

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

State of Washington

**Department of Labor and Industries
Division of Occupational Safety and Health (DOSH)**

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

**Initial Approval Date: January 19, 1973
Program Certification Date: January 26, 1982**

**Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region X
Seattle, Washington**



Contents

I. Executive Summary	3
A. State Plan Activities, Themes, and Progress	3
B. State Plan Introduction	3
C. Data and Methodology	4
D. Findings and Observations	5
II. Assessment of State Plan Performance	5
A. Major New Issues	5
B. Assessment of State Plan Progress in Achieving Annual Performance Goals.....	6
C. Highlights from the State Activity Mandated Measures (SAMM).....	10
III. Assessment of State Plan Corrective Actions	11

Appendices

Appendix A – New and Continued Findings and Recommendations.....	A-1
Appendix B – Observations Subject to New and Continued Monitoring.....	B-1
Appendix C – Status of FY 2013 Findings and Recommendations.....	C-1
Appendix D – FY 2014 State Activity Mandated Measures (SAMM) Report....	D-1

I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this report is to assess the performance of Washington's Division of Occupational Safety and Health (DOSH) during Fiscal Year (FY) 2014 with regard to activities mandated by OSHA and to gauge the State Plan's progress toward resolving recommendations from the FY 2013 FAME. This report also assesses the State Plan's achievement of its Annual Performance Plan goals, as well as its progress toward the goals in its Five-Year Strategic Plan.

Over the last five years, the State Plan has consistently performed at a high level. The State Plan is well-managed and sets reasonable goals which focus on the key areas that impact worker safety and health, to include high-hazard industries. The State Plan has broad support of the governor and the Washington state legislature.

The primary issue the State Plan faces is the high turnover of staff, which directly impacts the State Plan's ability to meet its inspections goals. As a result, the State Plan has experienced a steady decline in the number of inspections conducted in the last three years.

The State Plan is proactively addressing emerging regulatory issues faced by workers in the state by beginning the process to amend its current rules on temporary worker housing, telecommunications, and cell tower safety.

During the FY 2013 evaluation period, a review of the State Plan's Fall Protection Standard in Residential Construction was completed, and concerns were identified. A letter was sent requesting the State Plan provide information on the effectiveness of its standard. The State Plan provided a detailed response. OSHA continues its evaluation of the State Plan's Fall Protection Standard.

The State Plan has not completed corrective actions for the one finding which was identified in the FY 2013 FAME Report. OSHA continues to work with the State Plan to resolve this finding, as well as two observations from the previous FAME Report. Appendix C provides the status of the FY 2013 finding in detail. Appendix B provides the statuses of the observations.

Overall, DOSH's performance, with respect to activities that are mandated by the Occupational Safety and Health Act, and its implementation of policies and regulations continue to be successful with exceptions as noted in this report.

B. State Plan Introduction

The State of Washington, under an agreement with OSHA, operates an occupational safety and health program through DOSH. The Washington Industrial Safety and Health Act (WISHA) was established in accordance with Section 18 of the Occupational Safety and Health Act of 1970. The State Plan's enabling legislation, the WISHA, took effect in 1973, and the Secretary of

Labor certified in 1982 that the State Plan had completed all of the required developmental steps in the plan.

The director of the Washington Department of Labor and Industries is appointed by the governor and serves as the official State Plan designee. An assistant director is appointed by the director and is in charge of DOSH; the assistant director directs the central office and regional operations. The current director is Joel Sacks; the assistant director is Anne Soiza.

DOSH establishes policy, provides technical guidance, writes standards, develops internal and external training, monitors and evaluates programs, conducts inspections, and provides consultation services. All on-site consultation (both public and private) is provided through 23(g) or 100% state funding.

DOSH exercises jurisdiction over state and local government workplaces and private sector employers not covered by OSHA. OSHA's inspection authority is limited to private employers at national parks and military installations, maritime activities on the navigable waters, and federal government employers. OSHA also covers establishments on Indian lands that are tribally-owned, as well as employers who are enrolled tribal members working on reservations or on trust lands.

