

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

**Wyoming**



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## **I. Executive Summary**

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

The purpose of this report is to assess the OSHA Division of the State of Wyoming's Office of Standards and Compliance for Fiscal Year (FY) 2014, and its progress in resolving the outstanding findings and recommendations from the FY 2013 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report.

Wyoming OSHA is faced with the significant challenge of addressing complicated and dangerous industries throughout a large geographic area, sometimes in harsh conditions, using a small staff consisting of several relatively inexperienced compliance officers. Wyoming faces significant job turnover with both the compliance officers and the program management position, resulting in an "experience" gap due to the departure of several seasoned compliance officers. In addition to Cheyenne, compliance officers are located in four of the seven satellite offices – Casper, Gillette, Riverton and Rock Springs – which presents geographical challenges with regard to on-the-job training.

During FY 2014, Wyoming conducted 211 inspections, 19 discrimination investigations, and 62 public sector consultation visits. The number of inspections was well below the 365 planned. Inspections in Wyoming are lower than projected primarily due to staff and management turnover. Newly hired compliance officers in FY 2014 required substantial training in order to conduct inspections independently. Additionally, a fatality that occurred within the sugar production industry required a tremendous amount of time and resulted in several other inspections. This was an employer within OSHA's Severe Violators Enforcement Program. It is important to note that the goal for the overall number of inspections was reduced to 240 for FY 2015.

Wyoming OSHA did not meet one of its performance goals related to their Safety and Health Achievement Recognition Program (SHARP), Employer Voluntary Technical Assistance Program (EVTAP) and Voluntary Protection Program (VPP) recognition programs; and Wyoming OSHA cannot measure, due to a change in its management information system, whether it met its goal of a reduced number of worker's compensation claims for employers whom OSHA has inspected. In 2010, the Wyoming Workers' Safety and Compensation Division selected PowerSuite® to replace its existing workers' compensation administrative system with the intent of streamlining processing, providing easier access to data, and offering better customer service for the state. Wyoming implemented the system approximately two years ago and continues to improve the system in order to obtain the necessary information.

Wyoming OSHA received four findings and six observations in the FY 2013 FAME and one finding in the FY 2012 FAME. Wyoming OSHA is working to resolve the outstanding recommendations from both FAMES. In early FY 2015, Wyoming OSHA instituted significant management changes and began a comprehensive internal review of the Wyoming OSHA program, using the findings from both FAMES as a baseline for improvement.

Several issues have been identified in this FY 2014 FAME and are discussed in more detail below. These issues resulted in seven observations and five findings. However, we are hopeful that issues such as lapse time will improve substantially and we look forward to working with the state to correct these issues.

## **B. State Plan Introduction**

Wyoming OSHA is housed in the Wyoming Department of Workforce Services Agency, under the Office of Workforce Standards and Compliance Division. John Ysebaert, the Administrator of the Office of Workforce Standards and Compliance is the State Plan Designee. Daniel Bulkley, Deputy Administrator, has managed Wyoming OSHA since October 2014. The areas under the authority of Wyoming OSHA consist of enforcement, discrimination, and compliance assistance, as well as consultation in both the private and public sectors. Risk Management, which was 100% funded by the state, is no longer within Wyoming OSHA's purview; the State of Wyoming reassigned risk management duties to another administrative department this fiscal year. Enforcement activities are funded under the Section 23(g) cooperative agreement. Private sector consultation is funded under the Section 21(d) cooperative agreement.

The State of Wyoming encompasses 97,818 square miles. Wyoming OSHA is headquartered in Cheyenne, Wyoming, with seven satellite offices in Casper, Gillette, Rock Springs, Worland, Laramie, Riverton and Lander. This program closely mirrors the federal program. Wyoming is a significant producer of both crude oil and natural gas. Many workplace accidents can be attributed to these industries both directly and indirectly, including the transportation and refining of the products generated by these sectors. Wyoming has unique regulatory standards for Oil and Gas Well Drilling, Servicing which addresses general operations at a well once it has been drilled, and Special Servicing which addresses special operations at a well site including wireline operations, mobile pumping, and fracking as well as drill-stem testing.

