

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

**TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT,
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The Fiscal Year (FY) 2014 FAME Report is a follow-up FAME Report. This report is focused on the Tennessee Department of Labor and Workforce Development, Tennessee Occupational Safety and Health Administration's (TOSHA's) progress in making corrections in response to observations contained in the FY 2013 FAME Report. In addition, this report is based on the results of quarterly onsite monitoring visits, the State Office Annual Report (SOAR) for FY 2014, and the State Activity Mandated Measures (SAMM) Report ending September 30, 2014. A review of the SAMM data for FY 2014 indicated that TOSHA generally met or exceeded federal activity results.

TOSHA conducted 1,528 workplace inspections during FY 2014, falling short of their goal of 1,856, which is 183 fewer than the total number of inspections conducted in FY 2013. TOSHA identified 6,303 hazards, resulting in a penalty of \$2,029,000. This matter is discussed in further detail in Section II of the report.

TOSHA investigated 24 fatalities in FY 2014. Fatalities declined from 27 in FY 2013 to 24 in FY 2014, a decrease of 11.1% from FY 2013. The number of workplace fatalities in FY 2012 was 28. Fatality figures for FY 2014 show that the 18 general industry deaths were an increase from 12; however, construction deaths decreased by 50%, from 10 to five from 2013 to 2014, respectively. Manufacturing had the highest number of work-related deaths with nine, equaling last year's total, followed by construction. Public sector deaths decreased from two in FY 2013 to one in FY 2014, and there were no reported fatalities in agriculture and forestry, which decreased from three in FY 2013. The leading cause of work-related fatalities in FY 2014 was struck-by events with eight. Seven workers were crushed or caught in between objects, and four workers died in falls from elevations. Three workers died as a result of explosions or flash fires, one worker was electrocuted, and one worker died after his arm was amputated.

	FY 2012	FY 2013	FY 2014
Total Fatalities	28	27	24
Construction	9	10	5
General Industry	16	12	18
Agriculture	1	3	0
Public Sector	2	2	1

The State Plan has safety and health general industry targeting procedures and has adopted the OSHA Site-Specific Targeting (SST) procedures. In addition, to supplement the SST procedures, they have a general schedule program in which they use data provided by OSHA's National Office to create a general schedule inspection list comprised of the top 200 high-hazard Standard Industrial Classification codes. The State Plan has an additional targeting system to address amputation hazards, which uses workers' compensation data to identify employers who have experienced accidents involving amputations. These inspections have lower priority than

SST inspections. The State Plan uses the Dodge System to target and address hazards in the construction industry.

TOSHA has a variety of Special Emphasis Programs (SEPs), some of which are associated with its strategic goals, and some of which are National Emphasis Programs (NEPs). Tennessee maintained the following Local Emphasis Programs: Trenching and Excavation; Carbon Monoxide; Workplace Noise; and Fall Protection. The State Plan also participated in the following NEPs: Amputations; Hexavalent Chromium; Petroleum Refinery Process Safety Management; Combustible Dust; Isocyanates; Nursing and Residential Care Facilities; and Lead.

TOSHA continues its outreach to employers and worker with brochures, online videos, and digital video discs, and the State Plan has a robust training program that includes seminars. The state’s latest injury and illness rate for private industry achieved an all-time low of 3.3 per 100 full-time workers in 2013, which is below the national rate. The injury and illness rate in Tennessee for private industry has shown a steady decline from 2006 to 2014. The U.S. Bureau of Labor Statistics compiles the injury and illness rate data.

Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison*

CY 2013**	Tennessee		National Average		Comparison
<i>TRC Rate</i>	3.3	3.4*	3.3	3.5*	<i>3% Lower Than National Average*</i>
<i>DART Rate</i>	1.6	1.7*	1.7	1.8*	<i>6% Lower Than National Average*</i>

*All industries, including state and local government
 **CY = Calendar Year

Training seminars are offered to the public in the spring and fall of each year. Seminar topics include the following: new regulations; basic requirements related to occupational safety and health; and current topics of interest. TOSHA works with co-sponsors, including the University of Tennessee, the Tennessee Chamber of Commerce and Industry, and several state community colleges, to offer seminars. The seminars are offered at various locations across the state. In FY 2014, TOSHA trainers conducted 304 training sessions, including 31 speeches and 259 courses and seminars. Approximately 8,665 persons were trained by TOSHA on topics, such as basic safety requirements, maintenance-related TOSHA standards, OSHA 10- and -30-hour courses, and dock and warehouse safety and health.

TOSHA, in partnership with North Carolina Department of Labor/North Carolina OSHA, U.S. Department of Labor’s (USDOL’s) Wage and Hour Division, Farm Bureau, RJ Reynolds, American Snuff, and Santa Fe Natural, held an on-farm training session in Adams, Tennessee on July 23, 2014. Approximately 167 farm workers and 60 growers attended the training session, which focused on the following topics: field sanitation; health hazards related to chemical exposures during pesticide/herbicide/fungicide applications; child labor laws; USDOL regulations; housing standards; farm equipment safety; heat stress; and green tobacco sickness. During the training program, growers and workers rotated through each training session to ensure that they attended all relevant topics.

B. State Plan Introduction

TOSHA was created by legislation in 1972 and became operational on July 5, 1973. The program operated as a dual-designee with the health functions housed in the Tennessee Department of Health and the safety functions housed in the Tennessee Department of Labor until July 1977. At that time, the General Assembly enacted legislation to transfer the health functions to the Tennessee Department of Labor. The TOSHA program was certified in May 1978 and received final 18(e) approval on July 22, 1985. During this period, the Tennessee State Plan was administered by TOSHA under the direction of Burns Phillips, Commissioner; Dustin Swayne, Deputy Commissioner; and Steve Hawkins, TOSHA Administrator.

The General Assembly enacted legislation giving TOSHA the mission of ensuring that employers furnish a safe and healthful place of employment which is free of recognized hazards. TOSHA is comprised of three sections: the Compliance Section, the Consultative Services Section, and the Training and Education Section. The Compliance Section is responsible for the enforcement of the Tennessee Occupational Safety and Health Act of 1972, with emphasis on worker exposures to chemical and physical hazards. The Consultation Services Section administers the Safety and Health Achievement and Recognition Program (SHARP). The Training and Education Section assists employers, workers, and their representatives in reducing safety and health hazards in their workplaces and in complying with the requirements of TOSHA standards and regulations.

A total of 84.55 positions were funded under the 23(g) grant. There were a total of two safety and two health vacancies, a vacant health supervisor position, as well as the vacant assistant administrator position, which were filled on November 3, 2013. The approved benchmark for TOSHA is 36 compliance officers, of which 22 are safety and 14 are health, who are assigned to one of six field offices throughout the state. The program services are administered through a central office in Nashville and six field offices located strategically throughout the state in Knoxville, Memphis, Chattanooga, Kingsport, Jackson, and Nashville. TOSHA's primary objective is to improve occupational safety and health in workplaces throughout the state. The worker population in Tennessee consists of approximately 2,284,291 people. There are approximately 140,041 employers in the state.

Worker protection from discrimination related to occupational safety and health [11(c)] is administered by TOSHA through the central office in Nashville. There are a total of five investigators, including one compliance manager and two compliance supervisors. Discrimination cases found to be meritorious are prosecuted by the state attorney general.

The Tennessee Occupational Safety and Health (OSH) Review Commission is a quasi-judicial body empowered to hear and rule on appeals regarding citations issued by the State Plan. The OSH Review Commission may affirm, modify, or revoke a citation, as well as any monetary penalty. The Commission consists of three members who are appointed by the governor to serve on the body for three-year terms.

