to reports, as well as continued to document it in the file notes.

Observation FY 2013 OB-4: The State Plan has not established a written policy which clearly addresses the policies and procedures regarding both the initial and technical training of its compliance staff, as outlined in OSHA's TED-01-00-018.

Status - Completed. All newly hired compliance officers will attend the OTI Initial Course. All other required courses will be provided within SCOSH. Documentation and verification of training in accordance with the TED will be maintained.

Appendix A – New and Continued Findings and Recommendations

FY 2014 South Carolina Follow-Up FAME Report

FY 2014-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2014 - 01	The State Plan did not comply with SCOSH Operational Policy: OP-002-10 by maintaining all supportive facts in each case file	All Supportive documentation/facts used to justify actions taken to render a settlement agreement are to be maintained in the appropriate case file	Awaiting Verification FY 2013-05

No new findings have been noted in FY 2014.

Appendix B – Observations Subject to New and Continued Monitoring

FY 2014 South Carolina Follow-Up FAME Report

Observation # FY 2014-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
	FY13-OB-1	Several of the fatality case files reviewed did not provide evidence that a final NOK letter was sent to the families at the completion of the investigation and/or settlement process	Procedures are in place to review case files to ensure NOK letters are sent as required upon completion of the investigation. (NOTE: The requirement to send a letter after settlement of the case is not mandated by the State.)	CLOSED
	FY13-OB-2	SCOSH standards and enforcement program for fall protection in residential construction is not identical to OSHA's policy and required additional monitoring and review.	The Fall Protection in Residential Construction has been adopted identical to the federal standard with one exception. The requirement for a written fall protection plan has not been yet implemented. Upon approval by State Legislation on April 1, 2015 it will be enforceable.	CLOSED
	FY13-OB-3	The VPP incentive program evaluations conducted during onsite visits were not properly documented in the VPP reports.	SCOSH has added documentation to reports as well as continuing to document it in the file notes.	CLOSED
	FY13-OB-4	The State has not established a written policy which clearly addresses the policies and procedures regarding both the initial and technical training of its compliance staff, as outlined in the OSHA's TED-01—00-018	All newly hired compliance officers will attend the OTI Initial Course. All other required courses will be provided within SCOSH. Documentation and verification of training in accordance with the TED will be maintained.	CLOSED

No new or continued observations have been noted in FY 2014.

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 South Carolina Follow-Up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
Finding FY 2013-01	South Carolina did not conduct programmed health inspections in the construction industry.	Evaluate and establish a formal, written policy for targeting health-related hazards in the construction industry.	<p>SCOSH is in the process of hiring three additional Industrial Hygienists to fill current vacancies thus providing the resources needed to target health-related hazards in construction.</p> <p>In the interim, SCOSH has developed a written policy establishing SCOSH training requirements and referral process that safety enforcement personnel to be used. Training of all safety CSHOs on identification of health-related construction hazards, desired/required documentation of these hazards (e.g., pull tubes, noise meters...) and the submittal of CSHO referrals to ensure maximum use has been provided.</p>	September 30, 2014	CLOSED
Finding FY 2013-02 (formerly Finding FY 2012-01)	Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.	Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.	Training provided to both SCOSH enforcement staff and managers.	September 30, 2014	CLOSED
Finding FY 2013-03	Case files reviewed did not comply with SCOSH's Operational Policy, Immediate Abatement Penalty Reduction (IAPR), Section C, dated April 30, 2013, which requires verification through documentation, such as	Instruct and emphasize to both enforcement officers and supervisors SCOSH's policy on IAPR documentation requirements and acceptable means of permanent abatement.	Review SCOSH's policy with managers and enforcement personnel.	September 30, 2014	CLOSED

Appendix C - Status of FY 2013 Findings and Recommendations
 FY 2014 South Carolina Follow-Up FAME Report

	photographs or file narratives, that permanent hazard abatement was obtained and/or observed at the time of the inspection.				
Finding FY 2013-04	The State Plan did not ensure that good-faith penalty reductions conformed to the criteria established in the SC FOM, Chapter 6.	Recommend SCOSH review the established guidelines to determine how to affect adherence to the established criteria.	Retraining of SCOSH managers and enforcement personnel on good faith penalty reductions as established in SCOSH FOM, Chapter 6 has been completed.	September 30, 2014	CLOSED
Finding FY 2013-06	SCOSH has not established a written policy setting guidelines and criteria for the automatic 50% reduction in penalty afforded to employers telephonically requesting a penalty reduction only.	Revise the current SCOSH informal conference policy to include the guidelines and criteria to be used to qualify companies and authorizing a 50% reduction in penalty without an informal conference.	The informal conference memorandum has been revised to include a section for checking the ineligibility log and the database for employer history. Employers who did not complete some portion of a prior informal settlement agreement are/were entered into the ineligibility log for two years. Employers are evaluated based on recent history of informal conferences. Telephonic request(s) for penalty reduction will follow the policy of documentation checks for eligibility.	October 1, 2014	CLOSED
Finding FY 2013-07	The State Plan's Whistleblower Investigation Manual has not been approved.	Finalize and implement the manual.	Chief Attorney has reviewed and approved the Whistleblower Investigation Manual.	October 1, 2014	CLOSED