The enforcement program covers safety and health in the public and private sectors and is benchmarked for six safety and two health compliance officers. Complaints and accidents that fall under federal OSHA jurisdiction that occur in Wyoming are referred to OSHA's Denver Area Office for appropriate action. The complaints, referrals and accidents that would fall under federal jurisdiction include employers such as the National Park Service, post offices and military bases. Wyoming legislators have elected to fund one health compliance officer position above the regulatory benchmark of two health compliance officers. Additional staff includes one operations manager (currently vacant as of February 2015), one compliance manager, and three administrative personnel. Public Sector consultation work and compliance assistance work is performed by the Section 21(d) consultants, and funded through the Section 23(g) grant, enabling each consultant to do some work in the public sector and on compliance assistance. The grant and the cooperative agreement reflect those splits. All compliance assistance work, including the Cowboy Voluntary Protection Program, is funded under the 23(g) grant. Discrimination investigations under 11(c) are also funded by the 23(g) grant.

The table below shows the number of Wyoming OSHA's full-time and part-time staff as of the end of FY 2014:

<b>FY 2014 Staffing</b>					
<b>23(g) Grant Positions</b>	<b>Allocated FTE* Funded 50/50</b>	<b>Allocated FTE 100% State Plan Funded</b>	<b>Total</b>	<b>50/50 Funded FTE On Board as of 9/30/2014</b>	<b>100% State Plan Funded FTE On Board as of 9/30/2014</b>
Mangers/Supervisors (Admin)	2.00	0.35	2.35	2.35	2.35
Safety Compliance Officers	1.5	4.50	6.00	6.00	6.00
Health Compliance Officers	0.75	2.25	3.00	3.00	3.00
Public Sector Safety Consultants	1.40		1.40	1.40	1.40
Public Sector Health Consultants	1.40		1.40	1.40	1.40
Compliance Assistance Specialist	1.40		1.40		
Clerical/Admin/Data System	2.05	0.50	2.55	2.55	2.55
<b>Total 23(g) FTE</b>	<b>10.5</b>	<b>7.60</b>	<b>18.10</b>	<b>18.10</b>	<b>18.10</b>

The 23(g) grant provided \$525,800, which the state overmatched by \$789,794. This yielded an annual budget for FY 2014 of \$1,841,394. After the initial grant submission, one-time funding of an additional \$3,000 was provided by the OSHA National Office to augment the federal grant amount.

Wyoming OSHA is managed by the Wyoming Occupational Safety and Health Commission. This body consists of seven members, each appointed by the governor, to devise, formulate, adopt, amend, repeal and enforce rules that impact workplace health and safety. The commission meets four times per year, and will have special meetings when necessary. For a federal rule to be adopted in Wyoming, the Commission must approve that rule.

### **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 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.

The following data sources were used to support the information in this FAME:

- 2014 State Operations Annual Report
- State Plan Grant Application (2014)
- State Activity Mandated Measures Report (SAMM)

- Mandated Activities Report for Consultation
- Minutes from Quarterly meetings
- Inspection Report generated through the Integrated Management Information System (IMIS)
- Enforcement Report generated through IMIS

## **D. Findings and Observations**

This report contains five findings/recommendations (one finding from FY 2012 FAME) and seven observations, six of which are continued from the previous FAME. One new finding was identified—2014 -01, related to excessive lapse time. One finding which dates back to the FY 2012 FAME, addresses the discrimination process and is similar to one of the findings from the FY 2013 FAME. In early FY 2015, Wyoming OSHA identified additional staff to conduct discrimination work, and invested in training both at the OSHA Training Institute and at the federal OSHA Region. Additionally, in early FY 2015, Wyoming OSHA developed a State Internal Evaluation Program, which is referred to as the State Internal Quality Assurance Program. The implementation of this program will be monitored throughout the remainder of FY 2015.

