

**FY 2015 Comprehensive  
Federal Annual Monitoring and Evaluation (FAME) Report**

**State of Alaska  
Alaska Occupational Safety and Health Section (AKOSH)**



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## **I. Executive Summary**

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

The purpose of this report is to assess the performance of the Alaska Occupational Safety and Health Section (AKOSH) during Fiscal Year (FY) 2015 with regard to activities mandated by OSHA, and to gauge AKOSH's progress toward resolving findings from the FY 2014 FAME Report. As part of this comprehensive evaluation, OSHA conducted a review of a sample of AKOSH's enforcement case files and whistleblower program case files. This report also assesses the State Plan's achievement of its annual performance plan goals.

Overall, AKOSH's performance with respect to activities that are mandated by the Occupational Safety and Health Act and its implementing policies and regulations is in need of improvement given the number of new and continued findings noted in this report.

The FY 2015 FAME Report on AKOSH includes a total of 17 findings, 9 of which are continued from FY 2014 and 8 that are new findings. In addition, six observations are made in this report, one of which is continued from FY 2014 and five that are new. In FY 2014, OSHA identified 13 findings for program improvement. AKOSH made satisfactory progress to complete corrective actions for three of these findings. OSHA determined AKOSH's actions were adequate to resolve those issues and considers them completed. An additional finding from FY 2014 was administratively closed.

Several repeated findings in this FAME confirmed that controls to ensure compliance with the Field Operations Manual (FOM) regarding inspection management have not been fully implemented. OSHA previously made recommendations to AKOSH to ensure all incidents were investigated in accordance with their policies and procedures, to include an on-site inspection of the workplace. This issue was once again discovered during this evaluation period in two instances involving a severe injury incident and a formal complaint where AKOSH did not conduct an on-site investigation at either the incident site or the employer's establishment location.

One of these cases involved a severe injury incident experienced by an employee who had 12 ribs and 3 vertebrae fractured after being struck by a log during logging operations. At the time of the report of the incident, the site was active, employees were engaged in logging operations, and yet the site was not physically inspected by AKOSH. The lack of a physical inspection of working conditions and timely interviews in these cases by AKOSH is unacceptable.

The second case involved a formal complaint inspection reviewed by OSHA involving serious hazards where employees were exposed to serious hazards such as: bloodborne pathogens, electrical hazards, and chemical exposures due to deficiencies in the employer's safety program. The complaint was made by a current employee who provided evidence that the hazards were present and OSHA maintains that an on-site

inspection was required. A citation was issued to the employer without an actual visit to the location – the inspection was conducted solely via phone and email.

OSHA contends that in both of these inspections, hazards were not properly addressed nor corrected, leaving workers exposed to serious conditions. AKOSH was aware these sites were still active and yet did not do their job to protect workers. This is the subject of a repeated finding in FY 2015.

AKOSH was not adequately documenting their case files to meet legal requirements in establishing a sound prima facie case. Although the majority of mandated activities and the SAMM indicate satisfactory compliance with the established parameters in comparison to other State Plans, the quality of the case files is sub-standard. AKOSH is not properly managing case file documentation necessary to establish legal sufficiency. In approximately 25% of the files reviewed, violations issued did not contain sufficient evidence in the OSHA 1-B Form to support the citations. Inadequate documentation and lack of legal sufficiency resulted in AKOSH settling a significant amount of their inspections with citations being withdrawn and penalties drastically reduced. This diminishes the credibility of AKOSH's enforcement program.

These issues indicate that there is a systemic failure on the part of AKOSH management to adequately address and resolve previously identified issues which undermine the program's effectiveness, resulting in continued findings.

It is worth noting that AKOSH's consultation program delivered quality products and training that have enhanced employee and employer recognition and correction of workplace hazards. In particular, AKOSH Consultation has focused on high hazard work areas in the construction and seafood processing industries. In addition, they also focused efforts in improving safety awareness among youth workers in Alaska. As of FY 2015, AKOSH's efforts are contributing to rate reductions in the targeted industries, and AKOSH should continue their efforts to monitor and aim resources at those industries with increased workplace hazards.

## **B. State Plan Introduction**

The State of Alaska, under an agreement with OSHA, operates an occupational safety and health program through its Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health Section. The program operates in accordance with Section 18 of the Occupational Safety and Health Act of 1970. The Alaska State Plan was approved July 10, 1973, and its developmental period under Section 18(e) of the OSH Act ended October 1, 1976. On September 13, 1977, OSHA certified that the State Plan had completed all developmental steps as specified in its plan, and granted AKOSH final State Plan approval on September 28, 1984.

The head of Alaska's Department of Labor and Workforce Development is Ms. Heidi Drygas, the Commissioner of Labor, who serves as the State Plan designee. The

director of the Labor Standards and Safety Division, Mr. Grey Mitchell, manages the Occupational Safety and Health Section.

AKOSH exercises jurisdiction over all private sector employers with the exception of the following - Denali National Park; Metlakatla Indian Reservation; maritime industries; federal government-owned, contractor-operated (GOCO) Native Health Care Facilities; and select military installations. The State Plan has regulatory authority in state and local government workplaces. OSHA covers all excepted employers noted above, as well as federal agencies.

There are relatively few differences between AKOSH's standards and those of OSHA. AKOSH has its own regulations for Logging and Oil and Gas Operations. The State Plan also has a regulatory requirement that employers report incidents which result in one or more workers being hospitalized. This regulation recently underwent legislative review to parallel OSHA's new recordkeeping and reporting requirements to include reporting of amputations and eye enucleations.

During FY 2015, the State Plan was staffed with 11 enforcement compliance officers (6 safety, 5 health) and 12 consultants. The program also has a Chief of Enforcement and Assistant Chief in the Enforcement section as well as a Chief of Consultation to administer the programs. The program covers approximately 331,828 workers employed in 22,214 establishments statewide. AKOSH's federally-approved state OSHA program was funded at \$2,946,150, of which \$1,383,800 were federal funds.

Alaska administers a combined on-site consultation program under 21(d) and 23(g) funding. This type of combined program is unique to Alaska. AKOSH's 12 consultant positions are a combination of 21(d), 23(g) and 100% state-funded. These consultants provide services to both public and private employers.

### **C. Data and Methodology**

The opinions, analyses, and conclusions described herein are based on information obtained from a variety of sources, including:

- Analysis and monitoring by OSHA of the FY 2014 AKOSH Corrective Action Plan which provides the State Plan's status and response to the FY 2014 FAME (Appendix C).
- Statistical reports comparing State Plan performance to federal performance.
- State Activity Mandated Measures (SAMM) report data (Appendix D).
- Mandated Activities Report for Consultation (MARC) data.
- State Information Report (SIR) data.
- The FY 2015 State OSHA Annual Report (SOAR) prepared by Alaska, which contains details of the State Plan's achievements with respect to its annual goals.
- Quarterly monitoring meetings between OSHA and the State Plan.
- Case file reviews of 52 inspection files (consisting of programmed inspections, complaints/referrals, hospitalization accidents and fatalities), 8 whistleblower case files.

- Interviews with the chief of enforcement, program analyst, and compliance staff.

OSHA has established a two-year cycle for the FAME process. This is the comprehensive year, and as such, OSHA performed on-site case file reviews. The review of the AKOSH State Plan included the participation of the Anchorage area director in four quarterly meetings with the State Plan and additional on-site meetings during the period. The area director conducted monitoring as needed to include case file reviews, program reviews, and technical assistance throughout the year.

The OSHA Anchorage Area Office staff reviewed 52 of AKOSH's enforcement case files over a total of ten days. During a separate on-site review by an OSHA whistleblower investigator, eight whistleblower investigation case files were evaluated. All case files were reviewed to assess the quality of documentation, violation classification, penalty calculations, abatement verification, settlement and other factors, as appropriate. The selected files were randomly chosen using a random number chart. In the case of whistleblower investigation case files, all closed files were reviewed due to the small number of cases involved. This assessment resulted in findings and recommendations which are discussed in the body of this report.

In addition, the views and opinions of stakeholders were taken into consideration in preparing this report. Information on the adequacy of State Plan administration was received from employers, OSHA's alliance partners, professional safety organizations, and organized labor groups throughout the State of Alaska.

#### **D. Findings and Recommendations**

This section summarizes OSHA's findings and recommendations for the evaluation period of FY 2015. There are a total of 17 findings, all but three of which relate to AKOSH's enforcement program. There are also six observations noted which are not issues considered to directly impact the effectiveness of the State Plan and are included for purposes of future State Plan monitoring. Details of findings, recommendations, and observations are further discussed in the body of the report and in Appendices A and B at the end of the report. There are 9 continued findings which had been identified in the previous FY 2014 FAME Report and were again noted in FY 2015. One FY 2014 finding was administratively closed. Appendix C describes the status of each FY 2014 finding in detail.

Overall, AKOSH met the majority of its own FY 2015 performance goals and fulfilled its obligations with regard to activities mandated by OSHA. However, this report identifies critical areas in need of improvement in order to justify a satisfactory performance rating from OSHA. Where the need for program improvement was identified, recommendations are made therein for corrective actions.

## **II. Major New Issues**

A significant CASPA was received by OSHA regarding the AKOSH program in FY 2015. OSHA found that 9 of the 12 allegations were valid, and subsequently 9 recommendations were made to AKOSH for program improvement. Four of these items were also addressed in the Follow-up FAME of 2014. Three were corrected prior to the release of the findings for the CASPA in late 2015, and two items are in this FY 2015 FAME as new findings. These two findings pertain to a lack of systematic programming and site selection neutrality for programmed-planned inspections and for a lack of uniform methodology for informal settlement documentation and review.

There is a systemic failure on the part of AKOSH management to adequately address and resolve previously identified issues, resulting in continued findings. As a result of the inability of AKOSH management to ensure compliance with OSHA's and their own policies, workers and employers of the State of Alaska are not being afforded the worker protections that a satisfactory program would deliver for its citizens.