Private sector consultative services are provided through a 21(d) grant with TOSHA to employers, especially smaller employers, to assist in achieving safe and healthful workplaces for

their workers. The Consultative Services Section offers a free consulting program to small employers who seek safe and healthful working conditions for their workers.

Tennessee operates a public sector program under the 23(g) grant, which enforces workplace safety and health standards among the majority of state and local government employers. The state's public sector program also extends onsite consultative support to employers in the public sector.

The table below shows TOSHA's funding levels from FY 2010 through FY 2014.

FY 2010-2014 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2014	3,833,000	3,883,000	517,615	8,183,615	53.77
2013	3,777,100	3,777,100	629,426	8,183,626	53.85
2012	3,977,100	3,977,100	229,424	8,183,624	51.40
2011	3,977,100	3,977,100	229,423	8,183,623	51.40
2010	3,977,100	3,977,100	229,421	8,183,621	51.40

The table below shows the number of TOSHA's full-time and part-time staff as of the end of FY 2014.

FY 2014 Staffing							
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Plan Funded	Allocated FTE 100% Federal Plan Funded	Total	50/50 Funded FTE on Board as of 03/31/14	100% State Plan Funded FTE on Board as of 03/31/14	100% Federal Plan Funded FTE on Board as of 03/31/14
Managers/ Supervisors (Administrative)	7.00	0.00	0.00	7.00	6.00	0.00	0.00
First-Line Supervisors (Program)	15.00	0.00	0.00	15	15	0.00	0.00
Safety Compliance Officers	22.00	0.00	0.00	22	19	0.00	0.00
Health Compliance Officers	14.00	0.00	0.00	14	12	0.00	0.00
Public Sector Safety Consultants	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Public Sector Health Consultants	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Compliance Assistance Specialist	1.00	0.00	0.00	1	1	0.00	0.00
Clerical	20.55	0.00	0.00	20.55	20.55	0.00	0.00
Other (all positions not counted elsewhere)	3.00	0.00	0.00	3	3	0.00	0.00
Total 23(g) FTEs	82.55	0.00	0.00	82.55	76.55	0.00	0.00

*FTE=Full-Time Equivalent

C. Data and Methodology

This report was prepared under the direction of Kurt A. Petermeyer, Regional Administrator, Region IV, Atlanta, Georgia, and covers the period from October 1, 2013, through September 30, 2014. The Tennessee State Plan is administered by TOSHA.

This is OSHA’s report on the operation and performance of the TOSHA program. It was compiled using information gained from Tennessee’s SOAR for FY 2014, interviews with the TOSHA staff, Integrated Management Information System (IMIS) reports, as well as the State Indicator Report and SAMM Report for FY 2014. In addition, information collected during the routine monitoring of the TOSHA program by OSHA’s Regional and Nashville Area Offices was also used as a basis for this evaluation.

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

D. Findings and Observations

No new findings or observations were identified in FY 2014, nor were there any findings and recommendations identified in FY 2013 as outlined in Appendix A.

Appendix B details the five observations identified during the FY 2013 onsite review. An observation is an item that has not proven to impact the effectiveness of the state’s program but should continue to be monitored by the Region. All observations were continued during FY 2014.

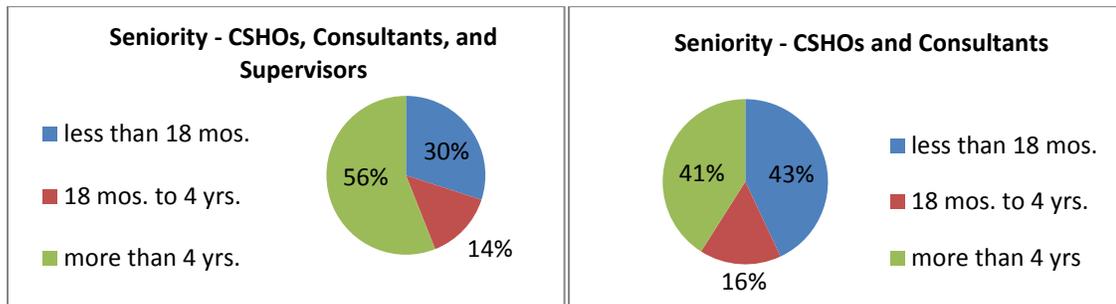
II. Assessment of State Plan Performance