Over the years, the State of Washington has adopted a number of safety and health standards which differ from their federal counterparts. Examples include Washington's rules for crane safety, respiratory protection, aerial lifts, and agriculture. DOSH has also adopted a number of state-initiated rules for which there are no federal counterparts, including requirements for written safety and health programs, safety committees, and heat-related illnesses.

During FY 2014, the State Plan was staffed with 380 positions, which included 115 compliance officers and 45 consultants. The program covers approximately 2.37 million workers employed in over 208,924 establishments statewide. Washington's federally-approved State Plan was funded at about \$40.4 million, of which \$7,061,481 were federal funds. There were 202 DOSH positions funded entirely by the State Plan.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA was not required to conduct an on-site evaluation and 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.

Monitoring of the State Plan consisted of a variety of methods and tools. The opinions, analyses, and conclusions described herein are based on information obtained from these sources:

- Analysis and monitoring of the FY 2013 DOSH Corrective Action Plan, which provides the State Plan's status and response to the FY 2013 FAME (Appendix C);
- Statistical reports comparing State Plan performance to federal performance;
- State Activity Mandated Measures (SAMM) Report data (Appendix D);

- The FY 2014 Mandated Activities Report for Consultation (MARC);
- State Information Report data;
- The FY 2014 State OSHA Annual Report prepared by Washington, which contains details of the State Plan's achievements with respect to its annual goals;
- Grant assurances; and
- Quarterly monitoring meetings between OSHA and the State Plan.

D. Findings and Observations

In FY 2013, OSHA made one recommendation for program improvement regarding the issue of worker classification related to corporations, sole proprietorships, and partnerships. OSHA determined the State Plan has not completed this item and considers it open. This finding will be continued into the next evaluation period. Appendix C describes the status of the FY 2013 finding in detail.

Two observations were noted in the FY 2013 FAME Report. Both observations will be continued into the next evaluation period. One observation was regarding consistent entry of 11(c) whistleblower discrimination complaint dates into the Integrated Management Information System (IMIS). It is anticipated that this item will have been resolved by the State Plan and will be evaluated in FY 2015 when a discrimination case file review is conducted. A second observation noted in the FY 2013 FAME was regarding residential fall protection in the State of Washington. This issue is being evaluated further by OSHA. This item will continue to be monitored during the FY 2015 FAME period.

Two new observations were identified during the FY 2014 evaluation period. The first is regarding the high turnover rate of staff in the State Plan, which relates directly to low pay. A second observation is that the State Plan did not achieve the established goal of finding serious hazards at least 50% of the time using the high-hazard scheduling list to assign inspections.

II. Assessment of State Plan Performance

A. Major New Issues

The State Plan has a problem with a high turnover rate of inspectors and consultants. The rate of turnover directly contributes to the State Plan struggling to meet both its enforcement and consultation goals. To better understand the turnover rate, in 2012 the State Plan chose to conduct exit interviews of workers leaving the program. Based on the results of 66 exit interviews of compliance and consultation staff leaving DOSH, 62% (41/66) reported salary disparity as the primary factor. The reported pay disparity has been reported to be a difference of as much as 75% between private sector and other governmental jobs when compared to DOSH.

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

DOSH established a Five-Year Strategic Plan for the period from October 1, 2010 (FY 2011) through September 30, 2015 (FY 2015). These goals included short- and long-range objectives aimed at improving safety and health for Washington's workers. Each year, DOSH develops and submits its Annual Performance Plan as part of its application for federal funds.

The FY 2014 DOSH Annual Performance Plan is divided into two goal categories – (A) strategic and (B) direct service. In support of the Five-Year Strategic Plan, DOSH developed five goals in its Annual Performance Plan, along with eight direct service goals. The following is OSHA's assessment of DOSH's performance compared to its FY 2013 annual goals:

Strategic Goal 1

Identify and act on the highest safety risks.

Annual Performance Goal A1: Our proactively assigned high-hazard scheduling list inspections result in finding serious hazards at least 50% of the time.