With regard to the observations, Wyoming OSHA invested a considerable amount of time in FY 2014 ensuring that rule changes were appropriately adopted and the Automated Tracking System (ATS) used by federal OSHA to track rule change adoptions was updated. Compliance officers were trained to ensure that their files were documented to show employee interviews and that appropriate materials and letters were included in the case files. These items will be verified in the FY 2015 audit that will be conducted in FY 2016. Concerning the new observation addressing lower than projected inspection numbers, Wyoming OSHA is diligently working to address this issue both by conducting more inspections and by renegotiating the inspection goals with the Regional Office to numbers they consider more realistic given their current situation and available resources.

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

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

During FY 2014, Wyoming's legislature proposed, but did not finalize, oil & gas servicing rules. A conflict with other Wyoming statutes prevented the finalization of these rules, which will now be finalized in FY 2015.

Three new hires in FY 2014 resulted in a relatively inexperienced staff. Additionally, in September of 2014, PowerSuite®, a software system to manage worker's compensation injuries and costs was implemented. PowerSuite® will enable Wyoming OSHA to more effectively track injuries and hospitalizations, and subsequent changes in worker's compensation costs.

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

Wyoming OSHA has established three Annual Performance Goals.

Annual Performance Goal #1 - Reduce fatalities by inspecting workplaces identified through Workers' Safety and Compensation Division (WSCD) data, Wyoming fatality data, and Bureau of Labor Statistics (BLS) data and by conducting consultation visits.

Wyoming OSHA investigated seven workplace fatalities in FY 2014. An eighth fatality that occurred at the end of FY 2014 was not reported until the beginning of FY 2015. Because of the statistically small number of fatalities per year, Wyoming OSHA compares the number of fatalities against a 10-year rate, which the State considers the baseline. The baseline from October 2013 through September 2014 is 8.6. In FY 2014, the change from base in fatalities was 6.97%. Additionally, in FY 2013, there were ten workplace fatalities. It is important to note that oil and gas production in Wyoming plays a significant role in the State's workforce, and more than half of the fatalities in FY 2014 were associated with oil and gas production and transportation related to oil and gas. Wyoming OSHA meets the annual performance goal of fatality reduction.

Annual Performance Goal #2 – Reduce injuries and illness (Worker's compensation claims) by 2% by focusing enforcement on workplaces identified through WSCD data and by conducting consultation visits.

Two-hundred and eleven enforcement inspections and 62 consultation visits were conducted in FY 2014. A focus of each of these employer interactions is to discuss and present a cost-benefit analysis or loss run data showing that safer work places result in reduced worker's compensation claims. Wyoming OSHA believes that worker's compensation claims declined. Over the past six years, Wyoming's Workers Compensation Division has developed and installed a new management information system. An unintended consequence of deploying the system has been that the pre- and post- data from employers with OSHA interactions has not been available. It is not possible to say whether Wyoming OSHA met this goal.

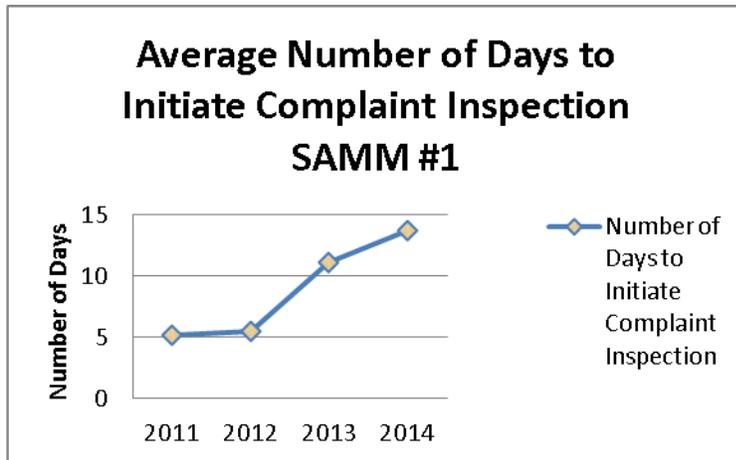
Annual Performance Goal #3 - Increase new participants in the EVTAP (Employer Voluntary Technical Assistance Program), SHARP (Safety and Health Achievement Recognition Program) and VPP (Voluntary Protection Program) Recognition Programs by four percent by developing relationships with companies applying safety and health best practices.