### **III. Assessment of FY 2015 State Plan Performance**

#### **A. STATE PLAN ADMINISTRATION**

##### 1) Training

The FY 2014 FAME Report found AKOSH to be failing to provide training in accordance with their training protocols, which essentially mirror those of OSHA. These requirements included the assurance that compliance staff would complete at least eight required training courses within three years of the date of hiring. AKOSH was not meeting their own requirement to provide this training for their personnel. In FY 2015, AKOSH invested significant resources for their enforcement staff to prepare individual training plans and sent them to over 20 courses during the year. This was double the amount of training provided in previous years. While this effort is a positive development, it has not diminished the fact that four employees who have been employed with AKOSH for over three years have not been afforded the core training. OSHA is encouraged with AKOSH's efforts to correct this issue, but more progress needs to be made and therefore it remains a continued finding for FY 2015.

**Finding FY 2015-01 (Finding FY 2014-07):** Four compliance officers have not completed eight core development courses through the OSHA Training Institute in their first three years of employment, as stipulated by the AKOSH training policy.

**Recommendation FY 2015-01:** Ensure all compliance staff completes core training within the established three-year timeframe in accordance with AKOSH policy.

##### 2) Funding

AKOSH is utilizing 100% of its 23(g) grant funding during the year and no discrepancies have been identified in the use of the funds.

3) Staffing (including benchmarks, furloughs, hiring freezes, etc.)

During the previous five fiscal years, AKOSH has encountered significant staff turnover rates within its enforcement program. These high turnover rates have had a substantial impact on AKOSH’s ability to meet its inspection goals established in each year’s 23(g) federal funding grant application. A total of 14 AKOSH compliance officers have resigned in the past 5 fiscal years, and 2 have transferred to consultation. Only one compliance officer retired during this timeframe. Of the 12 staffed enforcement positions, only 1 individual has remained with AKOSH for more than 5 years. As a result, AKOSH has experienced an average 75% turnover rate in its staff within a five-year period. The turnover rate for FY 2015 alone was 45%.

The table below shows the turnover of AKOSH enforcement personnel during the past five years between FY 2010 and FY 2014.

**AKOSH Turnover in Enforcement Personnel (FY 2011 – 2015)**

|                                     | <b>FY 2011</b>      | <b>FY 2012</b>        | <b>FY 2013</b>        | <b>FY 2014</b> | <b>FY 2015</b>        |
|-------------------------------------|---------------------|-----------------------|-----------------------|----------------|-----------------------|
| <b>Allocated Positions</b>          | 12.5                | 11.5                  | 11.5                  | 11.5           | 11.5                  |
| <b>Staffed Positions</b>            | 13                  | 12                    | 12                    | 12             | 11                    |
| Resignations of CSHO’s              | 5                   | 0                     | 1                     | 4              | 4                     |
| Transfers to Consultation           | 0                   | 1                     | 0                     | 1              | 0                     |
| New Hires                           | 1                   | 5                     | 1                     | 4              | 2                     |
| Year-End Vacancies<br>Safety/Health | 3 Safety/<br>Health | 1 Safety/<br>2 Health | 1 Safety/<br>2 Health | 1 Safety       | 2 Safety/<br>2 Health |

4) OSHA Information System (OIS) – use of OIS reports for State Plan management

AKOSH utilizes the OIS, but does not effectively use reports to manage the program, including ensuring timeliness and tracking progress of cases during the year. This particular issue has been discussed numerous times in past quarterly meetings but the reports have still not been utilized to improve program effectiveness. For example, two cases exceeded the 180-day expiration of the statute of limitations during this FAME period. One of these cases had citations issued after the expiration of statute of

limitations date, which is a violation of Alaska Public Law (Sec. 18.60.091(c)). The other case was not issued and the hazards were not addressed due to this fact. These particular outliers could have been identified if program management had been utilizing available reports within the OIS such as the open inspection report.

**Observation FY15-OB-01:** AKOSH does not effectively use OSHA Information System (OIS) reports to manage the program, by tracking important performance indicators such as timeliness.

5) State Internal Evaluation Program (SIEP) Report

AKOSH does not have a formal auditing process to review its results of targeting efforts within the program. This item has been encouraged for two years and will continue to be monitored through FY 2016.

**Observation FY15-OB-02:** AKOSH does not formally review its targeting goals for effectiveness and improvement outside of SOAR goals. AKOSH should implement a review process to ensure targeting programs are effective in achieving safety presence in the high hazard industries.

**B. ENFORCEMENT**

1) Complaints

**Table 1  
Complaints (SAMM 1, 2, 3)**

|  | <b>FY 2013</b>   | <b>FY 2014</b> | <b>FY 2015</b>   | <b>Goal</b> |
|--|------------------|----------------|------------------|-------------|
| Avg. Days to Initiate Inspection (SAMM 1)                                      | 3.5 days         | 9.2 days       | 3.2 days         | 7 days      |
| Avg. Days to Initiate Investigation (SAMM 2)                                   | 0.54 days        | 0.16 days      | 0.27 days        | 1 day       |
| Complainants Notified Timely<br>Note: Included for informational purposes only | 100%<br>55 of 55 | 100 %          | 100%<br>112/ 112 | 100%        |
| Imminent Danger Response (SAMM 3)  | 100%<br>92 of 92 | 97.6 %         | 98%<br>49 / 50   | 100%        |

AKOSH responded to 112 complaints during FY 2015. Performance in this area was comparable to that of OSHA’s, and exceeded AKOSH’s overall goal of 90% timeliness for both notifying complainants and responding to imminent danger situations.

AKOSH’s policy on responding to imminent danger situations is to conduct inspections as expeditiously as possible, and no later than 24 hours after notification. This is the same as OSHA’s policy.

It was noted that during this evaluation period AKOSH did not follow their Field Operations Manual (FOM) by sending letters to all complainants indicating the results of the inspection process.

**Finding FY 2015-02 (Finding FY 2014-04):** In 22% (4 of 18) of formal complaint case files reviewed, AKOSH did not ensure letters were sent to complainants providing the results of the inspections, as required by the AKOSH FOM.

**Recommendation FY 2015-02:** Ensure all complainants are sent letters regarding the results of formal complaint inspections in accordance with the AKOSH FOM.

During this evaluation period, 50 imminent danger complaints/referrals were received by AKOSH and 49 were inspected within the required time frame. The one exception was due to travel delay and handled by phone with immediate abatement of the hazards.

AKOSH's response to unprogrammed activities continues to be timely.

## 2) Fatalities

As part of this FAME reporting cycle, the Anchorage area office conducted a case file review to evaluate fatality cases and incidents involving hospitalization of workers in the State of Alaska. One fatality and fifteen hospitalization case files were reviewed. The State Plan also had several cases where "lack of jurisdiction" was appropriately applied and inspections were not conducted in cases involving criminal matters and sole proprietorship where other worker exposure was not involved.

AKOSH's mandate is to initiate inspections of fatalities and catastrophes (defined as three or more hospitalizations) within one working day - or within seven working days for two or fewer hospitalizations - for 90% of occurrences to prevent further injuries or deaths.

AKOSH investigated one fatal incident in FY 2015 which is significantly fewer cases than in FY 2014. The sole fatality that occurred in 2015 was responded to in a timely manner.

The single fatality was a worker who was fatally injured in trench collapse. AKOSH took significant enforcement action against the employer, who directed workers to work inside a trench without shoring or other safety measures taken to protect workers in the trench. Upon conclusion of the inspection, AKOSH issued citations to the employer for willful violations for endangering workers in this case.

However, it was noted during the case file review of this fatality that two issues were not properly documented in the case file. The file did not have a letter to the family of the victim indicating the results of the inspection and a copy of the citations. This is a repeated issue with AKOSH. In addition, almost two months after the case was contested, the OIS was not updated to indicate this change.

**Finding FY 2015-03 (Finding FY 2014-06):** In the one fatality that occurred during FY 2015, a follow-up condolence letter, including inspection results, were not sent to the next-of-kin, in accordance with the AKOSH FOM.

**Recommendation FY 2015-03:** Ensure next-of-kin condolence letters and inspection results are sent at the completion of fatality investigations and copies of the letters are maintained in the case file in accordance with the AKOSH FOM.

In FY 2015, AKOSH inspected 25 incidents where one or more workers were hospitalized overnight. All of these 25 incident inspections were initiated timely (within seven days).

There were two incidents reviewed in this FAME period where a site visit was not attempted but an inspection was opened and citations were issued. One incident involved a worker hospitalization which was due to a tree striking him while he was felling trees on a logging site. The worker broke 12 ribs and fractured 3 vertebrae in this incident. At the time of the report of the incident, the site was active, workers were engaged in logging operations, and yet the site was not physically inspected by AKOSH. In lieu of an actual inspection, the compliance officer collected information through emails and telephone calls. Interviews of the employer representative and witnesses occurred more than five months into this particular case.

A site visit should have been conducted to document the actual conditions experienced by workers at the work site. The case was issued based completely on employer-provided information and an interview of the injured worker. This particular worksite was a high-hazard worksite and the compliance officer asked to go to the site. The request was denied by management due to lack of resources, and the compliance officer was directed to get photographs and evidence from the employer. The resulting case was not developed with enough information to refute the employer's challenges in the informal conference five months later. Initially there were three serious citations along with some other-than-serious citations with no penalties, for a proposed penalty of \$9,000. In an informal settlement agreement executed by the AKOSH chief of enforcement, the result was that two of the serious violations were vacated and the remaining one was reduced by 40%, all recordkeeping violations and associated penalties were vacated, and the employer paid \$1500 upon settlement.

The second inspection involved a formal complaint where a worker in the Aleutian chain island town of Sandpoint made a complaint against their employer for serious safety and health program issues, involving conditions where workers were exposed to serious hazards such as: bloodborne pathogens, electrical hazards, and chemical exposures due to deficiencies in the employer's hazard communication program. The complaint was made by a current worker who provided evidence that the hazards were present and OSHA maintains that an on-site inspection was required. In this case, the entire inspection was documented using faxed information, emailed communication, and other employer-provided information without an on-site assessment by AKOSH. The complainant was not sent a letter of the findings of the inspection, but they nonetheless provided a

response to the complaint that indicated the items were not resolved and added more alleged hazards to the complaint. AKOSH did nothing with the refutation from the complainant. Upon review, it was determined by OSHA that apparent violations were missed due to not completing a site visit and ignoring the complainant's evidence provided by email. This evidence was present in the file.