Results – DOSH continues the evaluation of proactively assigned inspection list results to identify worksites where workers are exposed to serious hazards. With an increase in un-programmed activity, less time was devoted to inspections generated by the high-hazard scheduling list. DOSH continues to scrutinize proactively assigned inspection lists, so when staff do have time to do these inspections, they are visiting worksites where it is most likely workers are exposed to serious hazards. Of the 490 proactively assigned inspections for FY 2014, 36% resulted in at least one serious violation.

OSHA Assessment – While the State Plan did not meet this goal as set forth in FY 2014, DOSH held regular and thorough discussions related to challenges associated with this goal (e.g. staffing and proactively assigned list criteria) with OSHA, and as a result, has updated this goal for FY 2015 to reflect a more realistic target.

Annual Performance Goal A2: Develop criteria for a high-hazard strategic logging industry initiative.

Results – The State Plan developed and deployed the initiative during FY 2014. Currently, of the 225 businesses in Washington that reported hours under Risk Classification 5001 – Logging Operations, National Occupational Classification within the past year, 106 (about 41%) have signed up to participate in the Logger Safety Initiative (LSI). The LSI participants comprise more than 60% of the total hours reported for manual logging.

OSHA Assessment – The State Plan has met this goal.

Strategic Goal 2

Prevent and reduce worker injuries, illnesses, and disabilities.

Annual Performance Goal A3: At least 58% of all consultation visits are conducted at small businesses (25 or fewer full-time equivalents statewide).

Results – The State Plan conducted 55% of consultations at small businesses during the fiscal year. The State Plan conducted a high of 60% of consultations in small businesses during the fourth quarter and a low of 50% during the second quarter.

OSHA Assessment – The State Plan did not meet this goal, but is within 3% of the goal. OSHA has discussed this goal and its results with the State Plan in quarterly meetings during the evaluation period and has determined it will not be an observation at this time. The State Plan is aware of the requirements of this goal and the refinements needed. OSHA will continue to monitor this item in FY 2015.

Annual Performance Goal A4: Continue to track, analyze, and share data information regarding the number of instances when languages other than English are needed during an inspection or consultation.

Results – Approximately 20% more inspections involved languages other than English in FY 2014 compared to the previous year. Consultation activities where languages other than English were involved remained relatively the same as FY 2013. DOSH will continue to gather and monitor this data. The information will be helpful when attempting to best target resources and services.

OSHA Assessment – The State Plan met this goal.

Strategic Goal 3

Increase effective safety communications to the public.

Annual Performance Goal A5: Increase Hispanic outreach event participation by 10% above the 2013 baseline.

Results – DOSH surpassed this goal. The 2013 baseline was 118 events and 15,800 participants. During FY 2014, the State Plan staffed 169 events, drawing the attention of 17,184 participants, and exceeding the goal by 14.2% and 8.6%, respectively. An unanticipated benefit has resulted from holding these events. As we build trust with Hispanic workers, we have received 766 complaints which may not otherwise have been received. All of these complaints have been resolved or referred to the appropriate program or authority for resolution. These resolved complaints have a direct positive impact on the safety of workers attending DOSH outreach events and is building trust with Hispanic workers in Washington.

OSHA Assessment – The State Plan exceeded this goal.

Annual Performance Goal B1: Reduce deaths from work-related injuries in support of the 2015 goal of no more than 2.0 deaths per 100,000 full-time workers.

Results – The data for this indicator has a two-year lag time. The data for the last reported period showed the State Plan achieved a rate of 2.2 deaths per 100,000 full-time workers.

OSHA Assessment – It is not possible to determine if the State Plan met this goal during this period as the data used to calculate this indicator has a two-year lag time. The State Plan appears to be on track to meet this goal. Since 1996, the State Plan has consistently been at or below the national average for this indicator, with the last two years (2011 and 2012) averaging 2.1 deaths per 100,000 full-time workers. OSHA will continue to monitor this goal in FY 2015.

Annual Performance Goal B2: Reduce workplace injuries and illnesses by at least 10% as measured by the average time loss claims rate for employers with WISHA enforcement or consultation visits.

