

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

**State of Connecticut
Division of Occupational Safety and Health (CONN-OSHA)**



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this report is to assess the Connecticut Division of Occupational Safety and Health's (CONN-OSHA) activities for fiscal year (FY) 2015 and its progress in resolving outstanding recommendations from the FY 2014 Follow-up Federal Annual Monitoring and Evaluation Report (FAME).

In FY 2015, CONN-OSHA operated with two seasoned managers and an experienced staff of compliance safety and health officers (CSHO) and consultants. Overall, FY 2015 was a fairly stable year for CONN-OSHA, and this enabled the program to focus on resolving two findings that had been on the books for the past few years.

Both of these findings were based on State Activity Mandated Measures (SAMM) that the State Plan had not met since at least FY 2011.¹ One of these measures related to violation classification, and the other pertained to timeliness in initiating complaint inspections. In FY 2015, the State Plan resolved these issues by mentoring staff and closely monitoring internal procedures.

Three of the four observations that were introduced in the FY 2013 Comprehensive FAME Report—and continued in the FY 2014 Follow-up FAME Report—were closed, because continued monitoring of these issues is no longer warranted. One pertained to the State Plan not targeting state workers for inspections; another related to the program having a high in compliance rate for health inspections; and the third observation related to the workplace retaliation program's case files missing required documents.

However, the fourth observation, which relates to incomplete case file documentation, has been continued in this report. The most recent case file review found that some files were missing the OSHA Information System (OIS) Narrative (OSHA-1A Form), and some case files did not include the justification for the penalty reduction granted by the State Plan during the informal conference. Therefore, continued monitoring of this observation is needed to ensure compliance with the guidance in CONN-OSHA's Field Operations Manual (FOM).

An observation introduced in the FY 2014 Follow-up FAME Report that pertained to a decrease in the number of municipal participants in outreach programs has also been continued in this report. From FY 2013 to FY 2014, the number of municipal participants in CONN-OSHA's outreach programs dropped by 50 percent, and from FY 2014 to FY

¹ The primary focus of OSHA's monitoring of State Plans concerns the states' achievement of their strategic goals, but OSHA must also ensure that states meet the mandates set out in Section 18 of the Act and 29 CFR 1902. These include such required program elements as responding to complaints and fatalities, citing and penalizing violations, and covering state and local government employers and employees. Review of the mandated activity measures is designed to ensure that the mandated activities are being implemented at a level consistent with and as effective as the Federal program. (Source: OSHA's SAMM Codebook)

2015, the number decreased by 41 percent. Therefore, OSHA will continue to monitor this issue to ensure that CONN-OSHA reverses this downward trend.

Although CONN-OSHA's enforcement program was fully staffed in FY 2015, a few of the CSHOs were hampered by health-related issues in performing their duties. CONN-OSHA's managers believe that this is the main reason for the program not being able to meet the goal for inspections in FY 2015, and for not resolving the finding from past years' FAME reports for high lapse times.²

However, these issues should not overshadow the fact that FY 2015 was a year marked by significant achievements. In addition to the two major findings that were completed, CONN-OSHA's workplace retaliation program completed the finding that was related to the review of settlement agreements, and effectively handled workplace retaliation complaints; the enforcement program's transition from the Integrated Management and Information System (IMIS) to the OIS went smoothly; and a complex investigation of a high-profile fatality case that involved the loss of a firefighter (and serious but non-fatal injuries to three other firefighters) was opened and closed. In terms of outreach, CONN-OSHA worked cooperatively with other state agencies on many fronts, including providing respiratory protection training to emergency responders during the Ebola outbreak.

Given the fact that CONN-OSHA remains fully staffed with experienced personnel, FY 2016 should be much like FY 2015—a year in which efforts are focused not so much on getting up to speed, but on making the adjustments needed to continue working at a high level of performance.

B. State Plan Introduction

CONN-OSHA became operational on January 4, 1974, and covered both the private and state and local government sectors. It operated effectively in that manner until 1977, when the Connecticut State Labor Council sponsored a bill in the state legislature to restrict the enforcement of Connecticut's safety and health program to state and local government only. The bill was subsequently enacted with an effective date of June 30, 1978. The state's previously existing approved 18(b) plan, which covered both the private and state and local government sectors, was withdrawn on October 2, 1978 and was officially converted to a State and Local Government Only (SLG) State Plan on November 3, 1978.

