

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

Virginia Occupational Safety and Health (VOSH)



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

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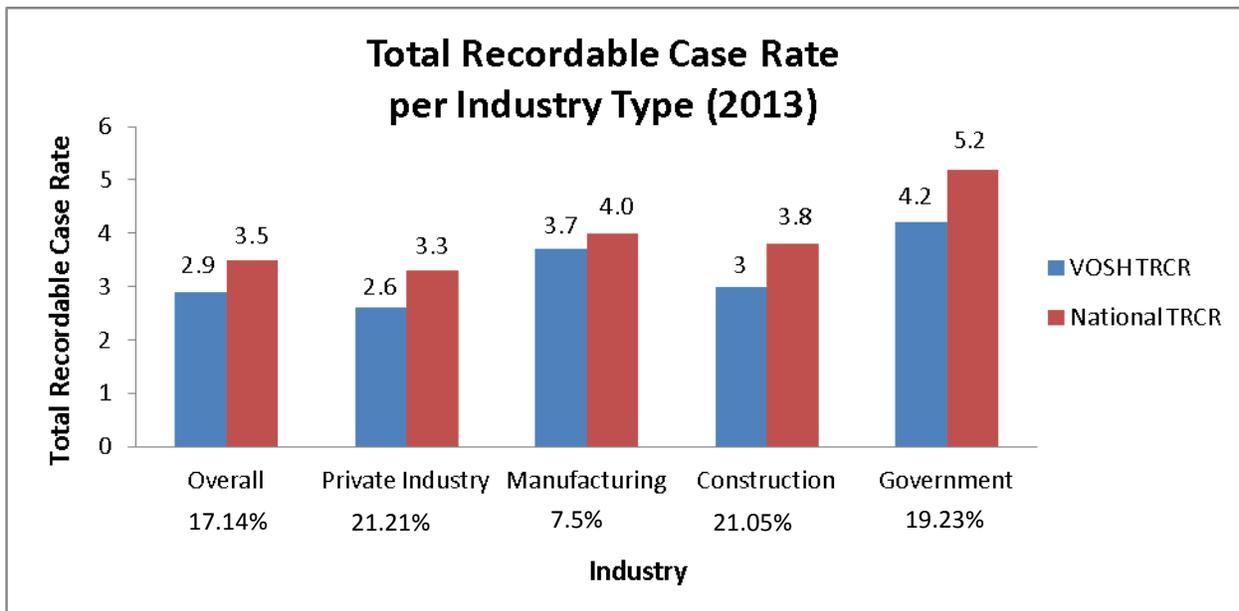
I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this follow-up Federal Annual Monitoring Evaluation (FAME) report is to assess the Virginia Occupational Safety and Health (VOSH) State Plan’s activities for Fiscal Year (FY) 2014, and its progress in resolving outstanding findings and recommendations from previous FAME reports.

VOSH continues to be effective in its effort to protect Virginia’s workers. The most recent data, which was obtained from 2013 records, reflects an overall Total Recordable Case Rate (TRCR) of 2.9 for Virginia. When compared to the national rate of 3.5, there is a difference of 17.14 percent. This rate is for all industries, including state and local government. Furthermore, VOSH’s TRCRs in private industry, manufacturing, construction, and government all follow the same trend and are consistently below the national average.

The chart below depicts the Total Recordable Case Rate per Industry for Virginia in comparison to the national rate. The percentage listed below each industry displays the percent difference between VOSH and the national TRCR.



VOSH investigated 32 work-related fatalities in FY2014 which is a slight decrease from the 35 reported in FY 2013. Virginia retains its high ranking in the national rate of occupational safety and health inspections per number of employers. In FY 2014, VOSH exceeded its predicted goal of 1,916 safety inspections by 143, and its predicted goal of 684 health inspections by 46 for a total of 2,789 inspections. The three-year average for number of inspections is 2,435.

During this evaluation period, VOSH conducted 2,789 inspections in the private and public sectors. Although this number dropped from previous years due to a statewide hiring freeze and

other factors, Virginia retained its high ranking in the national rate of occupational safety and health inspections per number of employers.

There were two findings and one observation from the FY 2013 which were related to VOSH's anti-discrimination program. The VOSH Discrimination Investigation Manual (VDIM) was revised, effective February 1, 2015, to address these two findings and one observation. The revision also updated the document title to read Whistleblower Investigation Manual (VWIM).