Results –The 2012-2013 study and analysis continues to support the findings of the 10-year retrospective study, reflecting that when enforcement inspections at fixed-site businesses are conducted, they are followed by an 11.7% greater decline in compensable claims rates than at non-visited businesses. In non-fixed sites, such as construction, there was an 8.3% greater decline in compensable claims rates than at non-visited businesses.

DOSH consultation visits were also associated with a greater decrease in compensable claims rates for fixed industry businesses with a decline of 12.3%. In non-fixed sites, such as construction, there was an 18.6% greater decline in compensable claims rates than at non-visited businesses.

OSHA Assessment – The State Plan met this goal. This goal is complete and should no longer be included as an annual performance goal.

Annual Performance Goal B3: Conduct at least 2,300 onsite consultations.

Results – The State Plan completed 2,190 onsite consultations, which equates to 95.1% of the goal. Personnel issues related to an aging workforce and retirements have impacted the State Plan’s ability to meet this goal.

OSHA Assessment – The State Plan did not meet this goal. OSHA agrees with the State Plan’s assessment that personnel issues impacted the State Plan’s ability to meet this goal; however, the State Plan came within 4.9% of achieving this goal. OSHA will monitor this during quarterly meetings with the State Plan during FY 2015.

Annual Performance Goal B4: Conduct at least 5,200 compliance inspections.

Results – DOSH completed 5,010 compliance inspections for FY 2014, which is 96.4% of the goal (5010/5200). High staff turnover continues to be a challenge for the State Plan.

OSHA Assessment – The State Plan did not meet this goal. However, the State Plan did accomplish most of its annual projected inspections and reached 96.4% of its goal. OSHA has discussed DOSH’s enforcement performance in FY 2014 during quarterly meetings.

Annual Performance Goal B5: Ensure that 100% of serious hazards are corrected and that 95% are verified by consultants within 14 days of the abatement date.

Results – DOSH corrected 96.5% (5,666/5,847) of serious hazards, and consultants verified the corrections within 14 days of the abatement dates. This rate is slightly below the FY 2013 rate of 97.4%.

Note: Data is produced through the Washington Labor and Industries Data Warehouse, rather than the MARC Report. This allows DOSH to monitor performance on a more frequent basis and accommodates the reduction in the measurement period from 30 days to 14 days.

OSHA Assessment – This goal was met. The State Plan has an effective system to ensure that serious hazards are abated and verified by consultants within 14 days.

Annual Performance Goal B6: Ensure that 100% of serious violations are corrected and that 95% are verified by inspectors within 14 days of the abatement date.

Results – DOSH corrected 95.8% (2,730/2,848) of serious hazards, and inspectors verified the corrections within 14 days of the abatement dates. This rate is slightly below the FY 2013 rate of 96.6%.

OSHA Assessment – This goal was met. The State Plan has an effective system to ensure that serious hazards are abated and verified by inspectors within 14 days.

Annual Performance Goal B7: Maintain health citation lapse time at or below the current national average of 64.9 calendar days (for citations with violations, from opening conference to issuance date).

Annual Performance Goal B8: Maintain safety citation lapse time at or below the current national average of 51.9 calendar days (for citations with violations, from opening conference to issuance date).

Results – DOSH uses its own internal data to calculate lapse time, which is based on calendar days from the opening of an inspection to the issuance of a citation. As a benchmark for this goal, DOSH considered SAMM 7 from the third quarter of FY 2013 for comparison to the national average. These lapse time figures were chosen to correspond with DOSH's submission of its Annual Performance Plan with its FY 2014 federal grant. Thus, DOSH achieved a lapse time of 59 calendar days for health and 43.6 calendar days for safety.

OSHA Assessment – The State Plan met both of these goals. DOSH continues to successfully maintain safety and health lapse times at or below the national average.