In August 1986, CONN-OSHA was officially recognized by the U.S. Department of Labor as having completed all structural and developmental aspects of its approved SLG State Plan, and has the distinction of being the first SLG plan in the nation. CONN-OSHA is administered by the State of Connecticut, Department of Labor, under the leadership of the Commissioner of Labor. The program's staff (consisting of five CSHOs,

² According to the OIS Inspection Summary Report of February 5, 2016, CONN-OSHA conducted 198 inspections of 230 projected for the year.

three consultants, two occupational safety training specialists, a director, and a program manager) operates out of the state office building located at 38 Wolcott Hill Road, Wethersfield, Connecticut. CONN-OSHA enforces safety and health standards in state and local government workplaces, provides consultation services to these workplaces, adopts standards, and provides outreach services to the state and local government workforce. OSHA conducts private sector enforcement in Connecticut.

The Connecticut Department of Labor operates a workplace retaliation program pursuant to the Connecticut Occupational Safety and Health Act of 1973 (Chapter 571, Section 31-367 through 31-385). The attorneys who administer the workplace retaliation program are employed by the Office of Program Policy (OPP), which is a separate division within the Connecticut Department of Labor. OPP has jurisdiction over workplace retaliation cases arising from state and local government workers in the State of Connecticut.

The tables below show CONN-OSHA’s funding levels from FY 2012 through FY 2016; the number of covered workers in FY 2015; and a snapshot of CONN-OSHA’s staffing level as of July 1, 2015.

Funding History FY 2013-FY 2015					
Source: DOL-E Grants/ Financial Close-out Forms					
Fiscal Year	Federal Award (\$)	State Match (\$)	100% State Funds (\$)	Total Funding (\$)	% State Contribution
2015	629,700	629,700	1,255,717	2,515,117	75
2014	626,800	626,800	1,186,898	2,440,498	74
2013	623,300	623,300	427,762	1,674,362	63

Covered Workers FY 2015			
Source: FY 2016 State Plan Grant Application			
State Government	Local Government	Volunteer Firefighters	Total
65,800	157,400	10,000	233,200

Personnel On Board as of July 1, 2015			
Source: FY 2016 Grant Application			
CONN-OSHA’s State Plan Grant Positions	50/50 Funded Full-Time Equivalents (FTE) On Board as of 7/1/15	100% State Funded FTEs On Board as of 7/1/15	TOTAL
Managers/Supervisors (Admin)	0.24	0.26	0.50
First Line Supervisors	0.47	0.53	1.00

Safety Compliance Officers	1.42	1.58	3.00
Health Compliance Officers	0.95	1.05	2.00
Workplace Retaliation Investigator	0.00	0.00	0.00
State and Local Government Safety Consultants	0.47	0.53	1.00
State and Local Government Health Consultants	0.95	1.05	2.00
Compliance Assistance Specialist	0.76	0.84	1.60
Trainers	0.00	0.00	0.00
Clerical/Admin/Data System	0.71	0.79	1.50
Other (all positions not elsewhere counted)	0.35	0.40	0.75
Total FTE	6.32	7.03	13.35

C. Data and Methodology

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. One of these on-site evaluations focused on evaluating the State Plan's workplace retaliation program, while the other concentrated primarily on the enforcement program. Case files were reviewed to assess the overall effectiveness of each program, and also to determine the status of findings and observations from the FY 2014 Follow-up FAME Report.

Enforcement On-site Evaluation

From November 16-20, 2015, OSHA conducted an on-site evaluation at the CONN-OSHA State Plan at its headquarters in Wethersfield, Connecticut. OSHA's on-site review team consisted of four personnel (a program analyst, two senior compliance officers, and the 21(d) consultation project monitor).

During this evaluation, the team reviewed 44 inspection case files; of this total, 4 files were related to fatality inspections, and 40 case files were related to complaints, referrals, and programmed inspections. Case files were randomly selected from a universe of the 102 inspections that CONN-OSHA opened and closed in FY 2015. The universe of opened and closed cases was obtained from an OIS Scan Summary Report that was run by OSHA on November 3, 2015.