In each of these cases, AKOSH contended that they were utilizing resources in a prudent manner given the circumstances of the incident. In previous years when this was addressed, some of the incident sites were not active at the time of the report of the injury. OSHA agreed that AKOSH could have conducted the investigation utilizing methods that did not involve an actual site visit. However, in the two cases identified in this report, the sites were active and workers were still being exposed to hazards. The employer's establishments were not visited, and the investigation was conducted by telephone, fax and email. It was determined through employee interviews that inspection resources such as available travel funds were a major part of the decision process to not inspect the sites. This was the fourth year in a row where this particular finding has been discovered during case file reviews. The lack of a physical inspection of working conditions and timely interviews in these cases by AKOSH is unacceptable.

**Finding FY 2015-04 (Finding FY 2014-09):** AKOSH did not perform on-site inspections at two work sites that should have been inspected, in accordance with the AKOSH FOM.

**Recommendation FY 2015-04:** Ensure that inspections include on-site visits to the incident or formal complaint sites, as required by the AKOSH FOM. If the incident site is deemed unsafe, then AKOSH should select an alternative site such as the employer's establishment location in accordance with the AKOSH FOM.

#### Bureau of Labor Statistics (BLS) Rates

An overview of AKOSH private industry TCIR<sup>1</sup> and DART<sup>2</sup> rates for calendar years 2010 through 2014, as well as for select industries, is provided in Table 2. At the close of this monitoring period, 2014 was the most recent calendar year for which data were available. (Data source: [www.bls.gov](http://www.bls.gov))

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<sup>1</sup> TCIR is the total case incident rate, which represents the number of recordable injuries and illnesses per 100 full-time workers, calculated as:  $(N/EH) \times 200,000$  where N = number of injuries and illnesses; EH = total hours worked by all workers during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>2</sup> DART is the days away from work, job transfer, or restriction rate, which represents the number of such cases per 100 full-time workers. Calculation of the DART rate is similar to that of TCIR.

**Table 2**

|  | CY 2010 | CY 2011 | CY 2012 | CY 2013 | CY 2014 | % Change,<br>2010-2014 | % Change,<br>2012-2014 |
|--|---------|---------|---------|---------|---------|------------------------|------------------------|
| <b>Private Industry</b>                        |         |         |         |         |         |                        |                        |
| TCIR   | 4.5     | 4.5     | 4.6     | 4.3     | 3.9     | -13%                   | -15%                   |
| DART   | 2.2     | 2.2     | 2.1     | 2.0     | 2.1     | -5%                    | 0%                     |
| <b>Construction, NAICS<sup>3</sup> 23</b>      |         |         |         |         |         |                        |                        |
| TCIR   | 5.0     | 5.6     | 5.2     | 4.5     | 5.3     | +6%                    | +2%                    |
| DART   | 2.2     | 2.8     | 2.7     | 2.4     | 3.5     | +59%                   | +30%                   |
| <b>Transportation/Warehousing, NAICS 48-49</b> |         |         |         |         |         |                        |                        |
| TCIR   | 5.7     | 5.5     | 3.7     | 5.3     | 4.9     | -14%                   | +32%                   |
| DART   | 3.9     | 3.5     | 3.0     | 3.0     | 3.1     | -21%                   | +3%                    |
| <b>State and local government</b>              |         |         |         |         |         |                        |                        |
| TCIR   | 4.5     | 4.2     | 4.2     | 4.1     | 4.1     | -9%                    | -2%                    |
| DART   | 2.2     | 2.1     | 1.8     | 1.8     | 2.0     | -25%                   | -18%                   |

As stated previously, AKOSH conducts inspections and delivers training in the construction, transportation/warehousing, and seafood processing industries in an effort to reduce injuries and illnesses. Five-year BLS data presented above show that the State Plan is justified in continuing to focus its resources in these industries because TCIR and DART rates have been consistently higher in the three targeted industries than the rates for private industry as a whole. Overall, between 2010 and 2014, decreases in AKOSH's TCIR and DART rates occurred in all of the above industries with the exception of state and local government. State and local government rates have remained constant. As of FY 2015, AKOSH's efforts are contributing to rate reductions in the targeted industries, and AKOSH should continue to monitor and aim resources at those industries where the rates are beginning to increase.

### 3) Targeting and Programmed Inspections

**Table 3**  
**Inspections Conducted FY 2013 – 2015 (SAMM 7)**

| Inspections       | FY 2013 | FY 2014 | FY 2015 |
|-------------------|---------|---------|---------|
| <b>Goal</b>       | 385     | 420     | 405     |
| <b>Conducted</b>  | 376     | 283     | 310     |
| <b>Difference</b> | -9      | -137    | -95     |

<sup>3</sup> NAICS is the North American Industry Classification System.

AKOSH submits an annual grant application that includes an annual performance plan, and every five years, a strategic plan. One component of these plans establishes goals for enforcement inspections. During the first two years of this Five-Year Strategic Plan (FY 2014 - FY 2018), AKOSH did not meet its annual inspection goals.

The State Plan conducted 310 inspections in FY 2015, representing an increase of 28% compared to the 283 inspections it conducted in FY 2014. Of the inspections conducted during this period, 217 (70 %) were programmed and 93 (30%) were unprogrammed. Although the initial inspection goal was 405 inspections, this goal was adjusted to 315 inspections during the second quarterly meeting of FY 2015. AKOSH was within 2% of meeting the adjusted goal. Because AKOSH came very close to meeting this adjusted goal, OSHA is closing Finding 2014-08.

During FY 2015, AKOSH once again had a high turnover rate which inhibited their ability to reach their initial goal of 405 inspections. Four compliance officers resigned during FY 2015 and one officer retired. This represented approximately a 45% turnover rate for the year. In OSHA interviews with AKOSH employees, lack of training was cited as one of the root causes of program dissatisfaction, leading to high turnover. AKOSH is trying to address this issue through developing a training and retention program

In addition, it was found during the case file reviews and staff interviews that AKOSH is not ensuring that compliance officers are using inspection lists generated by management in accordance with their own policy. Compliance staff were developing lists of employers based on their own review of the OIS employers within a specific NAICS code and were not using methods to ensure site selection neutrality. It was also noted that management was neither reviewing nor approving these methods of site selection and the list generation in general.

**Finding FY 2015-05:** AKOSH did not ensure neutral selection criteria when selecting establishments for programmed inspections in accordance with AKOSH policy.

**Recommendation FY 2015-05:** Ensure site selection neutrality and that employers who are in high risk or in National Emphasis Programs (NEP) programs are targeted in accordance with the AKOSH FOM and AKOSH Policy Directive 13-02.

4) Citations and Penalties

**Table 4  
Percent In-Compliance (SAMM 9)**

|        | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2015 National Data</b> |
|--------|----------------|----------------|----------------|------------------------------|
| Safety | 14%            | 16%            | 19%            | 28%                          |
| Health | 17%            | 13%            | 18%            | 34%                          |

Based on this measure, AKOSH seems to be adequately identifying violations during inspections.

**Table 5**  
**Average Violations per Inspection with Violations (SAMM 5)**

|       | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2015 National Data</b> |
|-------|----------------|----------------|----------------|------------------------------|
| S/W/R | 1.8            | 2.27           | 2.01           | 1.92                         |
| Other | 1.5            | 1.33           | 0.69           | 0.87                         |

AKOSH has exceeded the national rate for serious, willful, and repeat violations and thus seems to be adequately identifying such violations.

During FY 2015 the number of serious, willful, and repeat violations per inspection by AKOSH decreased when compared to the previous year. Violations issued as “other-than-serious” during FY 2015 have also decreased in comparison with the previous year’s performance, but they are acceptable given the national average rate.

The following tables represent AKOSH’s performance history for both industrial hygiene and safety citation lapse times. See Appendix D for details (SAMM report FY 2015 - SAMM 11).

**Table 6**  
**Average Lapse Times (SAMM 11)**

| <b>Safety/Health Lapse Time (Days)</b> | <b>FY 2011 Safety/Health</b> | <b>FY 2012 Safety/Health</b> | <b>FY 2013 Safety/Health</b> | <b>FY 2014 Safety/Health</b> | <b>FY 2015 Safety/Health</b> |
|--|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| <b>Actual</b>                          | 102 / 109                    | 86 / 115                     | 83 / 115                     | 88/120                       | 90/87                        |
| <b>National Average</b>                | 52 / 65                      | 56 / 68                      | 54 / 66                      | 56 / 67                      | 43 / 53                      |
| <b>Difference</b>                      | +50 / +44                    | +30 / +47                    | +29 / +49                    | +32 / +53                    | +47 / +34                    |

During FY 2015, AKOSH’s citation lapse times remained above national averages once again for both safety and health inspections. The number of calendar days from opening conference to citation issuance was 90 days for safety inspections and 50 days for health. Overall, AKOSH’s FY 2015 lapse times compare unfavorably to the national averages. Those lapse times were 43 and 53 days for safety and health cases, respectively. It must be noted that improvements were made this year in health lapse times, but these gains were offset by a marked increase in safety lapse times. An employer is not legally required to correct hazards until they are notified of the hazard through notification and citation issuance by AKOSH. Excessive lapse times unnecessarily lengthen the amount of exposure time to workplace hazards.

**Finding FY 2015-06 (2014-10):** During FY 2015, AKOSH’s citation lapse times were 90 days for safety inspections and 87 days for health inspections, both of which are far higher than the national average.

**Recommendation FY 2015-06:** Review the citation issuance process to determine the cause of the high occurrence of lapse time between opening an inspection and issuance of a citation. Develop and implement a resolution to ensure citations are issued timely and employers are put on notice to abate hazards in a timely manner.

**Table 7**  
**Average Initial Penalty per Serious Violations (SAMM 8)**

| Average penalty assessed per serious violation | FY 2011 | FY 2012 | FY 2013 | FY 2014  | FY 2015  |
|--|---------|---------|---------|----------|----------|
|  | \$976   | \$1,046 | \$1,052 | \$658.64 | \$814.12 |

Case file reviews verified that the State Plan assessed penalties for all serious violations cited.