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

Generally, the State Plan does well on its SAMMs. Though there are some deviations from the national average indicated in the data, where deviations or outliers are identified, the data is closely monitored by OSHA and discussed with the State Plan at quarterly meetings. Those measures, which are noted to have deviations or outliers during this evaluation period, are explained below:

SAMM 4 – Percent of Complaints and Referrals (Imminent Danger) Responded to Within One Workday

The State Plan responded to complaints and referrals alleging imminent danger hazards 82% (14/17) of the time within one day. The reference standard for response time to imminent danger complaints and referrals is 100% within one day. The three instances when the State Plan did not respond within one day time are related to a single event. The State Plan had received an imminent danger referral regarding workers being exposed to electrical power lines. The State Plan responded the next business day, but did not conduct an opening conference because the site was no longer active. DOSH issued an “Order of Immediate Restraint” or “Red Tag”, which prohibited any further work to be performed at that location until the “Red Tag” was removed by the compliance officer. The next day, the compliance officer held an opening conference at the site, where it was determined two additional employers also had workers exposed to the hazard. Inspections were opened with both employers. OSHA determined the State Plan acted appropriately and timely on the three outliers identified in light of the circumstances presented. Based on this rationale, OSHA concludes the State Plan has achieved 100% timeliness for this measure during this evaluation period.

SAMM 18b – Average Current Serious Penalty (26-100 Workers)

The national average for this indicator is \$1,323.00, with an acceptable range of +/- 25%, which is between \$992.25 and \$1653.75. The State Plan’s current penalty for this indicator is \$841.09, which is 15.3% below the acceptable low range for this national average. During the previous two years, the State Plan has somewhat improved its performance for this indicator, increasing the average penalty by \$46.81 from the average penalty issued in FY 2012. However, the penalties still remain below the range.

In the State of Washington, the State Plan minimum and maximum penalties are set by statute (Revised Code of Washington); and the methodology for penalty calculations is set in administrative code (Washington Administrative Code). Legislation is required to change the minimum and maximum levels for penalties; however, amending the calculations for determining a penalty requires rulemaking. In early FY 2014, the State Plan designee submitted a recommendation to the director of the Department of Labor and Industries requesting that penalties be increased. In support of this action, in early FY 2015, OSHA provided a letter to the State Plan designee explaining that its penalties were below the national average and the State Plan should take corrective action. This letter has been made available by the State Plan during rulemaking hearing and is posted on the State Plan’s website to aid in movement towards a change in penalties. OSHA continues to monitor the State Plan’s progress toward these

proceedings during discussions at quarterly meetings. Further details in support of this action and any progress will be discussed in the next comprehensive FAME Report in FY 2015.

SAMM 21- Percent of Fatalities Responded to in One Work Day

SAMM 21 indicates that the State Plan responded to fatalities 78% (32/41) of the time within one work day. However, further investigation of the outliers revealed that when the State Plan did not meet the one work day response goal, it was due to reasonable delays. For instance, three fatality inspections were delayed because of an investigation by a law enforcement agency; two instances occurred where further information was needed about the cause of death; and one delay was caused by inclement weather. Three of the cases involved a referral about workers being injured and hospitalized where the victims later died. Under the IMIS database system, the State Plan was required to close the referral and open a fatality inspection. The data issue arose because the event date, or the date of the incident, was several days prior to the opening of the fatality investigation. This was a situation where the opening conference date for a fatality occurred after the incident date. This created a discrepancy in the database, when in fact the State Plan did respond to the incident timely. It is anticipated that this problem will be resolved as the State Plan transitions to the OSHA Information System (OIS). Based on a review of data in these situations, OSHA concludes that DOSH has timely responded to fatalities during this evaluation period.

Appendix D provides complete SAMM results for FY 2014.

III. Assessment of State Plan Corrective Actions

The State Plan had a total of one finding and two observations in the FY 2013 FAME. The State Plan is working to correct the one finding from the FY 2013 FAME and should complete it by the end of FY 2015. The two observations are still open, and both will continue to be monitored in FY 2015 and will be included in a case file review.

Finding FY 2013-1: A fatality inspection, where one worker was fatally injured and another worker was seriously injured, was improperly and prematurely closed where DOSH did not consider the fatality victim to be a worker of the corporation. Upon review of the case file, it was determined the victim was a statutory worker of the corporation.