Wyoming OSHA has aimed to ensure that employers in the recognition programs are truly committed to the health and safety of their workers. Because Wyoming OSHA raised the standards for employers in these recognition programs, multiple employers withdrew or were removed from the program in the last several years. In FY 2014, one public sector employer entered into the EVTAP program, and five public sector employers entered into the SHARP program. There were no new entrants to VPP. Wyoming OSHA did not meet its third Annual Performance Goal in FY 2014. Wyoming OSHA will work with Region VIII to modify this goal

on the Strategic Plan in order to refocus resources on enforcement activities such as Local Emphasis Programs, National Emphasis Programs, as well as increased inspection numbers.

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

The SAMM Report is contained in Appendix D of this report. With regard to SAMM 1, the average number of days to initiate complaint inspections for FY 2014 was 13.77. This falls within the negotiated reference standard of 16 days, but has more than doubled over the past two years.



With regard to SAMM 2, which is the average number of days to initiate complaint investigations, Wyoming OSHA continues to improve. The reference standard is one day, and the value for FY 2014 was 0.48 days.

Wyoming OSHA historically does an excellent job of identifying serious hazards. The reference standard is 2.1 serious, willful or repeat violations for inspections with violations. For FY 2014, Wyoming OSHA found 3.11 serious, willful or repeat violations per inspection with violations. This value, however, is less than the value of 4.06 found in FY 2013. Similarly, SAMM 20 indicates the percentage of inspections without violations, and Wyoming OSHA has historically had a very low percentage of these inspections. The reference standard is 27.9% for safety and 33% for health. In FY 2014, the percentage of inspections without violations was 17.95% for safety and 20.0% for health. While well within the reference standards, there appears to be an almost annual increase in the percent of inspections without violations, and a decrease in the average number of violations per inspection with at least one violation.

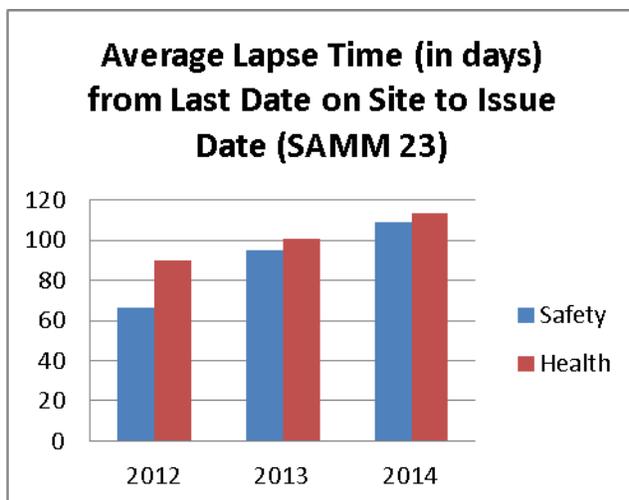
With regard to SAMM 17, which addresses the number of planned versus actual safety and health inspections; Wyoming OSHA conducted 188 safety inspections and 23 health inspections. Wyoming's goal for FY 2014 was 320 safety inspections and 45 health inspections. Wyoming conducted only 59% of the goal for safety inspections and 51% of the goal for health inspections. As indicated earlier in the FAME, the inspection goal for FY 2015 is 240 total inspections.

The most troubling trend is reflected in SAMM 23—the average lapse time from the last date on site to the date that the citations are issued. The reference standards for safety and health are 43.4 and 57.05, respectively. In FY 2014, the average lapse time for safety was 108.8 days and for health was 113.14 days. The lapse times for both safety and health have continued to increase for the past three years.

**Finding 2014 – 01**—Lapse times for both safety and health inspections in FY 2014, 108.8 days and 113.14 days respectively, were significantly above the reference standards of 43.4 days and 57.05 days.