AKOSH’s average current penalty per serious violation in the private sector (SAMM 8: 1-250+ workers) was \$814.12 in FY 2015. The Further Review Level is -25% of the National Average (\$2,002.86), which equals \$1,502.14. Penalty levels are at the core of effective enforcement, and State Plans are therefore required to adopt penalty policies and procedures that are “at least as effective as” (ALAE) those contained in the FOM, which was revised on October 1, 2015 to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection.

Note that with the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA is now required to raise its maximum penalties in 2016 and to increase penalties according to the Consumer Price Index (CPI) each year thereafter. State Plans are required to follow suit. As a result of this increase in maximum penalties, OSHA will be revising its penalty adjustment factors in Chapter 6 of the FOM. Following completion of the FOM revision and after State Plans have the opportunity to adopt the required changes in a timely manner, OSHA will be moving forward with conducting ALAE analysis of State Plan penalty structures, to include evaluation of average current penalty per serious violation data.

The case file review also revealed that AKOSH is not adequately documenting evidence to support violations. This is a major area of concern that OSHA contends is a serious deficiency in the administration of the program, as indicated in the executive summary. The following items were found to be prevalent discrepancies throughout the case file review. It must be noted that many of these items have been addressed in previous FAME reports, and while some of them are not listed as continued findings, almost all of these issues have been addressed in previous reports.

Missed violations: AKOSH compliance officers missed violations in 15 case files reviewed by OSHA. Eleven of these items were missed citations for recordkeeping

violations. The conditions were obvious in the review of the case files and were not caught or corrected prior to issuance.

**Finding FY 2015-07 (Finding FY 2014-05):** In 29% (15 of 52) of case files reviewed, citations were not issued for all violations of hazards and recordkeeping observed during the inspection and documented in the case file.

**Recommendation FY 2015-07:** Ensure management conducts a comprehensive and thorough review of all case files prior to issuance of citations to ensure all hazards and recordkeeping requirements are addressed in compliance with the AKOSH FOM.

Improper selection of probability and severity for the hazard: In numerous case files, documentation of the probability or severity was not filled out in the file in any way. In other cases, severity was incorrectly selected as medium or lesser where the outcome would have been death or loss of a body part. This incorrect application affects penalty calculations as well as the rationale for the citation if challenged. In addition, this issue undermines the deterrence effect of the penalty system.

**Finding FY 2015-08:** In 19% (10 of 52) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.

**Recommendation FY 2015-08:** Ensure case files are administratively reviewed to correct deficiencies in severity and / or probability in accordance with the AKOSH FOM prior to issuance.

Lack of documentation for penalty adjustments: Penalty adjustment rationale was missing in six case files. It was evident that the penalties associated with these cases had not been calculated correctly as a result of this deficiency.

**Finding FY 2015-09:** In 10% (6 of 52) of all case files reviewed, initial penalty adjustment rationale was not documented.

**Recommendation FY 2015-09:** Review case files to ensure justification for good faith, size, and history-based reductions are documented and applied correctly in accordance with the AKOSH FOM.

Lack of Employer Knowledge: It was determined that employer knowledge was not documented correctly in five inspections reviewed by OSHA. Knowledge in these case files was inadequately documented in that the evidence did not show that the employer knew or should have known that the conditions existed in their workplace. In two case files, employer knowledge was not documented in the file at all and these cases would not have met the prima facie requirements necessary for a citation to be issued. This discrepancy would result in cases being administratively dismissed in informal conferences or in formal settlement hearings.

**Observation FY15-OB-03:** In 10% of all case files reviewed, employer knowledge was not adequately documented.

OSHA 300 Information: In 11 cases reviewed, OSHA Form 300 information was either not entered in OIS or was not cited as a case where the employer did not correctly report injuries or illnesses in the workplace. This oversight potentially allows for employers to not report injuries in the event that they would be required to submit data to the Bureau of Labor Statistics. OSHA Form 300 log review is a required element of any OSHA inspection unless the employer has fewer than 10 employees.

**Finding FY 2015-10:** In 21% (11 of 52) case files reviewed, OSHA Form 300 information was not entered or evaluated.

**Recommendation FY 2015-10:** Ensure that OSHA Form 300 data is reviewed, entered, and evaluated for potential violations of the recordkeeping standard in accordance with the AKOSH FOM.

Expiration of the Statute of Limitations: In this period, two cases were identified which went over the 180-day expiration of jurisdiction. This type of ineffective management of enforcement case allows employers to evade accountability. An employer is not legally required to correct hazards that have been identified if citations are not issued within this timeframe. AKOSH has a provision within their statutes limiting citation issuance over 180 days. In one particular case, a citation was issued on the 181st day. This action is not legally acceptable.

**Finding FY 2015-11:** AKOSH allowed two case files to go over the 180-day statute of limitations, one of which was issued 181 days after the opening conference.

**Recommendation FY 2015-11:** Ensure that case files are tracked by management and issued prior to the expiration of the statute of limitations in accordance with the AKOSH FOM and Alaska Statutes.

## 5) Abatement

The State Plan's procedures for verifying hazard abatement are the same as those of OSHA. During the case file review, it was observed that AKOSH did not develop a method to ensure verification of abatement was documented in case files. For example, in at least 14 (27%) of the 52 cases reviewed, AKOSH closed the inspections without adequate abatement documentation in the case file. This practice means that AKOSH is not ensuring that employers correct hazards in the workplace.

**Finding FY 2015-12:** In 27% (14 of 52) of all case files reviewed, abatement verification was not documented.

**Recommendation FY 2015-12 (Continued 2014-12):** Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.

#### 6) Worker and Union Involvement

AKOSH's policy on worker participation in the inspection process is the same as OSHA's. During AKOSH inspections, workers are given the opportunity to participate either through interviews or by having worker representatives accompany inspectors. Workers are also afforded the opportunity to privately express their views about the workplace away from the employer.

However, in six case files reviewed, it was apparent that AKOSH did not document union participation in the inspection or in the informal conference. It is important that this be documented, as bargaining units have the right to take part in the inspection process as required in the AKOSH FOM.

**Observation FY-OB-04:** In 10% of all case files reviewed, where a union presence was indicated in the inspection, there was no documentation of participation by the union during the inspection process in the file, including the informal conference process.

### C. REVIEW PROCEDURES

AKOSH's administrative procedures as outlined in the FOM and Alaska Statute afford employers the right to administrative and judicial review of alleged violations, proposed penalties, and abatement periods. These procedures also give workers or their representatives the opportunity to participate in review proceedings and to contest citation abatement dates.

#### 1) Informal Conferences

AKOSH has similar informal conference procedures as OSHA does. The chief of enforcement or his representative attends along with employer representatives. It is highly advised that compliance staff attend these meetings as well to ensure they have a better understanding of the process and grow professionally from the experience. Employers have the right to discuss citations informally with AKOSH, the right to contest citations and penalties, and the right to object to assigned abatement dates. In Alaska, most employer citation appeals are resolved by informal settlement.

During the FY 2015 case file review of 52 enforcement case files, it was apparent that during informal conferences there were a broad range of reductions in penalties applied in each case. Several cases had reductions of up to 100% of the original issued amount. In over 14 cases it was not documented why these reductions were made.

**Finding FY 2015-13 (Finding FY 2014-01):** In 27% (14 of 52) of all informal settlement agreements reviewed, the chief of enforcement did not adequately document rationale for penalty reductions.

**Recommendation FY 2015-13:** Ensure all penalty adjustments, made for purposes of settlement at informal conferences, are modified appropriately and documented in the inspection case file in accordance with the AKOSH FOM.

In other cases, the rationale made it difficult to determine the appropriateness of the reduction. One example of an insufficient reduction justification was that “the employer gave it a good faith effort”. The employer in this case did not abate the hazard and therefore reduction was not appropriate. The AKOSH FOM allows for reductions of penalties where appropriate by the chief of enforcement. However, it does not set any particular maximum reduction levels where approval would require further review by another level of authority to ensure consistency. This can lead to inconsistent penalty applications within the AKOSH program.

**Finding FY 2015-14 (OB-14-03):** AKOSH’s penalties are being inappropriately reduced during informal conferences - in some cases by over 80% - due to the lack of specific guidelines for penalty reductions and lack of review by upper management, thus diminishing the deterrent effect of the penalty system.

**Recommendation FY 2015-14:** Establish methods to ensure penalty adjustments are documented, and have a second level of review.

## 2) Formal Review of Citations

Alaska’s Administrative Code and AKOSH’s Compliance Manual afford employers the right to administrative and judicial review of alleged violations, proposed penalties, and abatement periods. These procedures also give workers or their representatives the opportunity to participate in review proceedings and to contest citation abatement dates.

AKOSH performance in this area continues to be acceptable.

## **D. STANDARDS AND FEDERAL PROGRAM CHANGES (FPC) ADOPTION**

The State Plan is required to notify OSHA of its intent to adopt standards and federal program changes (FPC) within 60 days of OSHA’s issuance of the direct final rule or issuance of an automated notice to the State Plan. The State Plan then has up to 6 months to adopt a standard or FPC with submission of such to OSHA within 60 days of adoption.

### 1) Standards Adoption

AKOSH adopts most federal standards by reference. For standards not adopted by reference, the State Plan has acceptable procedures for promulgating standards that are at least as effective as those issued by OSHA. In FY 2015 AKOSH did not provide timely responses to two out of three standards.

AKOSH has had a reporting requirement for employers to report all in-patient hospitalizations of workers within 24-hours of receiving notice of the incident for many years. However, this standard, did not require the reporting of amputations or eye enucleations. The January 1, 2015 change in OSHA’s requirement to report such injuries made it necessary for AKOSH to change this legislation. An equivalent update to the State of Alaska statute on this requirement has passed the Alaska Legislature and is currently awaiting signature by the governor.