B. State Plan Introduction

Even though VOSH is responsive to OSHA's report findings and continuously works to improve the program, there are some measures with outliers from the national averages or negotiated standards. Outliers, where they exist, are frequently the result of internal measures designed to ensure that recognized potential hazards are monitored and, where identified, are adequately corrected. For example, abatement incomplete past 60 days in non-contested cases was noted in several cases; however, VOSH maintains abatement verification requirements that are more stringent than OSHA and that require employers to provide photographs, receipts, written training documentation, or other documents that may require additional time to compile. VOSH is aware of this trend and is working to reduce this time without compromising validation of corrective actions.

The Virginia Department of Labor & Industry (DOLI) is the state agency designated by the governor to administer the VOSH State Plan. The VOSH State Plan was initially approved on September 23, 1976 pursuant to Section 18 of the Occupational Safety and Health Act. The State Plan achieved operational status on October 1, 1981. On August 15, 1984, a notice was published in the Federal Register certifying that the state had completed all developmental commitments contained in the Plan. Final approval of the Virginia State Plan was published in the Federal Register on November 30, 1988.

VOSH operates within DOLI and is headquartered in Richmond, Virginia. The Safety, Health, and Consultation Services, as well as the Division of Legal Support (DLS), Bureau of Labor Statistics (BLS), and Voluntary Protection Program (VPP) directors are under the direction of the Assistant Commissioner who, in turn, reports to the Commissioner. The separate program groups have representatives stationed in different regional and field offices located in Abingdon, Lynchburg, Manassas, Norfolk, Richmond, Roanoke, and Verona. Each of the four regional offices has two regional directors – one safety and one health.

VOSH consists of two major units: compliance and cooperative programs. The compliance unit inspects places of work; issues citations and penalties for violations of established occupational standards; and responds to fatalities, accidents, and worker complaints about workplace safety and health hazards. The cooperative programs unit provides assistance to Virginia's public and private sector employers to voluntarily comply with applicable requirements without the issuance of citations and penalties. The VOSH consultation program provides free on-site surveys and technical assistance to Virginia businesses, especially small businesses in high-hazard industries and to public sector employers under the State Plan grant. VOSH also provides

free educational and training programs for employers and workers to assist them in achieving voluntary compliance.

The Virginia State Plan applies to all public and private sector places of employment in the state, with the exception of federal workers, the United States Postal Service, private sector maritime, federal military facilities, and other federal enclaves where the state has ceded jurisdiction to the federal government.

The majority of VOSH standards are identical to OSHA standards. However, VOSH has enacted unique regulations covering confined spaces in the construction and telecommunication industries, overhead high voltage line safety, fall protection in steel erection, reverse signal operation in construction and general industry, compliance with manufacturer's instruction for vehicles, machinery, tools and equipment in general industry, construction, maritime and agriculture, and a regulation covering tree trimming.

All standards adopted by the Safety and Health Codes Board apply to all employers who have workers working at places of employment within the jurisdiction of the State Plan of the Commonwealth. Standards from 29 CFR Part 1910 apply to employers engaged in general industry; in addition, certain standards from 29 CFR Part 1910 determined by OSHA and the Safety and Health Codes Board to be applicable to the construction industry also apply to the construction industry in Virginia. Standards adopted from 29 CFR Part 1926 apply to the construction industry, and standards adopted from 29 CFR Part 1928 apply to agricultural operations within the jurisdiction of the Commonwealth. Furthermore, standards from 29 CFR Part 1915, Shipyard Employment; 29 CFR Part 1917, Marine Terminals; and 29 CFR Part 1918, Longshoring, have been adopted for State Plan use in the public sector only.

PROFILE OF THE VIRGINIA STATE PLAN (FY 2014)		
Designee	C. Ray Davenport, Commissioner Virginia Department of Labor and Industry Main Street Centre 600 South Main Street, Suite 207 Richmond, Virginia 23219-4101	
Initial Approval	September 8, 1976	
Operational Status Agreement	October 1, 1981	
Plan Certified	August 21, 1984	
Final Approval	November 30, 1988	
FY 2014 Funding	Federal	\$3,903,800
	State	\$3,903,800
	TOTAL	\$7,807,600
Source of State Funding	General Fund	
Compliance Officers	38 safety/19.88 health allocated	
	33 safety/14.88 health on board as of September 30, 2014	
Public Sector Consultants	.30 safety/1.30 health allocated	
	.30 safety/.30 health on board as of September 30, 2014	
Compliance Assistance Specialists	7.0 allocated	
	2.0 on board as of September 30, 2014	
Covered workers	3.6 million	
Covered Establishments	233,000	
Coverage	Public and private sector places of employment in the state, with the exception of federal employees, the United States Postal Service, private sector maritime, federal military facilities, and other federal enclaves where the state has ceded jurisdiction to the federal government.	