Recommendation FY 2013-1: Review and revise the DOSH Compliance Manual for clarity of the issue of worker classification, and ensure all enforcement staff receive training on worker classification related to corporations, sole proprietorships, and partnerships.

Status: In its response to the FY 2013 FAME Report and Finding FY 2013-1, the State Plan agreed to review and revise the DOSH Compliance Manual, as appropriate, and to train employees on this issue. This finding has not yet been completed. Details of any corrective actions taken for this item will be discussed in the next comprehensive FAME Report in FY 2015. **This item remains open and continued as Finding FY 2014-1.**

Observation FY 2013-OB-1 (Reclassified Finding FY 2012-3): Case closure dates were not consistent and contradicted documentation in 11(c) discrimination case files. Several discrimination case files reviewed had complaint filing dates which were inconsistent with IMIS data. This occurred in 14 of 23 (61%) FY 2012 discrimination case files reviewed and five of 18 (28%) FY 2013 discrimination case files reviewed.

Status: This observation will be continued into the next evaluation period when a discrimination case file review is planned. **This observation will be carried forward as FY 2014-OB-3.**

Observation FY 2013-OB-2: DOSH's standards and enforcement program for fall protection in residential construction may not be at least as effective as OSHA's. OSHA and DOSH have been in dialogue about this issue, and it is currently under review by OSHA.

OSHA issued STD 03.11.002 on December 16, 2010, which required the use of conventional fall protection in residential construction. The directive became effective on June 16, 2011, and advised State Plans that they must have a compliance directive on fall protection in residential construction that, in combination with applicable State Plan standards, results in an enforcement program that is at least as effective as OSHA's program.

Washington's standards and enforcement policies on fall protection in residential construction raised concerns, and on June 12, 2013, a letter was sent to DOSH. On August 8, 2013, Washington responded that it believed DOSH's Fall Protection Standard is just as effective as OSHA's standard. Washington did not adopt STD 03.11.002 because the State Plan had not adopted the OSHA directive allowing alternatives to the Fall Protection Standard. In addition, the State Plan contends they do not need a compliance directive specific to residential construction because they do not have a standard specific to residential construction and treat residential fall hazards the same as any other construction activity fall hazard. This issue is ongoing and was listed as a major new issue in the FY 2013 FAME.

Status: OSHA continues its review of the Washington Fall Protection Standard. Further discussion, as warranted, will be conducted during FY 2015. **This observation will be carried forward as FY 2014-OB-4.**

Appendix A – New and Continued Findings and Recommendations

FY 2014 Washington DOSH Follow-Up FAME Report

FY 2014-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2014-1	A fatality inspection, where one worker was fatally injured and another worker was seriously injured, was improperly and prematurely closed where DOSH did not consider the fatality victim to be a worker of the corporation. Upon review of the case file, it was determined the victim was a statutory worker of the corporation.	Review the DOSH Compliance Manual for clarity of the issue of worker classification, and ensure all enforcement staff receives training on worker classification related to corporation, sole proprietorships, and partnership.	FY 2013-1