**Table 8**

| <b>Standard:</b>   | <b>State Response Date:</b> | <b>Intent to Adopt:</b> | <b>Adopt Identical:</b> | <b>Adoption Due Date:</b> | <b>State Adoption Date:</b> |
|--|-----------------------------|-------------------------|-------------------------|---------------------------|-----------------------------|
| Cranes and Derricks in Construction – Operator Certification Final Rule (9/26/2014)  | None to date                |                         |                         | 3/26/2015                 |                             |
| Occupational Injury and Illness Recording and Reporting Requirements NAICS Update and Reporting Revisions (9/19/14)<br>Adoption Required | 4/27/2015                   | Yes                     | No                      | 3/19/2015                 | TBD                         |
| Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment (7/11/2014)                     | None to date                |                         |                         | 1/11/2015                 |                             |

2) OSHA or State Plan-Initiated Changes

A total of six federal program changes (FPCs) required adoption in FY 2015. AKOSH’s acknowledgement of intent was 50% timely for the FPCs due during FY 2015 and their adoption and submission of FPCs due during FY 2015 was 17% timely. OSHA will continue to monitor AKOSH’s timeliness in acknowledging their intent to adopt FPCs and in adopting FPCs. This, along with the timely response rate to new standards in FY 2015, is the subject of a continued finding.

**Finding FY 2015-15:** Alaska’s timely response rate for notification of intent regarding adoption of federal program changes and standards is 50% and 33% respectively.

**Recommendation FY 2015-15:** Ensure responses to OSHA regarding intent of adoption of federal program changes and standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.

There were five FPCs that required adoption and submission in FY 2014. AKOSH’s acknowledgement of intent was 40% timely and their adoption and submission was 60%

timely for FPCs due during FY 2014. A final response or adoption was never received for CPL-02-14-01, Site-Specific Targeting 2014 (SST-14).

The table below lists FPCs from FY 2014 and FY 2015 which required a response from AKOSH in this FAME period and the outcome.

**Table 9  
Federal Program Changes**

| FPC Directive/Subject:   | State Response Date:                  | Intent to Adopt: | Adopt Identical: | Adoption Due Date: | State Submission                    |
|--|---------------------------------------|------------------|------------------|--------------------|-------------------------------------|
|  |                                       |                  |                  |                    | Date:                               |
| CPL-03-00-018 REVISION - National Emphasis Program - Primary Metal Industries (issued 10/20/14)                                  | None to date (4/22/2016) (Not timely) |                  |                  | 4/20/2015          | None to date (4/22/2016)            |
| CPL-02-01-057 Compliance Directive for the Cranes and Derricks in Construction Standard (issued 10/17/2014) Equivalency required | None to date (4/22/2016) (Not timely) |                  |                  | 4/17/2015          | None to date (4/22/2016)            |
| TED-01-00-019 Mandatory Training Program for OSHA Compliance Personnel (7/21/2014)   | 11/23/2015 (Not timely)               | Y                | N                | 1/21/2015          | 11/23/2015 (Currently under review) |
| CPL-02-01-056 Inspection Procedures for Accessing Communication Towers (7/17/2014)   | 7/23/2014                             | Y                | N                | 1/17/2015          | None to date (4/22/2016)            |
| CPL-02-00-158 Inspection Procedures for the Respiratory Protection Standard (6/26/2014)  | 8/5/2014                              | Y                | Y                | 12/24/2014         | None to date (4/22/2016)            |
| CPL-02-00-157 Shipyard Employment Tool Bag Directive (4/1/2014)  | 5/30/2014                             | N                | N                | 10/1/2014          | 9/17/2014                           |
| CPL-02-14-01 Site-Specific Targeting 2014 (SST-14) (3/6/2014)  | 4/7/2014                              | Y                | N                | 9/6/2014           | None to date (4/22/2016)            |
| CPL-03-02-003 OSHA Strategic Partnership Program for Worker Safety and Health (11/6/2013)  | 1/31/2014 (Not timely)                | Y                | N                | 5/6/2014           | 4/25/2014                           |
| CPL-02-01-055 Maritime Cargo Gear Standards and 29 CFR Part 1919 Certification (9/30/2013)                                       | 12/27/2013                            | N                | N                | 3/30/2014          | 11/27/2013                          |

|  |                            |   |   |            |            |
|--|----------------------------|---|---|------------|------------|
| CPL-02-01-155 Inspection Scheduling for Construction Directive                           | 11/29/2013<br>(Not timely) | N | N | 9/6/2013   | 11/29/2013 |
| CPL-03-00-017 National Emphasis Program Occupational Exposure to Isocyanates (6/20/2013) | 9/16/2013<br>(Not timely)  | Y | N | 12/20/2013 | 10/25/2013 |

## **E. VARIANCES**

AKOSH has acceptable procedures for evaluating and issuing variances. AKOSH did not process a variance action during this evaluation period. The State Plan has not processed any variance actions in the last three years.

## **F. STATE AND LOCAL GOVERNMENT WORKER PROGRAM**

In FY 2015, AKOSH conducted 11% (35/310) of inspections in the state and local government sector. AKOSH's State Plan negotiated goal was 5% of total inspections to be performed in the state and local government sector. AKOSH exceeded its goal during this monitoring period.

Penalties are, by policy, imposed on employers in the state and local government sector for violations of safety and health standards. As a result of the FY 2014 FAME finding regarding payment of penalties (Finding FY 2014-2), AKOSH published a policy that establishes formal guidelines for allowing public employers to pay for their penalties by enhancing their safety and health program. This was acceptable to OSHA and the finding from FY 2014 was closed.

## **G. WORKPLACE RETALIATION PROGRAM**

Title 8, Part 4, Chapter 61, Article 7 of the Alaska Administrative Code provides for whistleblower protection equivalent to that provided by OSHA.

OSHA conducted a comprehensive monitoring review of Alaska's retaliation program for FY 2015. The purpose of the review was to evaluate the State Plan's progress and to evaluate the current administration of the State Plan's retaliation program. During this year's monitoring cycle, eight closed whistleblower case files complaints were reviewed by OSHA.

OSHA is concerned about the loss of a dedicated whistleblower investigator and the assumption of duties in this area by compliance staff. Three compliance officers and the assistant chief were trained on investigating whistleblower cases in FY 2015. However, it was noted that performance indicators have diminished. Out of the eight case files reviewed by OSHA, three of the complaints were administratively closed without interviewing the complainant. These three complaints were not closed due to sufficient

cause such as lack of timeliness in reporting. In addition, the employee’s rebuttal statement to the employer response was used in lieu of actually interviewing the employee. These practices are contrary to AKOSH policies and procedures for whistleblower investigations. In addition there were two other areas of concern: the percentage of cases completed within 90 days decreased to 29% compared to 55% in FY 2014 and AKOSH did not find any of their cases to be merit cases.

**Finding FY 2015-16:** In 38% (3 of 8) of discrimination case files reviewed, the investigator closed the case without interviewing the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview.

**Recommendation FY 2015-16:** Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent’s position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.

**Finding FY 2015-17:** In 38% (3 of 8) of discrimination case files reviewed, the investigator closed the case without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.

**Recommendation FY 2015-17:** Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.

**Observation FY15-OB-5:** AKOSH did not meet their performance goal of resolving 75% of discrimination cases within 90 days. Only 29% of AKOSH discrimination cases were resolved within 90 days.

**Observation FY15-OB-6:** In FY2015 AKOSH determined that 0% of their 11(c) cases were merit cases, compared to 45% in FY2014 and 42% in FY2013.

**Table 10**  
**11(c) Investigations (SAMM 13, 14, 16)**

|   | <b>FY 2013</b>     | <b>FY 2014</b> | <b>FY 2015</b> | <b>FY 2015 National Average</b> |
|---|--------------------|----------------|----------------|---------------------------------|
| Completed Within 90 Days (SAMM 14)                        | 83%                | 55%            | 29%            | 38%                             |
| Merit Cases (SAMM 15)                                     | 42%                | 45%            | 0%             | 26%                             |
| Average Number of Calendar Days to Complete investigation | Data not available | 103            | 173            | 238                             |

## **H. COMPLAINTS ABOUT STATE PROGRAM ADMINISTRATION (CASPA's)**

OSHA received a significant CASPA in January of 2015 regarding AKOSH. The CASPA alleged that AKOSH was not running the program in accordance with its own internal policies and procedures. In this complaint, there were 12 allegations, including: AKOSH was not providing training to ensure new compliance officers were competent to perform their duties; programmed inspections were not being targeted appropriately; informal settlements were not being conducted in accordance with policy; abatement of hazards were not being properly verified as corrected; certain types of inspections were not being investigated; respiratory protection and training on respiratory hazards was not being afforded to exposed workers; industrial hygiene equipment was not properly calibrated; and violations were not being appropriately classified or changed by management prior to issuance. OSHA found that of the 12 alleged conditions in the CASPA, 9 were valid. Four of the findings from this CASPA were included as findings in the FY 2014 FAME. One additional item, failure to ensure neutral site selection for targeting inspections, is being addressed specifically in this FAME. The other four items, which are continued from the FY 2014 Follow-up FAME, were for not completing required training for new compliance officers, lack of documentation in informal settlement agreements, lack of 2<sup>nd</sup> level formal review of penalty adjustments resultant of Informal Settlement Agreements, and closing of cases without adequate abatement certification.

AKOSH has been working to address these issues throughout FY 2015. In response to this significant CASPA, AKOSH increased training opportunities for their staff in order to comply with the Follow-up FAME of 2014. However, it remains a finding due to the fact that four compliance officers have not yet completed required core training. The issue with training has been exacerbated by chronically high turnover in the program. AKOSH is proactively addressing these concerns through the development of individual training plans that may have the benefit of increasing retention.

Another major issue identified in this CASPA was that AKOSH did not ensure neutral selection criteria when selecting establishments for programmed inspections. There were no management controls for inspection lists; instead compliance officers developed their own lists with no oversight.

## **I. VOLUNTARY COMPLIANCE PROGRAM**

The Voluntary Protection Program (VPP) in the State of Alaska is administered under their 23(g) grant program. AKOSH had 11 VPP sites at the end of FY 2015. There were no additions or withdrawals from the program during the fiscal year. AKOSH's VPP program is well run with well-written policies and procedures that are at least as effective as the federal program.

## **J. STATE AND LOCAL GOVERNMENT SECTOR 23(G) ON-SITE CONSULTATION PROGRAM**

The funding stream for each consultant includes money from both 21(d) and 23(g) grants. The consultation work done in the state and local government sector and the Voluntary Protection Program (VPP) is funded by the 23(g) grant. Performance related to 21(d) funded work is reported in the separate Regional Annual Consultation Evaluation Report (RACER).