OSHA conducted interviews with CONN-OSHA staff (the CONN-OSHA director; the occupational safety and health program manager, the State Plan's principal attorney, the

administrative assistant, and the occupational safety training specialist) to discuss personnel, training, inspections, standard adoptions, CONN-OSHA's FY 2014 Follow-up FAME Report Corrective Action Plan (CAP), compliance assistance and several other issues covered in this report.

In addition to interviews and the on-site case file reviews, OSHA used the following information sources to evaluate the State Plan's enforcement and state and local government consultation program: the FY 2015 SAMM Report (Appendix D), the FY 2015 Mandated Activities Report for Consultation (MARC), and the CONN-OSHA FY 2015 State OSHA Annual Report (SOAR). OIS reports, which were run by OSHA, were also used in this report. Data was also obtained from the US Department of Labor, Bureau of Labor Statistics' (BLS) injury and illness reports.

Workplace Retaliation Program On-site Evaluation

An OSHA workplace retaliation investigator conducted an on-site case file review of CONN-OSHA's workplace retaliation program on December 15, 2015, at the Connecticut Department of Labor's office in Wethersfield, Connecticut. During the review, five cases were examined, which are recorded as closed on the WebIMIS Case Listing and WebIMIS Whistleblower Application from February 27, 2014 to July 1, 2015.³ Cases were reviewed for completeness, legal sufficiency, and agreement with data contained in the national database. The two attorneys who are the principal personnel responsible for the workplace retaliation program were interviewed.

D. Findings and Observations

Of the four findings from the FY 2014 Follow-up FAME Report, three were completed in FY 2015, and one remains open. This open finding is the only finding in this report. The FY 2014 Follow-up FAME Report contained four observations. Of that total, two observations were closed and two were continued in FY 2015. One new observation was made in FY 2015; therefore, this report contains a total of three observations.

Details of the findings and observations are further discussed in the body of the report as well as Appendices A-C of the report. The current finding is listed in Appendix A; Appendix B contains a listing of all observations (including the status of last year's observations); Appendix C lists the status of all findings that were made in the FY 2014 Follow-up FAME Report.

II. Major New Issues

None.

³ The case file review encompassed one complaint that was received in FY 2014 and closed in FY 2015.

III. Assessment of State Plan Performance

A. STATE PLAN ADMINISTRATION

1) Training

CONN-OSHA's managers (the director and the program manager) and the program's training coordinator plan the training and education program for CONN-OSHA staff.⁴ In 2014, CONN-OSHA adopted OSHA Instruction TED 01-00-019 (Mandatory Training Program for OSHA Compliance Personnel, July 21, 2014), the directive which prescribes the requirements for training compliance officers.

All of the State Plan's CSHOs have completed the mandatory training track for compliance personnel, as prescribed by the directive. CONN-OSHA is also ensuring that each CSHO completes the technical courses that are required once the initial training requirements have all been completed.⁵ For example, all of the State Plan's CSHOs completed at least one technical course at the OSHA Training Institute (OTI) or at an OSHA Training Institute Education Center in FY 2015, and CONN-OSHA's managers intend to continue this practice each year.⁶ In FY 2015, one of CONN-OSHA's consultants completed the third and final course at OTI in the Process Safety Management (PSM) training series. The FY 2015 SOAR provides a list of all training courses completed by the State Plan's field staff during the fiscal year.

2) Staffing

One of CONN-OSHA's 23(g) consultants transferred to the 21(d) private sector consultation program at the end of FY 2013. Fortunately, the program was able to fill this vacancy a couple of months later, in November 2013. Therefore, except for the two-month period in FY 2014 when CONN-OSHA had a vacancy in the 23(g) consultation project, CONN-OSHA was fully staffed throughout FY 2014 and FY 2015.

Five CSHOs (three safety and two health) conduct the program's enforcement activity. The state and local government consultation program consists of three consultants (two health and one safety). CONN-OSHA's management consists of a director and a program manager. Two occupational safety training specialists plan, develop and implement training and education programs for the state and local government workforce. In

⁴ The occupational safety training specialist also functions as the State Plan's training coordinator.