The table below shows VOSH 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	\$3,903,800	\$3,903,800	\$0	\$7,807,600	50%
2013	\$3,881,500	\$3,881,500	\$0	\$7,763,000	50%
2012	\$3,319,800	\$3,319,800	\$0	\$6,639,600	50%
2011	\$3,319,800	\$3,319,800	\$0	\$6,639,600	50%
2010	\$3,319,800	\$3,319,800	\$0	\$6,639,600	50%

The table below shows the number of VOSH’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	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)	3.74	0	3.74	3.74	0
First Line Supervisors (Program)	9.10	0	9.101	9.100	0
Safety Compliance Officers	38.0	0	38.0	33.0	0
Health Compliance Officers	19.88	0	19.88	14.88	0
Public Sector Safety Consultants	0.30	0	0.30	0.30	0
Public Sector Health Consultants	1.30	0	1.30	0.30	0
Compliance Assistance Specialist	7.0	0	7.0	2.0	0
Clerical	11.1	0	11.1	9.1	0
Other (<i>all positions not counted elsewhere</i>)	6.5	0	6.5	6.5	0
Total 23(g) FTEs	97.92	0	97.92	79.92	0

*FTE=Full-Time Equivalent

The VOSH Administrative Regulations Manual (ARM), 16 VAC 25-60-270, et seq., set forth rules defining the applicability of occupational safety and health standards in Virginia. Virginia has also codified in regulation the Multi-Employer Worksite policy and Multi-Employer Worksite defense. The regulation provides that general contractors and prime subcontractors can be cited for certain hazards as “controlling employers.” Virginia has also codified the Employee Misconduct Defense but provides that the defense does not apply to supervisory personnel having control of the worksite. In these instances, OSHA either does not have a comparable standard addressing the specific hazard or condition, or if it does, the federal standard differs substantially.

The VOSH ARM outlines the contest process for employers. Section 16 VAC 25-60-270 provides regulatory guidelines to an employer to whom a citation or proposed penalty was issued as the result of a VOSH inspection or investigation. Upon receipt of a notice of contest, the Commissioner will attempt to resolve the matter by settlement. If the matter is not settled or it is determined a settlement is not probable, the Commissioner will initiate judicial proceedings by referring the contested issues to the appropriate Commonwealth Attorney. Virginia does not use administrative law judges or the review commission system to handle litigated cases. Virginia is unique among the State Plans by using local circuit courts and prosecutors (Commonwealth Attorneys) to litigate contested cases.

The final determination on whether to appeal an adverse judicial decision will be made by the Commissioner after consultation with the Office of the State Attorney General and/or the applicable Commonwealth Attorney. Appeals from Circuit Court may be heard by the Virginia Court of Appeals. The Department has 30 days to file an appeal with the Virginia Court of Appeals.

C. Data and Methodology

OSHA 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. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. OSHA continues to monitor VOSH's activity and progress through quarterly meetings with the Norfolk Area Director, SAMM reports, evaluation of the SOAR, and during any other interactions when the need arises.

D. Findings and Observations

There are no new findings or observations identified for FY 2014.

A complete summary of the FY 2013 findings and observations, and VOSH's progress in addressing the findings/observations, are found in Section III, Assessment of State Plan Corrective Actions. A list of the observations is found in Appendix B, *Observations Subject to New and Continued Monitoring*; and a list of previous findings and recommendations is found in Appendix C, *Status of FY 2013 Findings and Recommendations*.

II. Assessment of State Plan Performance

A. Major New Issues

DOLI and VOSH managers have expressed serious concerns about reduced levels of federal grant funding following sequestration. The current level of federal funding provided is not sufficient to cover limited salary increases and the increased costs of fringe benefits from the previous fiscal year. While the agency has received state approval to fill position vacancies, some positions have remained vacant due to the lack of federal grant resources. When vacant positions are filled, the costs associated with formal training, such as at OTI, must also be taken into consideration. The agency has in recent months scaled back on the number of classes provided to new CSHOs beyond basic introductory courses in an effort to stay within budget.

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

The following tables summarize the activities and/or accomplishments for each of the FY 2014 performance goals.