Appendix B – Observations Subject to New and Continued Monitoring

FY 2014 Washington DOSH Follow-Up FAME Report

Observation # FY 2014-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2014-OB-1	n/a	The State Plan has a problem with a high turnover rate of inspectors and consultants. The rate of turnover directly contributes to the State Plan struggling to meet both its enforcement and consultation goals. To better understand the turnover rate, in 2012, the State Plan began conducting exit interviews of employees leaving the program; of the 66 inspectors or consultants leaving DOSH, 41 (or 62%) reported salary disparity as the primary factor. The reported disparity has been as much as 75%.	Region X will provide to the State Plan information on other State Plans and federal pay schedules to support the State Plan in an attempt to remedy compensation disparity for inspectors and consultants pay.	New
FY 2014-OB-2	n/a	The State Plan did not meet its goal A1 to find serious hazards at least 50% of the time when using the high-hazard scheduling list to assign inspections. The State Plan's results for this goal fell short by 14%.	DOSH re-established its annual performance goal to 40% in FY 2015. Region X will continue discussions with DOSH regarding its high-hazard scheduling list targeting process to determine its effectiveness toward its goal of 40%.	New
FY 2014-OB-3	FY 2013-OB-1	OSHA found case closure dates were not consistent and contradicted documentation in 11(c) discrimination case files. Several discrimination case files reviewed had complaint filing dates which were inconsistent with IMIS data. This occurred in 14 of 23 (61%) FY 2012 discrimination case files reviewed and 5 of 18 (28%) FY 2013 discrimination case files reviewed.	Consistent entry of 11(c) discrimination complaint filing and closing dates into the Integrated Management Information System (IMIS) may impact appropriate statute of limitations and validation of timeliness. Region X will monitor discrimination cases to verify that data entry of filing and closing dates continue to trend in the right direction.	Continued
FY 2014-OB-4	FY 2013-OB-2	DOSH's standards and enforcement program for fall protection in residential construction may not be at least as effective as OSHA's. OSHA and DOSH have been in dialogue about this issue, and it is currently under review by OSHA.	Region X will work with OSHA's National Office to determine if DOSH is at least as effective as OSHA with respect to fall protection in residential construction. The next step will be based on results and outcome of this evaluation.	Continued

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 Washington DOSH Follow-Up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-1	A fatality inspection, where one worker was fatally injured and another worker was seriously injured, was improperly and prematurely closed where DOSH did not consider the fatality victim to be a worker of the corporation. Upon review of the case file, it was determined the victim was a statutory worker of the corporation.	Review and revise the DOSH Compliance Manual for clarity of the issue of worker classification, and ensure all enforcement staff receives training on worker classification related to corporations, sole proprietorships, and partnerships.	The DOSH Compliance Manual will be reviewed and revised as necessary. DOSH enforcement staff will receive clarifying training by the end of May 2015.	Ongoing	Open

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

FY 2014 Washington DOSH 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, OSHA case files were captured on OIS while most State Plan case files continued to be processed through NCR. Washington opened 5,024 enforcement inspections in FY 2014. Of those, 5,024 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 FY 2014, we will use a format very similar to the one used for FY 2013. 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 FY 2014 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 FY 2014 as captured in NCR and compared to the historical FY 2011 national average (FY 2009-2011). 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 FY 2014 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 FY 2012-2014.
- e. Measures 18a-e will use State Plan data for FY 2014 as captured in NCR. Any data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR. Much like FY 2013, 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 2014 as captured in NCR.

U.S. Department of Labor

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

State Plan: Washington

FY 2014

SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	10.45	15 days for Serious hazards/30 days for other than serious	State Plan data taken directly from SAMM Report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
2	Average number of work days to initiate complaint investigations	4.44	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)	82.4%*	100%	State Plan data taken directly from SAMM Report generated through IMIS. *See page 10 of the FAME Report for details.
5	Number of denials where entry not obtained	1	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	1.64	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	2.07	Other: 1.22	

	violations by violation type			
11	Percent of total inspections in the public sector	4.68%	4.77%	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	73%	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	19.64	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	79.66	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	3961/1063	4099/1105	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	710.32		State Plan data taken directly from SAMM Report generated through IMIS.

18b	Average current serious penalty - 26-100 Employees	841.09		
18c	Average current serious penalty - 101-250 Employees	1429.83		
18d	Average current serious penalty - 251+ Employees	1926.75		
18e	Average current serious penalty - Total 1 - 250+ Employees	866.67		
19	Percent of enforcement presence	3.63%	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	31.73	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 OSHA for FY 2009-2011.
20b	20b) Percent In Compliance – Health	27.55	Health - 34.1	
21	Percent of fatalities responded to in 1 work day	78%*	100%	State Plan data is manually pulled directly from IMIS for FY 2013. * See page 11 of the FAME Report for details.
22	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	n/a		Data not available.

23a	Average Lapse Time - Safety	38.75	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 OSHA for FY 2009-2011.
23b	Average Lapse Time - Health	51.85	57.05	
24	Percent penalty retained	100%	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 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.