A. Major New Issues

The FY 2014 SOAR documented that the State Plan did not meet its activity goal for compliance inspections in FY 2014. TOSHA conducted a lower number of private sector safety inspections

compared to the previous year (725 versus 831) and identified a lower number of serious hazards as compared to the previous year (6,466 versus 6,729). Analysis determined that there were a number of underlying reasons for the decline in the number of compliance inspections. These factors include:

- Due to budget concerns, TOSHA placed filling vacancies for compliance safety and health officer (CSHO) positions on hold for various lengths of time during the year.
- The State Plan also lost experienced and productive CSHOs due to retirements and the promotion of experienced staff members to fill the resulting vacancies. This resulted in the introduction of a large number of entry-level personnel.
- The State Plan also lost experienced and productive CSHOs as a result of TOSHA salaries for safety and health professionals not being competitive with other employers.
- Vacancies have been aggressively filled, and the new personnel are in training; however, less experienced CSHOs require more time to complete inspections, especially the more complicated investigations.



The State Plan took specific action during FY 2014 to try to address the retention issue. A policy was implemented requiring new CSHOs to sign a five-year training contract, which requires the CSHOs to repay training costs if they resign from their position within their first five years of employment. In addition, the State Plan is currently working on a new program to address retention.

The implementation of a new computer program system, as well as budget considerations, have also affected productivity. This included the implementation of the new data management information system, OSHA Information System (OIS). This action was required due to the replacement of IMIS. Implementation of the new system, CSHO training on the new system, and learning how to utilize the new system took away from inspection time.

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

During FY 2014, Tennessee completed the third year of its Five-Year Strategic Performance Plan. Tennessee demonstrated a high degree of success accomplishing its targeted goals. In general, these goals address the effective elimination and control of hazards in several industries,

such as construction, health care, metal working, and others. During this period, the State Plan revised the measures for two goals, revised another goal based on industry trends, and implemented a total of five new goals to enhance the program’s effectiveness.

Goal 1.1: Eliminate 7,500 serious violations and hazards in workplaces where interventions take place.

Through a combination of compliance inspections and consultation visits, TOSHA established a goal to effectively eliminate over 7,500 serious workplace hazards. However, the table below illustrates that the State Plan did not achieve this goal. TOSHA identified 3,902 serious hazards during compliance inspections, compared to 3,860 in FY 2013. Additionally, during the consultation visits, 2,564 serious hazards were identified, compared to 2,869 in FY 2013. The State Plan’s performance in this area is trending downward with a total of 6,466 serious hazards identified in FY 2014 and 6,729 in FY 2013. However, TOSHA identified 7,512 serious hazards in FY 2012.

	Compliance	Consultation	Total
Inspections/Visits	1,528	424	1,952
Serious Violations/Hazards	3,902	2,564	6,466
Non-Serious Violations/Hazards	2,298	374	2,672
Repeated Violations	101	N/A	101
Willful Violations	2	N/A	2
Regulatory Hazards	N/A	220	220
Total Violations/Hazards	6,303	3,158	9,461

Goal 1.2: Reduce carbon monoxide exposures for 300 workers each year.