Strategic Goal 1: Reduce Occupational Injuries, Illnesses and Fatalities through Direct Intervention

	Outcome Goal	2014 Performance Goal
1.1	Reduce the rate of workplace injuries and illnesses	A. By 2014, decrease injuries and illnesses per 100 workers in the workplace by 5.5%. B. Annually initiate investigations of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.
1.2	Reduce the rate of workplace fatalities	A. By 2014 decrease fatalities in the workplace per 100,000 workers by 5.5%. B. Annually initiate inspections of 100% of fatalities and catastrophes within one working day of notification.
1.3	Reduce the rate of workplace injuries and illness in worksites	A. Reduce the rate of workplace injuries and illnesses in work sites through participation in VPP.

Strategic Goal 2: Promote a Safe and Healthy Workplace Culture

	Outcome Goal	2014 Performance Goal
2.1	Enhance worker involvement in all aspects of safety and health	One hundred percent (100%) of VOSH on-site activities (e.g., inspections) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.

Performance Goal 1.1.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses, and fatalities through direct intervention.
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses.
VOSH Performance Goal	FY 2014: Decrease rate of injuries and illnesses per 100 workers in the workplace to 4.05.
Strategy/Activities	Analyze data to better identify establishments for inspections. Research new sources for information to identify best targets. Inspect worksites in non-programmed areas through rapid response to complaints, referrals and utilizing multi-employer policy. Inspect 5% of total inspections as public-sector worksites. Analyze results and effectiveness of compliance inspections to determine their impact on fatality, injury, and illness rates. Identify and implement adjustments that will increase the impact of compliance inspections. Analyze the effectiveness of guidance and standards and identify needed changes.

Indicator	<p>2006 Total Recordable Injury and Illness Baseline</p> <p>VOSH met this measure.</p> <p>The performance data for this measure for 2014 has not been released by BLS yet so the most recent data from 2013 was used.</p> <p>The data for 2013 reflects an overall Total Recordable Case Rate for Virginia of 2.9. When compared to the national rate of 3.5, the result is a difference of 17.14%. This rate is for all industries, including state and local government.</p> <p>The private industry rate for Virginia is 2.6. When compared to the national rate of 3.3, the result is a difference of 21.21%.</p> <p>The manufacturing industry rate for Virginia is 3.7. When compared to the national rate of 4.0, the result is a difference of 7.5%</p> <p>The construction industry rate for Virginia is 3.0. When compared to the national rate of 3.8, the result is a difference of 21.05%</p> <p>The state and local government rate for Virginia is 4.2. When compared to the national rate of 5.2, the result is a difference of 19.23%</p>
Data Source	Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses
Baseline	N/A
Comment	N/A

Performance Goal 1.1.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses, and fatalities through direct intervention.
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses.
VOSH Performance Goal	FY 2014: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.
Strategy/Activities	Promptly and accurately investigate a workplace complaint within one workday or conduct an inspection within five workdays in an effort to reduce injuries and illnesses.
Indicator	<p>Percent of worker complaints that have an investigation initiated within one working day or an on-site inspection initiated within five working days</p> <p>Consultation results may be found in the 2014 CAPR.</p> <p>VOSH met this measure. One hundred percent of worker complaints had an investigation initiated within one working day or an on-site inspection initiated within five working days.</p>
Data Source	VOSH Integrated Management Information System (IMIS)/OSHA Information System (OIS)
Baseline	N/A

Comment	VOSH offers workers the choice between two approaches to handle their complaints: either VOSH will conduct an investigation by contacting the employer via phone/fax to inform them of the complaint, with a response required back from the employer within five working days; or, VOSH will conduct an on-site inspection.
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Performance Goal 1.2.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses, and fatalities through direct intervention.
VOSH Outcome Goal	Reduce the rate of workplace fatalities.
VOSH Performance Goal	FY 2014: Decrease rate of fatalities in the workplace per 100,000 workers to 3.85.
Strategy/Activities	Analyze data to better identify establishments for inspections. Research new sources for information to identify best targets. Inspect worksites in non-programmed areas. Inspect identified public-sector worksites. Analyze results and effectiveness of compliance inspections to determine their impact on fatalities, injury and illness rates. Identify and implement adjustments that will increase the impact of compliance inspections. Analyze the effectiveness of guidance and standards and identify needed changes.
Indicator	Workplace fatality rate in Virginia per 100,000 workers. Consultation results may be found in the 2014 CAPR. VOSH met this goal. The performance data for this measure for 2014 has not been released by BLS yet, so the most recent data from 2013 was used. The number of workplace fatalities in Virginia decreased 15 percent last year (2013), to 126 from 149 in 2012. This computes, based on 3.5 million workers, to 3.5 fatalities per 100,000 workers. Workplace fatalities investigated by VOSH increased slightly in Virginia in the last calendar year. (Not including medical events, traffic accidents, etc.) 2008-39 2009-33 2010-24 2011-30 2012-35 2013-36
Data Source	Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses
Baseline	Rate of 4.2 fatalities per 100,000 workers in 2006.