AKOSH met its goal for state and local government sector consultation visits. The State Plan conducted a total of 99 consultation visits in the state and local government sector compared to its goal of 90. They also met or exceeded the visit projections for emphasis industries included in their grant application. For FY 2015, 99% (189 of 191) of all hazards identified in state and local government sector visits were verified corrected in a timely manner coming extremely close to meeting the reference standard of 100%.

FY 2015 Mandated Activities Report for Consultation (MARC) data confirm that AKOSH's state and local government sector consultation program is being managed and operated effectively.

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

AKOSH established a Five-Year Strategic Plan for the period from October 1, 2013 (FY 2014) through September 30, 2018 (FY 2018), which included short- and long-range objectives aimed at improving safety and health for Alaska's workers. AKOSH developed and submitted its FY 2015 annual performance plan in support of its strategic plan as part of its grant application for federal funds. Overall, the State Plan met all annual goals for FY 2015 with the exception noted below:

The following is OSHA's assessment of AKOSH's performance compared to its FY 2015 annual goals:

### **Strategic Goal #1**

Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of injuries, illnesses and fatalities.

**Outcome Goal #1-1:** By 2018, reduce the rate of workplace fatalities caused by circumstances that are under AKOSH jurisdiction by 10% as compared to the rate from the previous five-year period.

**Performance Goal #1-1:** Concentrate on the primary causes of fatalities and the industries where fatalities take place by focusing AKOSH efforts to Goals 1.2, 1.3.

**Results:** This goal was partially met. AKOSH had one fatal accident in FY 2015.

**OSHA Assessment:** This goal will be assessed at the end of the strategic goal period in FY 2018.

**Outcome Goal #1-2:** Reduce the number of worker injuries and illnesses in the construction industry by focusing compliance, consultation, and outreach efforts on the causes of “struck by” and “falling” incidents.

**Performance Goal #1-2:** Reduce the lost time injury and illness rate in the construction industry as determined by the number of lost time injuries and illnesses per hundred workers by 2%.

**Results:** This goal was not met. AKOSH achieved an injury and illness outcome rate of 1.58 which did not meet the target goal of reducing the injury and illness rate in construction to 1.47 per 100 workers.

**OSHA Assessment:** Accidental injuries related to construction hazards have not been reduced in the construction industry sector during FY 2015.

**Outcome Goal #1-3:** Reduce the number of worker injuries and illnesses in the transportation and warehousing industry sector (NAICS\* code 48xxxx – 49xxxx) by focusing compliance, consultation, and promotion efforts on the causes of “struck by,” “falling,” and “caught in or between” incidents.

**Performance Goal #1-3:** Reduce the rate of lost time injury and illness rate in the transportation and warehousing industry sector by 2%.

**Results:** This goal was met. AKOSH achieved an injury and illness outcome rate of 1.11 which far exceeds the target goal of reducing the injury and illness rate in transportation and warehousing of 1.27 per 100 workers.

**OSHA Assessment:** Accident injuries related to hazards in the warehousing and transportation industry sectors have been reduced during FY 2015. AKOSH should be commended for exceeding both the annual performance goal and five-year outcome goals.

**Outcome Goal #1-4:** Reduce the number of worker injuries and illnesses in the seafood processing industry by focusing compliance, consultation, and outreach efforts on the causes of “falling,” “caught in or between,” and “pinch-point” (or amputation) incidents.

**Performance Goal #1-4:** Reduce the lost time injury and illness rate in the seafood processing industry as determined by the number of lost time injuries and illnesses per hundred workers by 2%.

**Results:** This goal was met. AKOSH's strategic and annual target rate goal of 4.78 per 100 workers was attained with an actual outcome rate of 4.16.

**OSHA Assessment:** This goal was met.

**Outcome Goal #1-5:** Respond effectively to legal mandates, so Alaskan workers are provided protection under the AKOSH Act.

**Performance Goal #1.5a:** Initiate inspections of fatalities and catastrophes (three or more hospitalizations) within one working day and for two or less hospitalizations within seven working days for 90% of occurrences to prevent further injuries or deaths.

**Results:** AKOSH has achieved an outcome of 100% timely responses to fatalities and catastrophes for the FY 2015 annual performance goal.

**OSHA Assessment:** This goal was met.

**FY 2015 Performance Goal 1.5b:** Initiate inspections within seven working days or investigations within one working day of worker complaints for 90% of the cases.

**Results:** AKOSH has achieved an outcome of 100% timely responses to complaint inspections and 100% of timely responses to investigate complaints using a phone and fax method.

**OSHA Assessment:** The State Plan exceeded the annual performance goal for this FY and should be commended for their performance.

**Performance Goal #1.5c:** Resolve 75% of all discrimination cases within 90 days.

**Results:** This goal was not met. AKOSH did not meet the annual goal for timely discrimination investigations for this Annual Performance Plan Period. AKOSH resolved 29% of discrimination cases within 90 days in FY 2015, which did not meet the performance goal of 75%.

**OSHA Assessment:** There is a new observation to monitor this issue (Observation FY15-OB-05).

## **Strategic Goal #2**

Promote a safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.

**Outcome Goal #2-1: Promote safety and health programs in the workplace.**

**Performance Goal #2-1a:** Develop and deliver training to workers and employers in the construction industry that target the most likely causes of injuries, illnesses, and fatalities.

**Results:** This goal was met. AKOSH developed and delivered both formal and informal training for the construction industry.

**OSHA Assessment:** AKOSH met the annual performance goal for training Alaskan workers in the construction industry on safe work practices.

**Performance Goal #2-1b:** Develop and deliver training to workers and employers in the transportation and warehousing industry sector (NAICS codes 48xxxx – 49xxxx) that targets the most likely causes of injuries, illnesses, and fatalities.

**Results:** This goal was met. AKOSH developed and delivered both formal and informal training for the transportation and warehousing industry sector.

**OSHA Assessment:** AKOSH met the annual performance goal for training Alaskan workers in the transportation and warehousing industry on safe work practices.

**Performance Goal #2-1c:** Develop and deliver training to workers and employers in the seafood processing industry that target the most likely causes of injuries, illnesses, and fatalities.

**Results:** This goal was met. AKOSH developed and delivered both formal and informal training for the seafood processing industry.

**OSHA Assessment:** AKOSH met the annual performance goal for training Alaskan workers in the seafood processing industry on safe work practices.

**Outcome Goal #2-2:** Promote cooperative and partnership agreements and recognition programs as a means of lowering accident and fatality rates.

**Performance Goal #2-2a:** Maintain, at a minimum, 12 VPP participants.

**Results:** This goal was not met. At the end of FY 2015, AKOSH had 11 VPP sites in Alaska and, consequently, did not achieve its annual target goal.

**OSHA Assessment:** The State Plan did not meet the annual performance goal. This goal should be reassessed and adjusted accordingly for the FY 2016 Annual Performance Plan.

**Performance Goal #2-2b:** While maintaining, at a minimum, 12 Safety and Health Achievement Recognition Program (SHARP) participants, increase the number of SHARP participants by two.

**Results** – This goal was partially met. The SHARP had 16 participants at the beginning of FY 2015. At the end of FY 2015, AKOSH had lost three, for a total of 13 by year-end. There were no new participants.

**OSHA Assessment** – AKOSH partially met this goal in that they maintained a minimum of 12 participants, yet there were no new additions to the program.

### **Strategic Goal #3**

Secure public confidence through excellence in the development and delivery of AKOSH's programs and services.

**Outcome Goal #3:** Ensure AKOSH staff is well trained and knowledgeable and delivers services in a fair and consistent manner.

**Performance Goal #3-1a:** Work with OTI and Region X to address the issue of establishing regional training to assure that compliance and consultation staff receive basic and specialized training necessary to effectively carry out this strategic plan.

**Results:** This goal was not met. AKOSH has not met this goal as four compliance officers with over three years in the program have not met their initial training core requirements as of the end of FY 2015.

**OSHA Assessment:** The State Plan did not meet the annual performance goal for this element. Finding FY 2015-01 addresses this issue earlier in this report, under the State Plan Administration section.

**Performance Goal #3-1b:** In cooperation with Region X staff, conduct annual reviews of enforcement and consultation case files to evaluate the effectiveness and consistency of services.

**Results:** This goal was met. During FY 2015, OSHA's Region X office initiated a system of providing quarterly and year-end reports for both OSHA and AKOSH offices (i.e., State Activity Mandated Measures, quarterly meeting minutes and the State OSHA Annual Report) one week (five business days) prior to quarterly meeting dates. Since inception, AKOSH has been very cooperative in providing their State OSHA Annual Report (SOAR) in a timely manner.

**OSHA Assessment:** AKOSH and OSHA have successfully met this goal by increasing cooperation in sharing information.

Alaska's more detailed report on its accomplishments with respect to its 2015 Annual Performance Plan and five-year Strategic Plan goals can be found on the State Plan's website at <http://labor.state.ak.us/lss/> in the State OSHA Annual Report (SOAR).