⁵ The directive (TED 01-00-019) provides a "two-phase approach" to CSHO Training. In Phase 1, each CSHO will be required to complete a minimum of eight initial courses offered by the OSHA Training Institute (OTI) during the first three years of his/her career as a CSHO. The order and sequence of these courses is prescribed in the directive. In Phase 2, each CSHO will be required to complete a minimum of six additional technical courses through year 8 of their career. Beginning with year 9, they must complete a minimum of one technical course every three years.

⁶ The OSHA Training Institute (OTI) Education Centers are a national network of non-profit organizations authorized by OSHA to deliver occupational safety and health training to state and local government and private sector workers, supervisors, and employers on behalf of OSHA.

addition to enforcement and outreach activities, the program provides support for OSHA's OIS and performs business management and clerical services.

3) OSHA Information System (OIS)

CONN-OSHA completed the transition from WebIMIS to OIS at the beginning of FY 2015. Overall, the transition was successful. CONN-OSHA's managers routinely use OIS reports to monitor program performance. On a weekly basis, the open inspection report is run to track cases with citations pending; inspections that have a violation issued but no employer receipt date; and cases with abatement not complete, etc. A debt collection report is also run weekly to track penalty payments, and the SAMM report is run quarterly.

CONN-OSHA also uses OIS reports to monitor each CSHO's monthly activity. The inspection one-liner and the violation detail data report are run for each CSHO to show the number of inspections opened by the CSHO, as well as the number and type of violations cited. For the 23(g) consultation program, CONN-OSHA runs weekly reports, such as the task list report, the uncorrected hazards report and the written reports pending report.

4) Funding

CONN-OSHA's three-year funding history is included in this report in the State Plan Introduction. In FY 2015, CONN-OSHA escaped the layoffs that some state agencies experienced due to cuts made to the state's budget. In FY 2016, the state continues to experience budgetary concerns; so far, however, CONN-OSHA's staffing level has not been impacted.

5) State Internal Evaluation Program Report (SIEP)

In the FY 2013 Comprehensive FAME Report, OSHA made a finding that CONN-OSHA's SIEP did not adequately evaluate enforcement, because two of the three elements evaluated in the SIEP related to consultation. To resolve this issue, CONN-OSHA modified the SIEP to include quarterly and year-end analyses of performance on two SAMMs (average number of days to initiate complaint inspections and average lapse time), as well as the days lapsed between opening conference and written report (from the OIS Consultation Customer Service Report).

CONN-OSHA also planned to use OIS reports as internal evaluation tools. As discussed above, CONN-OSHA is using OIS reports to evaluate the overall performance of the program, as well as individual CSHOs. In addition, meetings are held with staff to discuss these reports. This finding was deemed to be completed in the FY 2014 Follow-up FAME Report and CONN-OSHA's SIEP continues to be satisfactory.

B. ENFORCEMENT

1) Complaints

SAMMs #1 through #3 assess the program’s efficiency in handling complaint inspections.

For SAMM #1 (average number of days to initiate complaint inspections) the further review level is five days. In FY 2013 Comprehensive FAME Report, OSHA made a finding that CONN-OSHA’s average of 10.73 days was outside the further review level.⁷ In FY 2014, CONN-OSHA’s average decreased to 10.04 days, but was still outside the further review level; therefore, this finding remained open in the FY 2014 Follow-up FAME Report.

Over the past two fiscal years, CONN-OSHA’s managers closely monitored complaint response times using IMIS and OIS reports, and the SAMM. CONN-OSHA’s focus on meeting the further review level has been successful; in FY 2015, the program ended the year with an average of 6.05 days.

In three of nine complaint-related case files reviewed during the on-site, CONN-OSHA took longer than five days to initiate complaint inspections. However, the fact that CONN-OSHA’s average has steadily decreased over three consecutive quarters in FY 2015, and in the first quarter of FY 2016, is a strong indicator that this finding is no longer warranted.⁸ Therefore, Finding FY 2014-01 is completed.