Appendix C - Status of FY 2013 Findings and Recommendations
 FY 2014 South Carolina Follow-Up FAME Report

Finding FY 2013-08	Compliance manager or enforcement officers designated to perform discriminating investigations have not received training on the basic Whistleblower Statutes.	Recommend the State Plan develop and implement a formal training program to which manager(s) and enforcement officers, delegated to perform 11(c) investigations attend.	Investigators have been appointed during FY 2014. The development of a training program for newly appointed 11(c) investigators and managers has been implemented. Three 11(c) investigators were provided both OTI training and in-house training. One of the three 11(c) investigators has left and SCOSH is currently projecting a minimum of 1 additional CSHOs being designated an 11(c) investigator. Both the new Chief Labor Counsel and the appointed compliance officer will attend OTI training.	February 2015	CLOSED
Finding 13-09	The Palmetto Star policies and procedures manual did not address enforcement activities at the VPP sites.	Recommend that CSP-03-01-003 (VPP Policies and Procedures Manual), chapter VIII or similar language be incorporated into the South Carolina Palmetto Star Policies and Procedures Manual.	SCOSH has revised its VPP procedures to include similar language to Chapter VIII addressing how enforcement activities with SCOSHA/OVP.	October 1, 2014	CLOSED

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

FY 2014 South Carolina Follow-Up FAME Report

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. South Carolina opened 977 enforcement inspections in FY 2014. Of those, 977 inspections were captured in NCR, while 0 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.

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

FY 2014 South Carolina Follow-Up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Activity Mandated Measures (SAMMs)				
State: South Carolina			FY 2014	
SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	11.62	(Negotiated fixed number for each state) - 7	State data taken directly from SAMM Report generated through IMIS.
2	Average number of work days to initiate complaint investigations	.83	(Negotiated fixed number for each state) - 5	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	2	0	State data taken directly from SAMM Report generated through IMIS.
9a	Average number of violations per inspection with violations by violation type	2.25	SWR: 1.8	State data taken directly from SAMM Report generated through IMIS; national data was manually calculated from data pulled from both IMIS and OIS for Fiscal Years (FY) 2011-2013.
9b	Average number of violations per inspection with violations by violation type	0.72	Other: 1.5	
11	Percent of total inspections in the public sector	2.25	(Negotiated fixed number for each state) - 3%	State data taken directly from SAMM Report generated through IMIS.
13	Percent of 11c Investigations completed within 90 calendar days	4.67 SCOSH	100%	State data taken directly from SAMM Report generated through IMIS.

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

FY 2014 South Carolina Follow-Up FAME Report

14	Percent of 11c complaints that are meritorious	2 SCOSH	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	89.93	90 Days	State data taken directly from SAMM Report generated through IMIS.
17	Planned vs. actual inspections - safety/health	839/138	(Negotiated fixed number for each state) - 1568/155	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	a. 366.35		State data taken directly from SAMM Report generated through IMIS; national data is not available.
18b	Average current serious penalty - 26-100 Employees	b. 620.00		
18c	Average current serious penalty - 101-250 Employees	c. 861.96		
18d	Average current serious penalty - 251+ Employees	d. 1326.24		
18e	Average current serious penalty - Total 1 - 250+ Employees	e. 793.64		
19	Percent of enforcement presence	1.56%	National Average 1.5%	Data is pulled and manually calculated based on FY 2013 data currently available in IMIS and County Business Pattern data pulled from the US Census Bureau.
20a	20a) Percent In Compliance – Safety	Safety – 47.66	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 – 48.15	Health - 34.1	

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

FY 2014 South Carolina Follow-Up FAME Report

21	Percent of fatalities responded to in 1 work day	92%	100%	State data is manually pulled directly from IMIS for FY 2013
22	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	9 SCOSH		Data not available
23a	Average Lapse Time - Safety	46.12	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	57.89	57.05	
24	Percent penalty retained	72.18	66	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.
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.