**Recommendation 2014 – 01**—Wyoming OSHA should reduce lapse times by ensuring that inspections are completed and citations issued in a timely fashion.

The following graph shows the trend in lapse time since FY 2012. Wyoming OSHA provides each employer with a list of hazards prior to the compliance officer leaving the worksite so that serious hazards can be abated prior to citation issuance, but until the citation is issued, abatement is not legally compelled. Wyoming OSHA must work on reducing the average time it takes to issue citations to be considered more effective.



SAMM 11, the percent of total inspections in the public sector, was at 4.27% for Wyoming OSHA, showing continuous improvement from FY 2012 (1.81%) and FY 2013 (3.46%). However, it is still below the reference standard of 9.59%. Wyoming OSHA must work on increasing the number of public sector inspections to meet the 9.59% reference standard.

### III. Assessment of State Plan Corrective Actions

Wyoming OSHA is diligently working to address its four findings and six observations from the FY 2013 FAME. Many of the findings and observations are pending verification or in the process of being resolved through consistent training of the compliance officers and a more robust management review. Wyoming OSHA restructured its enforcement teams such that both

the health and safety teams have a dedicated team lead to help review cases as appropriate. For example, Finding 2014-02, which states *OSHA inspections in Wyoming do not consistently address health hazards*, has been resolved (pending verification) by increased training with the health staff from management as well as equipment manufacturers. Additional documentation has been required in the case files to ensure that workplace health hazards are addressed.

Finding 2014-03 is similar to Finding 2012-01 from the FY 2012 FAME. Finding 2014-03 states *Wyoming OSHA does not consistently follow the established guidelines found in the Whistleblower Investigations Manual throughout the screening, development and disposition of a discrimination case*. Similarly, Finding 2012-01 from the 2012 FAME cycle states: *Discrimination: Some Whistleblower case files were not fully developed as reflected by the reports*.

Wyoming OSHA is working to resolve these closely-related findings in several ways. In the past, all the compliance officers were trained to conduct 11(c) investigations. There were not many whistleblower complaints, so the compliance officers did not consistently conduct these types of investigations. Since the compliance officers rarely conducted these types of investigations, the skills required to conduct and appropriately document these investigation were not well developed. Realizing this, Wyoming OSHA dedicated one compliance officer as the whistleblower investigator. This compliance officer conducted safety and health inspections as well as 11(c) investigations. At the end of FY 2013, that person left Wyoming OSHA. To fill this gap, Wyoming OSHA has committed to training two staff members to conduct these investigations. Each of these individuals worked with Region VIII whistleblower staff in Denver, where they shadowed regional investigators and reviewed files generated at the regional level. Both of these individuals attended the two-week initial whistleblower course that was completed in January 2015. Since the training has only recently been completed, a case-file review of the whistleblower cases will be conducted in the 2015 FAME cycle.

Finding 2014-04 states *The development of Local Emphasis Programs is not formalized to include the reason for the LEPs, how to target the LEP, how to determine if the LEP is effective and whether to continue the LEP* and Finding 2014 -05, noting that *Wyoming OSHA has not formalized their State Internal Evaluation Program Report* have not been completed. Wyoming OSHA has had and continues to have LEPs, and is working on formalizing the development of these programs. The expected completion date for the development of the LEP mechanism is June 1, 2015. The formalization of the State Internal Evaluation Program, which the state refers to as the State Internal Quality Assurance Program, was completed on February 24, 2015. Wyoming OSHA continues to work with its compliance officers on how to conduct inspections related to Local Emphasis Programs.