SAMM #1: Average Number of Days to Initiate Complaint Inspections FY 2013-FY 2015			
Fiscal Year	2013	2014	2015
Average Number of Days	10.73	10.04	6.05

SAMM #1: Average Number of Days to Initiate Complaint Inspections Quarterly Comparison			
Fiscal Year	2015		2016
Quarter	3	4	1
Average Number of Days	6.17	5.00	2.11

For SAMM #2 (average number of days to initiate complaint investigations) the further review level is one day.⁹ In FY 2015, CONN-OSHA did not have any non-formal

⁷ CONN-OSHA’s averages for SAMM #1 have been outside the five-day further review level since at least FY 2011. In that year, the average peaked at 19.04 days.

⁸ In FY 2015, OSHA’s SAMM reports did not show data for SAMM #1 for the first two quarters of that year, due to the transition from IMIS to OIS.

⁹ In SAMM #2, the number of days from the date the complaint was received to the date the employer is notified of the complaint, is calculated. SAMM #2 pertains only to complaints that have no related inspection. (Source: OSHA’s SAMM Codebook)

complaints where no inspection was conducted. In FY 2013, the State Plan met the further review level of one day for this measure, and in FY 2014, CONN-OSHA was only slightly outside the further review level with an average of 1.28 days.

In SAMM #3, the percent of imminent danger complaints and referrals responded to in one day is calculated. In FY 2015, CONN-OSHA did not receive any imminent danger complaints and referrals; the further review level of 100 percent for this measure was met in FY 2014 and in FY 2013. CONN-OSHA has had no denials of entry over the past three fiscal years; therefore, CONN-OSHA’s result for SAMM #4 (number of denials where entry not obtained) was zero.

2) Fatalities

CONN-OSHA met the further review level of 100 percent in SAMM #10 (percent of work-related fatalities responded to in one workday). In FY 2014, CONN-OSHA’s percentage was 66 percent, and in FY 2013, CONN-OSHA met the further review level of 100 percent.¹⁰ As shown in the table below, the number of fatalities investigated by CONN-OSHA has remained fairly constant over the past three fiscal years.

In FY 2015, there were two fatalities under CONN-OSHA’s jurisdiction that were determined to be work-related. As mentioned earlier, one involved a firefighter who sustained fatal injuries during firefighting activity, and the other involved a worker who was struck by a dump truck. The case involving the death of the firefighter attracted state-wide media attention, and in this case, CONN-OSHA issued citations for several equipment-related issues which were not contested by the employer. Both inspections had case files that were properly organized and contained all required documentation. No issues were identified during the case file review with regard to fatality investigations.

Fatalities FY 2013-FY 2015		
Fiscal year	Number of work-related fatalities	Incident description
2015	2	<ul style="list-style-type: none"> • A firefighter ran out of air supplied by a self-contained breathing apparatus (SCBA) • A worker was struck by a dump truck
2014	1	<ul style="list-style-type: none"> • A worker was struck by a vehicle in a highway accident
2013	1	<ul style="list-style-type: none"> • A firefighter was struck by a falling tree

¹⁰ As discussed in the FY 2014 Follow-up FAME Report, CONN-OSHA’s low percentage resulted from the program taking five days to initiate an investigation of one fatality case. However, there were unusual circumstances surrounding this case; therefore it did not point to a trend of unsatisfactory performance. With the exception of FY 2014, CONN-OSHA has had a long history of meeting the further review level for this measure.

3) Targeting and Programmed Inspections

In the FY 2015 annual performance plan, CONN-OSHA set goals for inspections and consultation visits in the six industries that were identified in the strategic plan as having the most hazardous workplaces. Over the past three fiscal years, CONN-OSHA has met the goal for the number of programmed inspections and consultation visits conducted in the targeted industries, although the number of inspections and consultation visits decreased only slightly from FY 2013 to FY 2014, it decreased more markedly in FY 2015. The fact that some CSHOs were hampered by medical issues was a significant factor in the decrease in inspections in FY 2015.

Five-Year Strategic Plan Targeted Industries	
State Government	Local Government
Hospitals	Public works (street and highway)
Nursing and residential care facilities	Water, sewage and other systems
Highway maintenance and repair	Waste management and remediation services

Annual Performance Plan Programmed Inspections Projected v. Actual FY 2013-FY 2015						
	FY 2013		FY 2014		FY 2015	
	Projected	Actual	Projected	Actual	Projected	Actual
Inspections	60	94	60	92	60	78
Consultation Visits	20	52	20	45	20	40

In FY 2015, CONN-OSHA planned to reduce the BLS 2013 days away from work, restricted work activity, or job transfer (DART) rate in each targeted industry by at least one percent through enforcement, consultation and compliance assistance activities.¹¹ As discussed in more detail in Section IV of this report, CONN-OSHA's results were mixed.