**V. Other Special Measures of Effectiveness and Areas of Note**

N/A

**Appendix A – New and Continued Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

| FY 2015-#  | Finding  | Recommendation   | FY 20XX-# or<br>FY 20XX-OB-# |
|------------|--|--|------------------------------|
| FY 2015-01 | Four compliance officers have not completed eight core development courses through the OSHA Training Institute in their first three years of employment, as stipulated by the AKOSH training policy. | Ensure all compliance staff completes core training within the established three-year timeframe in accordance with AKOSH policy.   | FY 2014-07                   |
| FY 2015-02 | In 22% (4 of 18) of formal complaint case files reviewed, AKOSH did not ensure letters were sent to complainants providing the results of the inspections, in accordance with the AKOSH FOM.         | Ensure all complainants are sent letters regarding the results of formal complaint inspections in accordance with the AKOSH FOM.   | FY 2014-04                   |
| FY 2015-03 | In the one fatality experienced during FY 2015, a follow-up condolence letter, including inspection results, were not sent to the next-of-kin, in accordance with the AKOSH FOM.                     | Ensure next-of-kin are sent condolence letters and inspection results at the completion of fatality investigations and copies of the letters are maintained in the case file in accordance with the AKOSH FOM.   | FY 2014-06                   |
| FY 2015-04 | AKOSH did not perform on-site inspections at two work sites that should have been inspected, in accordance with the AKOSH FOM.   | Ensure that inspections include on-site visits to the incident or formal complaint sites, as required by the AKOSH FOM. If the incident site is deemed unsafe, then AKOSH should select an alternative site such as the employer's establishment location, in accordance with the AKOSH FOM.             | FY 2014-09                   |
| FY 2015-05 | AKOSH did not ensure neutral selection criteria when selecting establishments for programmed inspections in accordance with AKOSH policy.  | Ensure site selection neutrality and that employers who are in high risk or in National Emphasis Programs (NEP) programs are targeted in accordance with the AKOSH FOM and / or Policy Directive 13-02.  |                              |
| FY 2015-06 | During FY 2015, AKOSH's citation lapse times were 90 days for safety inspections and 87 days for health inspections, both of which are far higher than the national average.                         | Review the citation issuance process to determine the cause of the high occurrence of lapse time between opening an inspection and issuance of a citation. Develop and implement a resolution to ensure citations are issued timely and employers are put on notice to abate hazards in a timely manner. | FY 2014-10                   |

## Appendix A – New and Continued Findings and Recommendations

### FY 2015 AKOSH State Plan Comprehensive FAME Report

| FY 2015-#  | Finding  | Recommendation   | FY 20XX-# or<br>FY 20XX-OB-# |
|------------|--|--|------------------------------|
| FY 2015-07 | In 29% (15 of 52) of case files reviewed, citations were not issued for all violations of hazards and recordkeeping observed during the inspection and documented in the case file.  | Ensure management conducts a comprehensive and thorough review of all case files prior to issuance of citations to ensure all hazards are addressed in compliance with the AKOSH FOM.            | FY 2014-05                   |
| FY 2015-08 | In 19% (10 of 52) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.   | Ensure case files are administratively reviewed to correct deficiencies in severity and / or probability in accordance with the AKOSH FOM prior to issuance.                                     |                              |
| FY 2015-09 | In 10% (6 of 52) of all case files reviewed, initial penalty adjustment rationale was not documented.  | Review case files to ensure justification for Good Faith, Size, and History are documented and applied correctly in accordance with the AKOSH FOM  |                              |
| FY 2015-10 | In 21% (11 of 52) case files reviewed, OSHA Form 300 information was not entered or evaluated.   | Ensure that OSHA 300 data is reviewed, entered, and evaluated for potential violations of the recordkeeping standard in accordance with the AKOSH FOM.   |                              |
| FY 2015-11 | AKOSH allowed two case files to go over the 180 day statute of limitations, one of which was issued 181 days after the opening conference.   | Ensure that case files are tracked and issued prior to the expiration of the statute of limitations in accordance with the AKOSH FOM and Alaska Statutes.  |                              |
| FY 2015-12 | In 27% (14 of 52) of all case files reviewed, abatement verification was not documented.   | Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.  | FY 2014-12                   |
| FY 2015-13 | In 27% (14 of 52) of all informal settlement agreements reviewed, the chief of enforcement did not adequately document rationale for penalty reductions.   | Ensure all penalty adjustments, made for purposes of settlement at informal conferences, are modified appropriately and documented in the inspection case file in accordance with the AKOSH FOM. | FY 2014-01                   |
| FY 2015-14 | AKOSH's penalties are being inappropriately reduced during informal conferences - in some cases by over 80% - due to the lack of specific guidelines for penalty reductions and lack of review by upper management, thus diminishing the deterrent effect of the penalty system. | Establish methods to ensure penalty adjustments are documented, and have a second level of review.   |                              |
| FY 2015-   | Alaska's timely response rate for notification of intent   | Ensure responses to OSHA regarding intent of   | FY 2014-13                   |

**Appendix A – New and Continued Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

| FY 2015-#  | Finding  | Recommendation  | FY 20XX-# or<br>FY 20XX-OB-# |
|------------|--|---|------------------------------|
| 15         | regarding adoption of federal program changes and standards is 50% and 33% respectively.   | adoption of federal program changes and standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.  |                              |
| FY 2015-16 | In 38% (3 of 8) of discrimination case files reviewed, the investigator closed the case without interviewing the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview. | Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent’s position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview. |                              |
| FY 2015-17 | In 38% (3 of 8) of discrimination case files reviewed, the investigator closed the case without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.                                    | Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.             |                              |

**Appendix B – Observations Subject to Continued Monitoring**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

| <b>Observation #<br/>FY 2015-OB-#</b> | <b>Observation#<br/>FY 20XX-OB-# or FY 20XX-#</b> | <b>Observation</b>   | <b>Federal Monitoring Plan</b>  | <b>Current Status</b> |
|---------------------------------------|---|--|---|-----------------------|
| FY 2015-OB-01                         |   | AKOSH does not effectively use OSHA Information System (OIS) reports to manage the program, by tracking important performance indicators such as timeliness.   | Region X will monitor AKOSH's use of OIS reports to track performance indicators during quarterly meetings.                                 | New                   |
| FY 2015-OB-02                         | FY14-OB-01  | AKOSH does not formally review its targeting goals for effectiveness and improvement outside of SOAR goals. AKOSH should implement a review process to ensure targeting programs are effective in achieving safety presence in the high hazard industries. | Region X will review AKOSH's targeting goals during quarterly meeting and discuss implementation of a review process.                       | Continued             |
| FY 2015-OB-03                         |   | In 10% of all case files reviewed, employer knowledge was not adequately documented.   | Region X will emphasize the importance of documenting employer knowledge with AKOSH management during quarterly meetings.                   | New                   |
| FY 2015-OB-04                         |   | In 10% of all case files reviewed, where a union presence was indicated in the inspection, there was no documentation of participation by the union during the inspection process in the file, including the informal conference process.                  | Region X will emphasize the importance of documenting union participation with AKOSH management during quarterly meetings.                  | New                   |
| FY 2015-OB-05                         |   | AKOSH did not meet their performance goal of resolving 75% of discrimination cases within 90 days. Only 29% of AKOSH discrimination cases were resolved within 90 days.  | Region X will use WebIMIS reports to monitor AKOSH's timeliness rate and discuss this rate with AKOSH management during quarterly meetings. | New                   |

**Appendix B – Observations Subject to Continued Monitoring**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|               |  |  |  |     |
|---------------|--|--|--|-----|
| FY 2015-OB-06 |  | In FY2015 AKOSH determined that 0% of their 11(c) cases were merit cases, compared to 45% in FY2014 and 42% in FY2013. | Region X will use WebIMIS reports to monitor AKOSH's merit rate and discuss this rate with AKOSH management during quarterly meetings. | New |
|---------------|--|--|--|-----|

**Appendix C – Status of FY 2014 Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

| FY 20XX-<br># | Finding  | Recommendation  | State Plan Response/<br>Corrective Action   | Completion Date | Current Status<br>and Date |
|---------------|--|---|---|-----------------|----------------------------|
| FY 2014-01    | AKOSH adjusts penalty reductions for purposes of settlement at informal conferences by modifying the initial probability and severity of violations post-issuance, which is not a routinely acceptable practice. | Ensure all penalty adjustments, made for purposes of settlement at informal conferences, are modified appropriately and documented in the inspection case file. | The Chief of AKOSH Enforcement has been counseled to not adjust probability or severity solely for settlement purposes. The reasons for adjustments to severity or probability are now adequately documented. | Not completed   | Open                       |
| FY 2014-02    | AKOSH allows public employers to remit cost receipts for safety and health program improvements in lieu of penalty payments.   | Ensure only monetary penalties are collected from public employers as appropriate and/or ensure the AKOSH FOM is revised to address this policy.                | On April 30, 2015, AKOSH established formal guidelines to address public sector alternative penalty payments in settlement agreements. AKOSH will update the FOM to incorporate the policy in FY 2016.        | April 2015      | Completed                  |
| FY 2014-03    | The State Plan did not maintain accurate data in IMIS.   | Ensure AKOSH data is accurate by training administrative and compliance staff to  | The IMIS is no longer used to enter case file data. AKOSH staff   | May 2015        | Completed                  |

**Appendix C – Status of FY 2014 Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|            |   |   |  |               |      |
|------------|---|---|--|---------------|------|
|            |   | correct all reject and draft forms and save inspections appropriately as “final” once entered into IMIS and/or OIS.           | received OIS training in conjunction with Region X in May of 2015 and know the correct procedures for maintaining accurate data in OIS.                              |               |      |
| FY 2014-04 | In 50% of formal complaint case files reviewed, AKOSH did not ensure letters were sent to complainants providing the results of the inspections.      | Ensure all complainants are sent letters regarding the results of formal complaint inspections.                               | AKOSH provided training to compliance officers and administrative staff to ensure letters are now being sent to complainants as well as documented in the case file. | Not completed | Open |
| FY 2014-05 | In 21% of case files reviewed, citations were not issued for all violations o hazards observed during the inspection and documented in the case file. | Ensure management conducts a comprehensive and thorough review of all case files prior to issuance of citations.              | AKOSH management is now conducting a comprehensive and thorough review of all case files prior to citation issuance to ensure all violations are being cited.        | Not completed | Open |
| FY 2014-06 | In 50% of the fatality cases reviewed, condolence letters and inspection results were not sent to the next-of-  | Ensure next-of-kin are sent condolence letters and inspection results at the completion of fatality investigations and copies | AKOSH provided training to compliance officers and administrative staff to ensure next-  | Not completed | Open |

**Appendix C – Status of FY 2014 Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|            |   |   |   |               |        |
|------------|---|---|---|---------------|--------|
|            | kin in accordance with the AKOSH FOM.   | of the letters are maintained in the case file.   | of-kin letters are now being sent to the families of victims as well as documented in the case file.  |               |        |
| FY 2014-07 | The State Plan has not implemented Program Directive 09-02 in that five compliance officers have not completed or are not on track to complete eight core development courses through the OSHA Training Institute in their first three years of employment. | Develop and implement a training plan to ensure all compliance staff completes core training within the established three-year timeframe. | AKOSH developed a training matrix and plan to ensure compliance officers complete core training in the three-year period.   | Not completed | Open   |
| FY 2014-08 | In accordance with official end-of-year SAMM data, AKOSH conducted 283 inspections in FY 2014, achieving only 67% of its annual goal of 420 inspections.  | Ensure established annual inspection goals are achieved through adequate planning and execution.  | Due to continuing staff turnover challenges, AKOSH will not achieve the goal of 405 inspections for FY 2015, but with careful planning will strive to complete 300 inspections. | March 2015    | Closed |
| FY 2014-09 | In accordance with the AKOSH FOM, it was determined that the state did not perform on-site inspections at two work  | In accordance with the AKOSH FOM, ensure that inspections include on-site visits to the incident sites. If the                            | AKOSH will continue to attempt to conduct a site inspection in every incident that  | Not completed | Open   |