Carbon monoxide levels have been documented and reduced through elimination and engineering controls. TOSHA has a SEP for Worker Exposure to Carbon Monoxide (CPL-TN-04-00-001 – effective date 09/16/1999). Activities related to this program are tracked and communicated with the field on a monthly basis. Safety CSHOs are cross-trained to identify sources and potential exposures to carbon monoxide so they can make good referrals. CSHOs are required to address carbon monoxide on every inspection. In FY 2014, the State Plan once again achieved this goal, and the Compliance Section and Consultation Section documented the elimination of carbon monoxide hazards, impacting 22 employers and resulting in the reduced exposure of 975 workers. These figures compare well to the 10 employers and 405 workers impacted in FY 2013.

Goal 1.3: Reduce noise exposures to 400 workers through facilitating improvements in hearing conservation programs.

This goal previously addressed the elimination of hazardous noise in Tennessee workplaces. However, in FY 2013, this goal was revised to address the elimination of abrasive blasting hazards, in an effort to have a greater impact on workplace health and safety. This pilot program resulted in limited success; therefore, this goal will once again focus on the elimination of hazardous noise levels in FY 2014. During FY 2014, TOSHA reduced hazardous noise in 20 workplaces and had a positive impact on 542 workers.

Goal 1.4: Reduce the number of fatalities due to falls by 1.7%.

This goal was not achieved in FY 2013; however, during this period, fatal fall accidents in the state trended downward from six in FY 2013 to four in FY 2014. The previous low was five in FY 2011 and FY 2012.

Goal 1.5: Reduce amputation injuries in the workplace by 1%.

Tennessee continues to follow its SEP for Amputations (CPL-TN-03-00-003 – effective date 10/27/06), which is identical to the NEP for Amputations. In addition, TOSHA uses the state’s workers’ compensation data to identify accidents involving amputations. The data is reviewed monthly to identify and conduct investigations of these accidents. Employers reported 164 amputations in FY 2014 as compared to 117 in FY 2013. A total of 352 amputations were reported in the baseline year of FY 2007. TOSHA did not achieve this goal.

Goal 1.6: Reduce the number of bloodborne pathogen exposures for 1,000 workers.

TOSHA has a targeting initiative using the Bloodborne Pathogens Standard to address needle-stick injuries in hospitals and ambulatory surgical centers. TOSHA met this goal in FY 2014, reaching a total of 7,614 workers, compared with 4,278 workers in FY 2013.

Hospital and Surgical Center Violations

	Inspections/Visits	Violations/Hazards	Workers
Compliance	15	95	3,683
Consultation	24	147	595
TOTAL	39	242	4,278

Goal 2.1: Train 9,500 people in occupational safety and health.

The State Plan achieved this goal in FY 2014, with TOSHA personnel performing 283 training sessions and 359 onsite consultation visits. During these events, the State Plan reached a total of 11,242 workers.

Goal 2.2.1: Intervene and assist in the improvement of 850 occupational safety and health programs.

In FY 2014, TOSHA achieved this goal by improving over 3,435 occupational safety and health programs through consultation program assistance, as well as compliance inspections. These program assistance visits provided the companies with evaluations of their safety and health programs and provided recommendations on how those companies can improve their programs.

Goal 2.2.2: Increase employer and worker awareness of safety and health management systems through onsite outreach during 1,150 private sector compliance inspections, 550 public sector compliance inspections, and 300 consultation visits.

This goal was newly established in FY 2014. TOSHA achieved this goal by completing 1,083 private sector inspections, 591 public sector inspections, and 437 consultation visits.

Goal 2.3: Provide the Volunteer Star Award to three employers with exceptional safety and health programs.

During this period, TOSHA approved just two new companies for participation in the Volunteer Star Program, rather than the targeted three employers.

Goal 2.4: Provide the SHARP Award to two employers with exceptional safety and health programs.

During this period, TOSHA’s Onsite Consultative Services achieved this goal by approving two new companies for SHARP.

Goal 3.1: Ensure effective service by maintaining average report turnaround time within the following targets: less than 35 days for safety compliance; less than 55 days for health compliance; less than 20 days for onsite consultation; and less than 25 days for public sector compliance.