For local government establishments, programmed inspections are currently assigned to CSHOs based on a list of 169 cities and towns in the state. CONN-OSHA cycles through the list, so that the next municipality assigned for an inspection is the one where the most time has elapsed since the last time it received a programmed inspection. According to the CONN-OSHA director, each municipality has at least one department (such as public works, water, municipal wastewater, etc.) that falls under one of the program's targeted

¹¹ CONN-OSHA selected 2013 as the baseline year for DART rates. When CONN-OSHA developed the five-year strategic plan, DART rates from 2013 were the most current ones available.

high hazard industries, and CSHOs focus part of their inspections on inspecting these targeted industries.

In the FY 2013 Comprehensive FAME Report, OSHA was concerned that CONN-OSHA was not targeting state worksites for programmed inspections. For example, from FY 2011 through FY 2013, only two programmed inspections were conducted at state worksites. Consequently, OSHA made an observation in the FY 2013 Comprehensive FAME Report that CONN-OSHA was not targeting state worksites for enforcement activity. In FY 2014, CONN-OSHA developed a system for targeting state worksites, and as a result, 8 of 24 inspections at state worksites were programmed. Although significant progress was made in FY 2014, OSHA chose to continue this observation. In FY 2015, 15 of the 37 inspections at state worksites were programmed. Based on the steady progress that CONN-OSHA has made since FY 2013 in targeting state worksites, Observation FY 2014-OB-04 is closed.

In order to assess CONN-OSHA’s effectiveness in targeting the most hazardous worksites, OSHA has examined data from the State Plan’s FY 2015 program planned inspections. An OIS Inspection Summary Report run on March 3, 2016, shows that of 126 program planned inspections, 92 (73 percent) were not in compliance (NIC).¹² Of the 92 not in compliance (NIC) inspections, 73 had serious, willful, repeated and unclassified (SWRU) violations (79 percent), and 19 (20.7 percent) had only other-than-serious violations cited. CONN-OSHA compared favorably to all State Plans on these and other metrics that are useful in evaluating targeting, as shown in the table below.

Analysis of Program-Planned Inspections FY 2015 Source: OIS Inspection Summary Report (March 3, 2016)						
	Percent of programmed inspections that are NIC	Percent of NIC inspections that had SWRU violations	Percent of NIC inspections with only other-than-serious violations cited	Average violations per initial inspection	Percent of violations cited as SWRU	Percent of violations cited as other-than-serious
CONN-OSHA	73.0	79.3	20.7	4.22	51.2	48.8
All State Plans	70.4	73.5	26.5	3.24	51.1	48.8

In addition to data from program planned inspections, OSHA has used two SAMMs to analyze CONN-OSHA’s targeting program. SAMM #9 calculates the program’s in compliance rates (i.e., the percentage of inspections that have been closed with no

¹² Worksite safety and health inspections that have been scheduled based upon objective or neutral selection criteria are classified as programmed inspections (Source: FOM, Chapter 2).

violations). ¹³ High in compliance rates may indicate that the State Plan is not targeting worksites that are highly hazardous and prone to having serious violations. As shown in the table below, CONN-OSHA's in compliance rates for both safety and health met the further review levels for this measure in FY 2015, although the in compliance rate for safety has increased since last year.

In the FY 2013 Comprehensive FAME Report, OSHA made an observation that CONN-OSHA's in compliance rate for health was outside the further review level. In the FY 2014 Follow-up FAME Report, this observation (FY 2014-OB-02) was continued, because CONN-OSHA's in compliance rate of 49.18 percent for health remained outside the further review level of 34.1 percent. However, CONN-OSHA's in compliance rate for health inspections has improved significantly from FY 2014, as shown in the table below; therefore, Observation FY 2014-OB-02 is closed.