## Appendix C – Status of FY 2014 Findings and Recommendations

### FY 2015 AKOSH State Plan Comprehensive FAME Report

|            |  |  |   |               |      |
|------------|--|--|---|---------------|------|
|            | sites where incidents had occurred, requiring hospitalization of workers.  | incident site is deemed unsafe, then AKOSH should select an alternative site such as the employer’s establishment location.  | involves hospitalization of one or more workers. When the Chief of AKOSH Enforcement determines that an inspection will not be conducted in accordance with the AKOSH FOM, the reasons for not conducting an inspection will be documented in the “walk around” section of the Safety Narrative form. |               |      |
| FY 2014-10 | During FY 2013, AKOSH’s citation lapse times were 83 days for safety inspections and 115 for health inspections; and during FY 2014, it was 88 days for safety inspections and 120 for health inspections. | Review the citation issuance process to determine the cause of the high occurrence of lapse time between opening an inspection and issuance of a citation. Develop and implement a resolution to ensure citations are issued timely and employers are put on notice to abate hazards in a timely manner. | AKOSH has reinstated an internal tracking system to improve citation lapse times and will emphasize to employers that hazards must be abated timely. AKOSH will evaluate causes of citation lapse time and develop additional plans for improvement by  | Not completed | Open |

**Appendix C – Status of FY 2014 Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|            |   |  | September 30, 2015.   |                |           |
|------------|---|--|---|----------------|-----------|
| FY 2014-11 | Legal sufficiency of enforcement citation documentation was not in accordance with the AKOSH FOM in that (1) documentation of hazard duration and frequency was found to be assessed incorrectly in 20% of reviewed case files; and (2) in 10% of case files reviewed, the Alleged Violation Description (AVD) did not accurately describe the hazard and location, nor did it correctly separate the AVD into instances in accordance with policy. | Ensure that duration and frequency of hazard exposures are annotated correctly in the case file and AVD are separated out by instance, clearly reflecting the hazard and its respective location according to policy contained in the FOM. | AKOSH will endeavor to achieve 100% accuracy for these aspects of citation documentation. AKOSH has conducted team meetings to discuss these issues and ensure correct documentation.   | September 2015 | Completed |
| FY 2014-12 | In 10% of all case files reviewed, abatement was not documented.  | Ensure that abatement is received, reviewed, and documented in all case files prior to closure and that all abatements are closed and verified at or prior to the 60-day state negotiated goal.  | AKOSH has initiated a system to help ensure that hazard abatement documentation is in the case file prior to closure. This system will help AKOSH ensure that abatement verification is | Not completed  | Open      |

**Appendix C – Status of FY 2014 Findings and Recommendations**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|            |   |   |  |           |      |
|------------|---|---|--|-----------|------|
|            |   |   | adequate and verified within 60 days.  |           |      |
| FY 2014-13 | Alaska’s timely response rate for notification of intent regarding adoption of federal program changes and standards is 55% (6/11). | Ensure responses to OSHA regarding intent of adoption of federal program changes and standards are within the time frame indicated on the Automated Tracking System (ATS) Notice. | AKOSH met with OSHA Region X to clarify and resolve Automated Tracking System (ATS) Notice issues. AKOSH will ensure timely future responses to federal program changes and standards. | July 2015 | Open |

**Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report**  
**FY 2015 Alaska State Plan Comprehensive FAME Report**

OSHA is in the final stages of moving operations from NCR, a legacy data system, to OIS, a modern data system. During FY 2015, OSHA case files and most State Plan case files were captured on OIS. However, some State Plan case files continued to be processed through NCR. 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. In addition, SAMMs 5, 8, 9, 11, 12, 15, and 17 have further review levels that should rely on a three-year national average. However, due to the transition to OIS, the further review levels for these SAMMs in this year’s report will rely on a one-year national rate pulled only from OIS data. Future SAMM year-end reports for FY 2016 and FY 2017 should rely on a two-year national average and three-year national average, respectively. All of the State Plan and federal whistleblower data is captured directly in OSHA’s WebIMIS System. See the Notes column below for further explanation on the calculation of each SAMM.

All of the Alaska State Plan’s enforcement data was captured in OIS during FY 2015. The Alaska State Plan opened 310 enforcement inspections, and they were all captured in OIS.

**U.S. Department of Labor**

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

| State Plan: <b>Alaska - AKOSH</b> |   |                        | FY 2015                     |   |
|-----------------------------------|---|------------------------|-----------------------------|---|
| <b>SAMM Number</b>                | <b>SAMM Name</b>  | <b>State Plan Data</b> | <b>Further Review Level</b> | <b>Notes</b>  |
| <b>1a</b>                         | Average number of work days to initiate complaint inspections (state formula)   | 3.20                   | 7                           | State Plan data is pulled from OIS.<br><br>Further review level is negotiated by OSHA and the State Plan. |
| <b>1b</b>                         | Average number of work days to initiate complaint inspections (federal formula) | 1.18                   | N/A                         | State Plan data is pulled only from OIS.<br><br>This measure is for informational purposes only and is    |

**Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|           |   |            |                      |   |
|-----------|---|------------|----------------------|---|
|           |   |            |                      | not a mandated measure.   |
| <b>2a</b> | Average number of work days to initiate complaint investigations (state formula)      | .27        | 1                    | State Plan data is pulled from OIS.<br><br>Further review level is negotiated by OSHA and the State Plan.   |
| <b>2b</b> | Average number of work days to initiate complaint investigations (federal formula)    | .08        | N/A                  | State Plan data is pulled only from OIS.<br><br>This measure is for informational purposes only and is not a mandated measure.                            |
| <b>3</b>  | Percent of complaints and referrals responded to within one workday (imminent danger) | 98.04%     | 100%                 | State Plan data is pulled from OIS.<br><br>Further review level is fixed for all State Plans.   |
| <b>4</b>  | Number of denials where entry not obtained  | 0          | 0                    | State Plan data is pulled from OIS.<br><br>Further review level is fixed for all State Plans.   |
| <b>5</b>  | Average number of violations per inspection with violations by violation type         | SWRU: 2.01 | +/-20% of SWRU: 1.92 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS.                               |
|           |   | Other: .69 | +/-20% of Other: .87 |   |
| <b>6</b>  | Percent of total inspections in state and local government workplaces                 | 11.29%     | +/-5% of 12.35%      | State Plan data is pulled from OIS.<br><br>Further review level is based on a number negotiated by OSHA and the State Plan through the grant application. |
| <b>7</b>  | Planned v. actual inspections – safety/health   | S: 227     | +/-5% of S: 315      | State Plan data is pulled from OIS.   |
|           |   | H: 83      | +/-5% of             | Further review level is based on a number negotiated  |

**Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|           |   |            |                      |   |
|-----------|---|------------|----------------------|---|
|           |   |            | H: 90                | by OSHA and the State Plan through the grant application.   |
| <b>8</b>  | Average current serious penalty in private sector - total (1 to greater than 250 workers) | \$814.12   | +/-25% of \$2,002.86 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS. |
|           | <b>a.</b> Average current serious penalty in private sector (1-25 workers)                | \$516.63   | +/-25% of \$1,402.49 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS. |
|           | <b>b.</b> Average current serious penalty in private sector (26-100 workers)              | \$932.73   | +/-25% of \$2,263.31 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS. |
|           | <b>c.</b> Average current serious penalty in private sector (101-250 workers)             | \$1,258.93 | +/-25% of \$3,108.46 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS. |
|           | <b>d.</b> Average current serious penalty in private sector (greater than 250 workers)    | \$1,644.19 | +/-25% of \$3,796.75 | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS. |
| <b>9</b>  | Percent in compliance   | S: 19.46%  | +/-20% of S: 28.47%  | State Plan data is pulled from OIS.   |
|           |   | H: 17.91%  | +/-20% of H: 33.58%  | Further review level is based on a one-year national rate, pulled only from OIS.  |
| <b>10</b> | Percent of work-related fatalities responded to in one workday                            | 100%       | 100%                 | State Plan data is pulled from OIS.<br><br>Further review level is fixed for all State Plans.                               |
| <b>11</b> | Average lapse time  | S: 89.67   | +/-20% of S: 42.78   | State Plan data is pulled from OIS.   |

**Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report**  
**FY 2015 AKOSH State Plan Comprehensive FAME Report**

|           |   |          |                       |   |
|-----------|---|----------|-----------------------|---|
|           |   | H: 86.96 | +/-20% of<br>H: 53.48 | Further review level is based on a one-year national rate, pulled only from OIS.  |
| <b>12</b> | Percent penalty retained  | 58.79%   | +/-15% of<br>67.96%   | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS.   |
| <b>13</b> | Percent of initial inspections with worker walk around representation or worker interview | 97.10%   | 100%                  | State Plan data is pulled from OIS.<br><br>Further review level is fixed for all State Plans.   |
| <b>14</b> | Percent of 11(c) investigations completed within 90 days                                  | 29%      | 100%                  | State Plan data is pulled from WebIMIS.<br><br>Further review level is fixed for all State Plans.\  |
| <b>15</b> | Percent of 11(c) complaints that are meritorious  | N/A      | +/-20% of<br>24%      | NA – The State Plan did not have any meritorious 11(c) complaints in FY 2015.<br><br>Further review level is based on a three-year national average, pulled from WebIMIS. |
| <b>16</b> | Average number of calendar days to complete an 11(c) investigation                        | 173      | 90                    | State Plan data is pulled from WebIMIS.<br><br>Further review level is fixed for all State Plans.   |
| <b>17</b> | Percent of enforcement presence   | 1.84%    | +/-25% of<br>1.35%    | State Plan data is pulled from OIS.<br><br>Further review level is based on a one-year national rate, pulled only from OIS.   |