In FY 2014, TOSHA achieved this goal with the following lapse time results:

Program	Goal (Days)	Average Turnaround in FY 2013 (Days)
Safety Compliance	35	26.6 (IMIS) 27.3 (OIS)
Health Compliance	55	38.9 (IMIS) 26.3 (OIS)
Onsite Consultation	20	13.2 (IMIS) 22.6 (OIS)
Public Sector Compliance	25	13.7

Goal 3.2: Ensure effective service by responding to complaints within the negotiated timeframes: less than 15 days for inspections and less than five days for inquiries.

In FY 2014, TOSHA achieved this goal with the following response time results:

Activity	Goal (Days)	Average Days in FY 2013
Compliance Inspections	15	4.6 (IMIS) 4.6 (OIS)
Inquiries	5	1.3 (IMIS) 1.8 (OIS)

Goal 3.3: Ensure effective service by meeting discrimination case file turnaround time of 90 days for at least 75% of cases.

In FY 2014, TOSHA did not achieve this goal.

Discrimination Cases	Goal (75%)	Closed within 90 Days
71	54%	39

Goal 3.4: Ensure effective service by requiring at least 90% of staff to attend professional development training.

In FY 2014, TOSHA achieved this goal with the following results:

Number of Professional Staff	Goal (90%)	Number that Attended Training
64	100%	64

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

In FY 2014, the 1,528 inspections conducted by TOSHA resulted in an average of 1.6 violations (serious/willful/repeat) per inspection. TOSHA routinely places an emphasis on keeping citation lapse times low. According to the SAMM Report, in FY 2014, the average lapse time (in days) from opening conference to citation issuance was identified as:

Average Lapse Time	TOSHA	OSHA
Safety	24.2	43.4
Health	39.8	57.1

In FY 2014, the average current penalty per serious, repeat, and willful violations for private sector inspections was as follows:

Classification	TOSHA	OSHA
Willful	\$27,500	\$39,385
Repeat	\$1,600	\$6,597
Serious	\$1,376	\$1,969

In FY 2014, TOSHA issued four willful violations, 101 repeat violations, and seven failure-to-abate violations. All willful violations were reviewed by the administrator, assistant administrator, and the staff attorney prior to issuance. According to TOSHA's IMIS data, the percent serious/willful/repeat/unclassified was 64% in FY 2014, compared to OSHA's percent serious/willful/repeat/unclassified of 77%.

Percent of Violations Cited Serious/Other-Than-Serious (OTS) or Non-Serious

	TOSHA	OSHA
Serious	62.5%	72.10%
OTS	35.9%	22.40%

According to the SAMM Report, TOSHA responds timely to complaints. Complaint investigations were initiated within an average of 1.35 days, and complaint inspections were initiated within an average of 4.64 days.

For a complete list of SAMM results, reference Appendix D.

III. Assessment of State Plan Corrective Actions

TOSHA's FY 2013 FAME did not contain any findings; therefore, Tennessee was not required to submit a Corrective Action Plan. Appendix B details the five observations identified during the FY 2013 evaluation.

Appendix A – New and Continued Findings and Recommendations

FY 2014 Tennessee Follow-Up FAME Report

New and Continued Findings and Recommendations FY 2014 TOSHA Follow-Up FAME Report			
FY 2014-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
	None		