Comment	N/A
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Performance Goal 1.2.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses, and fatalities through direct intervention.
VOSH Outcome Goal	Reduce the rate of workplace fatalities.
VOSH Performance Goal	FY 2014: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.
Strategy/Activities	Promptly initiate fatality and catastrophe investigations within one workday.
Indicator	Percent of inspections of fatalities and catastrophes initiated within one working day of notification VOSH did not meet this goal. Ninety-seven percent (97%) of inspections of fatalities and catastrophes were initiated within one working day of notification in an effort to reduce injuries and illnesses. During FY 2014 36 out of 37 fatalities inspections were opened within one day.
Data Source	VOSH Integrated Management Information Systems (IMIS)/OSHA Information System (OIS)
Baseline	N/A
Comment	One inspection was not initiated within one day as VOSH was not made aware of the fatality until weeks after it occurred. VOSH immediately attempted to locate or contact the employer but was unable to do so as the employer was no longer on the construction jobsite. After multiple attempts were made, the employer was contacted and the investigation was initiated.

Performance Goal 1.3.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses, and fatalities through direct intervention.
VOSH Outcome Goal	FY 2014: Reduce the rate of workplace injuries and illnesses in worksites.
VOSH Performance Goal	Reduce the rate of workplace injuries and illnesses in work sites through participation in VPP.
Strategy/Activities	Increase the number of employers participating in VPP.
Indicator	Reduce the rate of workplace injuries and illnesses in work sites through participation in VPP. National averages show that VPP sites are routinely 50% below normal workplace injuries and illnesses in their respective industry sectors. VOSH met this goal. There are 44 active VPP sites in Virginia. The average Virginia VPP worksite had a Total Case Incident Rate (TCIR) 65% below the BLS national average for its industry (3 year rolling national average, 2010-2012).

Data Source	BLS
Baseline	42 VPP Sites in 2009
Comment	N/A

Performance Goal 2.1

VOSH Strategic Goal	Promote a safe and healthful workplace culture through worker involvement in all aspects of safety and health.
VOSH Outcome Goal	One hundred percent (100%) of VOSH on-site activities (e.g., inspections) will include a worker involvement component, such as interviews, informal conferences, and walk-around inspections annually.
VOSH Performance Goal	Ensure 100% of VOSH onsite activities include a worker involvement component annually.
Strategy/Activities	Ongoing monitoring of inspection data.
Indicator	Observed data in IMIS review. Consultation results may be found in the 2014 CAPR. VOSH met this goal. Worker involvement was incorporated into 100% of on-site activities through interviews, informal conferences, and walk-around inspections as reviewed by region Safety and Health Directors.
Data Source	NCR/OSHA Information System (OIS)
Baseline	N/A
Comment	N/A

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

Compliance mandated activities are tracked via the SAMM report. The SAMM consists of performance indicators, the expected performance reference or standard, and the State Plan's performance data. The State Plan's performance is compared to the criteria established by regulation, grant agreement, negotiation with OSHA, or national data.

VOSH recently discontinued inspection data entry in the National Cash Register (NCR) which generated Integrated Management Information System (IMIS) reports specific to NCR algorithms. VOSH transitioned to the updated OSHA Information System (OIS) which generates reports specific to OIS algorithms. Therefore, the data for multiple SAMMs was manually tabulated by pulling data from both systems. Because the algorithms are variable between the systems, SAMMs with data mined from both systems in FY 2014 may not reflect inspection activity in the same manner. SAMM data will continue to be analyzed as the statistics that are pulled solely from OIS matures.

VOSH consistently meets or exceeds a majority of the mandated measures. Noteworthy measures are listed below:

Average number of work days to initiate complaint inspections: VOSH initiated complaint inspections within 1.95 days versus the reference standard of five days.

Average number of work days to initiate complaint investigations: VOSH initiated complaint investigations within .08 days versus the reference standard of three days.

The complete FY 2014 SAMM is located in Appendix D of this report.

III. Assessment of State Plan Corrective Actions

There were two findings and one observation from the FY 2013 FAME report which related to the State Plan's anti-discrimination program. The VDIM was revised (effective February 1, 2015) to address these two findings and one observation. The revision also updated the document title to read "VOSH Whistleblower Investigation Manual (VWIM)."