With regard to the six observations from the FY 2013 FAME, Observations 1 and 2 are related to the inquiry process. Wyoming OSHA management controls this process by reviewing telephonic complaints to determine whether a complaint will result in an inspection or an inquiry. This is based on the nature of the complaint, as well as the availability of staff. Management also reviews responses to inquiries before closing out complicated or very technical inquiries. Observation 3 indicated *one of the five fatality files did not contain an OSHA-36 and an OSHA-170. Two of the five fatality files did not indicate that the appropriate Next-of-Kin*

*letters were sent.* Wyoming OSHA management is addressing this issue and is ensuring that fatality files are appropriately assembled, and that the correct letters are sent to the appropriate next-of-kin. Observations 4 and 5 relate to the documentation of electrical hazards and employee interviews in the case files. As mentioned earlier, Wyoming OSHA has improved its management structure, adding another team leader, enabling better case file review. Additionally, training was also conducted to address electrical hazards. Finally, Observation 6 addresses Wyoming OSHA not using the Automated Tracking System when rule changes are made. In FY 2014, the Operations Manager for Wyoming OSHA gained access to the ATS, and updated the ATS when appropriate. This manager left Wyoming OSHA in February 2015 and the position is currently vacant.

Each of the observations related to case file management or information contained within the inspection files or inquiry files will be verified in the FY 2015 on-site audit, which will be conducted in the second quarter of FY 2016.

**Appendix A – New and Continued Findings and Recommendations**  
 FY 2014 Wyoming Follow-up FAME Report

FY 2014-#	Finding	Recommendation	FY 2013-# or
2014 -1	Lapse times for both safety and health inspections in FY 2014, 108.8 days and 113.14 days, respectively, were significantly above the reference standards of 43.4 days and 57.05 days .days.	Wyoming OSHA must reduce lapse times by ensuring that inspections are completed and citations issued in a timely fashion.	
2014-2	Wyoming OSHA does not consistently address health hazards.	Wyoming OSHA should continue to target industries where there is an increased likelihood of workers being exposed to potentially harmful levels of chemicals and noise and ensure that health hazards are identified, addressed and corrected.  Corrective Action Complete – Awaiting Verification.	2013-1
2014-3	Wyoming OSHA does not consistently follow the established guidelines found in the Whistleblower Investigation Manual throughout the screening, development and disposition of a discrimination case.	Wyoming OSHA should follow the instructions in each of the chapters outlined in the Whistleblower Investigations Manual throughout the entire discrimination process.  Corrective Action Complete – Awaiting Verification.	2013-2
2014-4	The development of Local Emphasis Programs is not formalized to include the reason for the LEP's, how to target the LEP, how to determine if the LEP is effective and whether to continue the LEP.	Wyoming OSHA should formalize its LEPs and conduct regular evaluation of its targeting and LEPs to determine that its LEPs are effective.  Corrective Action Complete – Awaiting Verification.	2013-3
2014-5	Wyoming OSHA has not formalized their State Internal Evaluation Program Report.	Wyoming OSHA should formalize its State Internal Evaluation Program.  Corrective Action Complete – Awaiting Verification.	2013-4

**Appendix B – Observations Subject to Continued Monitoring**  
**FY 2014 Wyoming Follow-up FAME Report**

<b>Observation # FY 2014-OB-#</b>	<b>Observation# FY 20XX-OB-# or FY 20XX-#</b>	<b>Observation</b>	<b>Federal Monitoring Plan</b>	<b>Current Status</b>
2014-OB-1	FY 2013-OB -1	Two of the inquiry files that were reviewed indicated that injuries had occurred to workers. One inquiry file was coded as construction targeting. Rather than conducting an inquiry, these serious injuries and items addressed by Local Emphasis Programs (LEPs) should have led to inspections as indicated in Chapter 9, Section C of the Field Operations Manual.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. Additionally, the OSHA Regional Office will continue to remind Wyoming OSHA about the importance of initiating inspections after learning about the occurrence of an injury.	<i>Continued</i>
2014-OB-2	FY 2013-OB-2	Two of the inquiry files that were reviewed indicated that there was potential exposure to airborne contaminants. The employer responses did not include any information that air sampling was conducted.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming OSHA about the importance of conducting air sampling when there are potential airborne contaminants at hazardous levels, as well as documenting that sampling.	<i>Continued</i>
2014-OB-3	FY 2013-OB-3	One of the five fatality files did not contain an OSHA-36 and an OSHA-170. Two of the five fatality files did not indicate that the appropriate Next-of-Kin letters were sent.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming OSHA about communicating with the Next-of-Kin as appropriate.	<i>Continued</i>
2014-OB-4	FY 2013-OB-4	Based on the case files reviewed, Wyoming OSHA generally did not address electrical safe work practices (1910.331 – 1910.335). Many inspection files indicated problems with electrical components. Additional information was not in files to address potential hazards related to working safety on energized electrical equipment.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming about maintaining appropriate information within case files.	<i>Continued</i>
2014-OB-5	FY 2013-OB-5	Wyoming OSHA is not consistently conducting worker interviews. Some case files indicated that workers were not interviewed. In some cases, workers were not interviewed due to a language barrier, or because the workers were not willing to be interviewed.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming about maintaining appropriate information within case files.	<i>Continued</i>
2014-OB-6	FY 2013-OB-6	Wyoming OSHA does not update the Automated Tracking System when regulations specific to the State of Wyoming	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in	<i>Continued</i>