Appendix B – Observations Subject to New and Continued Monitoring

FY 2014 Tennessee Follow-Up FAME Report

Observations Subject to New and Continued Monitoring FY 2014 TOSHA Follow-Up FAME Report				
Observation # FY 2014-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
<i>FY 2014-OB-01</i>	<i>FY 2013- OB-1</i>	Tennessee’s procedures for determining the classification of violations are the same as those of Federal OSHA however TOSHA classifies a lower percentage of safety violations 54.8% and health 46.9% as serious.	The OSHA Area Office will continue to effectively monitor the Tennessee’s procedures for determining the classification of violations.	<i>Continued</i>
<i>FY 2014-OB-02</i>	<i>FY 2013- OB-2</i>	The file contained case file diary sheets to document significant actions associated with that particular file however they were used very minimally by most compliance officers, supervisors, and program managers.	During the upcoming evaluation period, a determination will be made by the OSHA Area Office regarding the effective use of case file diary sheets.	<i>Continued</i>
<i>FY 2014-OB-03</i>	<i>FY 2013- OB-3</i>	Field notes are destroyed at the instruction of the state’s attorney when the compliance officer completes the violation form (1B Worksheet).	During the upcoming evaluation period, a determination will be made by the OSHA Area Office regarding the State Plan’s destruction of field notes, such as the violation form (1B Worksheet).	<i>Continued</i>
<i>FY 2014-OB-04</i>	<i>FY 2013- OB-4</i>	In many case files, knowledge was lacking. Compliance officers are establishing and documenting constructive knowledge (With the exercise of reasonable diligence the employer should have known) rather than actual knowledge in the knowledge section of the 1B worksheet.	The OSHA Area Office will continue to effectively monitor the Tennessee’s documentation of constructive knowledge in case files to ensure that this matter is effectively addressed.	<i>Continued</i>
<i>FY 2014-OB-05</i>	<i>FY 2013- OB-5</i>	In a significant number of cases, the frequency and duration related to employee exposure was generic, 8 hours per day for 5 days a week, and did not agree with the information provided for the hazardous condition.	The OSHA Area Office will continue to effectively monitor the State Plan’s use of generic employee exposures, which were previously documented in the compliance case files.	<i>Continued</i>

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 TOSHA Follow-Up FAME Report

Status of FY 2013 Findings and Recommendations FY 2014 TOSHA Follow-Up FAME Report					
FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
	None				

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

FY 2014 TOSHA 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. Tennessee opened 1,509 enforcement inspections in FY 2014. Of those, 1,417 inspections were captured in NCR, while 92 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.
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U.S. Department of Labor

Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: Tennessee

FY 2014

SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	4.64	15 days	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
2	Average number of work days to initiate complaint investigations	1.35	5 days	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
4	Percent of complaints and referrals responded to within 1 work day (imminent danger)	88.3%	100%	State Plan data taken directly from SAMM report generated through IMIS.
5	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.
9a	Average number of violations per inspection with violations by violation type	1.6	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.
9b	Average number of violations per inspection with violations by violation type	1.3	Other: 1.22	
11	Percent of total inspections in the public sector	34.89%	32.10%	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.

13	Percent of 11c Investigations completed within 90 calendar days	49%	100%	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
14	Percent of 11c complaints that are meritorious	10.26	24.8% meritorious	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
16	Average number of calendar days to complete an 11c investigation	99.35	90 Days	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
17	Planned vs. actual inspections - safety/health	1264/245	1521/342	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.
18a	Average current serious penalty - 1 -25 Employees	927.95		State Plan data taken directly from SAMM report generated through IMIS.
18b	Average current serious penalty - 26-100 Employees	1528.58		
18c	Average current serious penalty - 101-250 Employees	1639.33		
18d	Average current serious penalty - 251+ Employees	2255.58		
18e	Average current serious penalty - Total 1 - 250+ Employees	1375.98		
19	Percent of enforcement presence	1.44%	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.

20a	20a) Percent In Compliance – Safety	21.81	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.
20b	20b) Percent In Compliance – Health	30.94	Health - 34.1	
21	Percent of fatalities responded to in 1 work day	85%	100%	State Plan data is manually pulled directly from IMIS for FY 2013.
22	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	n/a		Data not available.
23a	Average Lapse Time - Safety	24.22	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.
23b	Average Lapse Time - Health	39.78	57.05	
24	Percent penalty retained	90.39	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.
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.