The first finding noted that the VDIM did not require closing letters to be sent to complainants when their cases are screened out. The VWIM was revised to require the directors of DLS, BLS, and VPP to send a letter to the complainant explaining the reason that the case has been screened out. VOSH began issuing screen out letters on August 28, 2014; therefore, OSHA determined this finding to be completed.

The other finding noted that VOSH did not hold closing conferences at the conclusion of each discrimination investigation. VOSH has decided to forego closing conferences with the complainants. Each file receives legal review and the final determination letter to the complainant is prepared and signed by the director. The complainant has three options once the closure letter has been issued:

1. Discuss any remaining concerns with the investigator;
2. File an appeal to the Assistant Commissioner;
3. Pursue a private right of action in the Virginia Circuit Courts.

As OSHA does not offer workers a private right of action, and VOSH provides its investigator with unparalleled access to legal resources inside the Department, VOSH believes that this process will continue to be at least as effective as that of OSHA. The VWIM has been revised to remove the requirement that the investigator conduct closing conferences; therefore, OSHA determined this finding to be completed. OSHA will continue to monitor the impact of this update.

During the 2013 FAME, it was observed that VOSH case files were not organized in accordance with Chapter 5 of the VDIM. This observation was addressed in revisions made to the VWIM; therefore OSHA closed this observation. The manual includes information on case file organization and documentation and requires the investigator to document the screening interview.

Appendix A – New and Continued Findings and Recommendations
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FY 2014-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#

There were no new or continued findings in FY 2014.

Appendix B – Observations Subject to New and Continued Monitoring
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Observation # FY 2014-OB-#	Observation# FY 20XX-OB-#	Observation	Federal Monitoring Plan	Current Status
	FY 2013-OB-01	Case files were not organized in accordance with Chapter 5 of the VOSH Discrimination Investigation Manual (VDIM).	During next year’s FAME, a sample of case files will be reviewed to determine possible trends.	Closed

Appendix C - Status of FY 2013 Findings and Recommendations
FY 2014 Virginia State Plan Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status
FY 2013-01	The VOSH Discrimination Investigation Manual (VDIM) does not require closing letters to be sent to a complainant when their case is screened out. None of the cases reviewed had closing letters sent in FY 2013.	VOSH should revise the VDIM to require closing letters are sent to complainant when a complainant's case has been screened out.	The VDIM will be revised as follows: When a complaint is thus "screened out," the investigator must document the screening interview and the Director will send a letter to the complainant concerning the interview and explaining the reason for the "screen out." In those cases where contact information is not provided by the complainant, the investigator will document the screening and explain the reason for the "screen out."	August 28, 2014 February 1, 2015	Completed (change regarding screen out letters was implemented) Completed (VDIM was revised)
FY 2013-02	VOSH does not consistently hold closing conferences at the conclusion of each discrimination investigation and appropriately document these in the case files in accordance with the VOSH Discrimination Investigation Manual (VDIM).	VOSH should ensure that closing conferences are consistently held and appropriately documented in accordance with the VDIM.	VOSH has decided to forego closing conferences with complainants. The VDIM will be revised to remove the requirement that the investigator conduct closing conferences.	February 1, 2015	Completed

Appendix D - FY 2014 State Activity Mandated Measures (SAMM) 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. Virginia opened 2,789 enforcement inspections in FY 2014. Of those, 2,425 inspections were captured in NCR, while 364 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
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State Plan: Virginia			FY 2014	
SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	1.95	5 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	0.08	3 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)	100.0%	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	1.82	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	0.68	Other: 1.22	

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

FY 2014 Virginia State Plan Follow-up FAME Report

11	Percent of total inspections in the public sector	6.36%	6.35%	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	52%	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	20	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	102.52	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	2059/730	1916/684	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	587.44		State Plan data taken directly from SAMM report generated through IMIS.
18b	Average current serious penalty - 26-100 Employees	899.62		

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18c	Average current serious penalty - 101-250 Employees	1224.26		
18d	Average current serious penalty - 251+ Employees	1796.78		
18e	Average current serious penalty - Total 1 - 250+ Employees	793.6		
19	Percent of enforcement presence	1.94%	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	38.46	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	45.16	Health - 34.1	
21	Percent of fatalities responded to in 1 work day	87%	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.

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23a	Average Lapse Time - Safety	37.56	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	43.69	57.05	
24	Percent penalty retained	61.65	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.