**Appendix B – Observations Subject to Continued Monitoring**  
**FY 2014 Wyoming Follow-up FAME Report**

		are promulgated or changed.	this area during quarterly meetings throughout FY 2015.	
2014-OB-7		Wyoming conducted only 59% of their planned safety inspections and 51% of their planned health inspections.	The OSHA Regional Office will continue to emphasize the importance of Wyoming OSHA meeting its planned number of inspections.	<i>New</i>

**Appendix C - Status of FY 2013 Findings and Recommendations**  
 FY 2014 Wyoming Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
2013-1	Wyoming OSHA does not consistently address health hazards.	Wyoming OSHA should continue to target industries where there is an increased likelihood of workers being exposed to potentially harmful levels of chemicals and noise and ensure that health hazards are identified, addressed and corrected.	Wyoming OSHA has improved the methodology to assess and address health risks during inspections through industrial hygiene training efforts with all Compliance staff to address referrals. Health staff received additional IH training and equipment training from manufacturers. Documentation during inspections has been conducted/improved in the case files. Additionally, Compliance staff will begin utilizing the Federal Compliance Guides checklists to ensure all inspections are vetted for health issues.	12/30/2014	Awaiting verification.
2013-2	Wyoming OSHA does not consistently follow the established guidelines found in the Whistleblower Investigation Manual throughout the screening, development and disposition of a discrimination case.	Wyoming OSHA should follow the instructions in each of the chapters outlined in the Whistleblower Investigations Manual throughout the entire discrimination process.	Wyoming OSHA will follow the guidelines of the Whistleblower Investigation Manual throughout the entire discrimination process and will document the utilization. One Compliance Officer has been dedicated to investigate discrimination complaints, and in the near future one administrative staff member will provide support. WY-OSHA has requested and looks forward to receiving in-depth training for discrimination cases from our Regional partners as soon possible.	7/1/2014 On 12/8-11/2014, WY OSHA sent two staffers to Region VIII for onsite training. On 1/5-16/2015, the same staff members attended OTI for discrimination training.	Awaiting verification.
2013-3	The development of Local Emphasis Programs is not formalized to include the reason for the LEP's, how to target the LEP, how to determine if the LEP is effective and whether to continue the LEP.	Wyoming OSHA should formalize their LEPs and conduct regular evaluation of their targeting and LEPs to determine that their LEPs are effective.	Formalized procedures for the Wyoming LEP's and programmed inspections will be completed to include a process to measure effectiveness. The program will incorporate guidance from the State Epidemiologist and the Workers Compensation Risk Management program. Pre- and post-measures of effectiveness related to injury severity and frequency will be measured using workers'	Expected Completion Date 6/1/2015	Awaiting Verification.

## Appendix C - Status of FY 2013 Findings and Recommendations

### FY 2014 Wyoming Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
			compensation information. An example WEN list and weighting document is provided as an example and LEP employers will be handled similarly.		
2013-4	Wyoming OSHA has not formalized their State Internal Evaluation Program Report.	Wyoming OSHA should formalize their State Internal Evaluation Program.	Wyoming OSHA continually works to improve the compliance processes and documentation, and will formalize these procedures. The program has instituted self-inspection audit forms and peer review processes. Additionally, a LEAN program was initiated to improve efficiencies and technology has been incorporated to create electronic case files. Also, a lead compliance officer has been appointed for safety staff and another lead for health staff to mentor and provide more internal oversight, allowing the program manager to provide more attention to the issue and other strategic planning.	2/24/2015	Awaiting verification.

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

### FY 2014 Wyoming Follow-up FAME Report

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OSHA is in the process of moving operations from a legacy data system (NCR) to a modern data system (OIS). During FY 2014, federal OSHA case files were captured on OIS, while most State Plan case files continued to be processed through NCR. Wyoming opened 211 enforcement inspections in FY 2014. Of those, 211 inspections were captured in NCR, while 0 were captured in OIS. The SAMM Report, which is native to IMIS (a system that generates reports from the NCR), is not able to access data in OIS. Additionally, certain algorithms within the two systems are not identical. These challenges impact OSHA's ability to combine the data.

For FY14 we will use a format very similar to the one used for FY13. Below is an explanation of which data OSHA was able to use when calculating each metric.

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

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

FY 2014 Wyoming Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Wyoming			FY 2014	
SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
<b>1</b>	Average number of work days to initiate complaint inspections	13.77	16 days	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
<b>2</b>	Average number of work days to initiate complaint investigations	0.48	1 day	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
<b>4</b>	Percent of complaints and referrals responded to within 1 work day (imminent danger)	100.0%	100%	State Plan data taken directly from SAMM report generated through IMIS.
<b>5</b>	Number of denials where entry not obtained	0	0	State Plan data taken directly from SAMM report generated through IMIS and Open Inspection OIS report.
<b>9a</b>	Average number of violations per inspection with violations by violation type	3.11	SWR: 1.99	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS; national data was manually calculated from data pulled from both IMIS and OIS for Fiscal Years (FY) 2012-2014.
<b>9b</b>	Average number of violations per inspection with violations by violation type	0.78	Other: 1.22	

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

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<b>11</b>	Percent of total inspections in the public sector	4.27%	9.59%	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS. The reference/standard is derived from the FY 14 grant application.
<b>13</b>	Percent of 11c Investigations completed within 90 calendar days	0%	100%	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>14</b>	Percent of 11c complaints that are meritorious	75	24.8% meritorious	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>16</b>	Average number of calendar days to complete an 11c investigation	313.75	90 Days	State Plan data taken directly from SAMM report generated through IMIS; National data was pulled from webIMIS for FY 2012-2014.
<b>17</b>	Planned vs. actual inspections - safety/health	188/23	320/45	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.
<b>18a</b>	Average current serious penalty - 1 -25 Employees	858.86		State Plan data taken directly from SAMM report generated through IMIS.
<b>18b</b>	Average current serious penalty - 26-100 Employees	1684.22		
<b>18c</b>	Average current serious penalty - 101-250 Employees	2472.88		
<b>18d</b>	Average current serious penalty - 251+ Employees	3589.13		
<b>18e</b>	Average current serious penalty - Total 1 - 250+ Employees	1831.12		

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<b>19</b>	Percent of enforcement presence	1.30%	National Average 1.51%	Data is pulled and manually calculated based on FY 2014 data currently available in IMIS and County Business Pattern data pulled from the US Census Bureau.
<b>20a</b>	20a) Percent In Compliance – Safety	17.95	Safety - 29.1	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2014 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
<b>20b</b>	20b) Percent In Compliance – Health	20	Health - 34.1	
<b>21</b>	Percent of fatalities responded to in 1 work day	100%	100%	State Plan data is manually pulled directly from IMIS for FY 2013.
<b>22</b>	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	n/a		Data not available.
<b>23a</b>	Average Lapse Time - Safety	108.88	43.4	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2011 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
<b>23b</b>	Average Lapse Time - Health	113.14	57.05	
<b>24</b>	Percent penalty retained	70.93	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.

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