SAMM #9: Percent In Compliance						
	FY 2013		FY 2014		FY 2015	
	CONN-OSHA	Further Review Level	CONN-OSHA	Further Review Level	CONN-OSHA	Further Review Level
Safety	23.08%	+/- 20% of 29.1%	13.53%	+/- 20% of 29.1%	32.99%	+/- 20% of 28.47%
Health	56.00%	+/- 20% of 34.1%	49.18%	+/- 20% of 34.1%	36.92%	+/- 20% of 33.58%

SAMM #5 calculates the average number of SWRU violations per NIC inspection. ¹⁴ Not meeting the further review level average for SWRU violations may indicate that the State Plan is not targeting the most hazardous worksites. In FY 2015, CONN-OSHA's average of 2.23 for SWRU violations met the further review level average of 1.92 for this measure.

CONN-OSHA has had a long track record of not meeting the further review level for this measure, but finally did so in FY 2015. Later in this report, CONN-OSHA's performance on SAMM #5 is discussed with regard to appropriateness of violation classification (under the section on citations and penalties). CONN-OSHA's results on SAMMs #5 and #9, together with the OIS data on program planned inspections, indicate that the State Plan is targeting the most hazardous worksites for inspections.

¹³ Unprogrammed inspections (complaints, referrals, fatalities and catastrophes) and programmed inspections are used in this measure; however, instances where an inspection was not warranted, known as 'no inspections', are excluded.

¹⁴ Similar to SAMM #9, this measure is based on programmed, as well as unprogrammed, inspections.

SAMM #5: Average Number of Violations per NIC Inspection						
	FY 2013		FY 2014		FY 2015	
	CONN-OSHA	Further Review Level	CONN-OSHA	Further Review Level	CONN-OSHA	Further Review Level
SWRU violations	1.49	+/- 20 % of 2.0	1.28	+/- 20% of 1.99	2.23	+/- 20% of 1.92
Other-than-serious (Other) violations	2.21	+/- 20% of .88	1.92	+/- 20% of 1.22	1.84	+/- 20% of .87

4) Citations and Penalties

OSHA made a finding in the FY 2013 Comprehensive FAME Report that CONN-OSHA's lapse times for both safety and health were outside the further review levels of the SAMM. In FY 2014, this finding remained open, although the lapse time for safety met the further review level. As a corrective action, CONN-OSHA's managers met with each CSHO to discuss ways to reduce lapse time. The program also closely monitored the OIS Open Inspections Report, which lists cases with citations that are pending.

Citation Lapse Times Comparison FY 2013-FY 2015						
	FY 2013		FY 2014		FY 2015	
	Lapse time (days)	Further review level (days)	Lapse time (days)	Further review level (days)	Lapse time (days)	Further review level (days)
Safety	74.89	+/- 20% of 43.4	44.95	+/- 20% of 43.4	85.79	+/- 20% of 42.78
Health	108.62	+/- 20% of 57.05	83.34	+/- 20% of 57.05	74.12	+/- 20% of 53.48

In FY 2015, CONN-OSHA did not meet the further review levels for either safety or health in SAMM #11 (average lapse time). However, the program's lapse time for health has decreased significantly since FY 2013. Although the further review level for safety was met in FY 2014, CONN-OSHA's lapse time for safety cases sharply increased in FY 2015. CONN-OSHA attributes this increase to the fact that some CSHOs were hindered by health issues for a few months during the year. The CSHOs are now able to handle their normal workload. However, this finding remains open until the data reflects that this is no longer an issue.

Finding FY 2015-01 (Finding FY 2014-03): SAMM #11(average lapse time) – CONN-OSHA's average lapse time of 85.79 days for safety cases did not meet the further review level of +/- 20% of 42.78 days. The program's average lapse time of 74.12 days for health cases did not meet the further review level of +/-20% of 53.48 days.

Recommendation: Review policies and procedures to eliminate the problems that are causing the program to have high lapse times.

In the FY 2013 Comprehensive FAME Report, OSHA made a finding that CONN-OSHA may be classifying some serious violations as other-than-serious. This finding was based on two factors: first, CONN-OSHA’s average of 1.49 for SWRU violations did not meet the further review level average (+/- 20 % of 2.04) in the SAMM for average number of SWRU violations per NIC inspection. During the on-site review for the FY 2013 Comprehensive FAME Report, OSHA also determined that 7 of 35 case files that were not in compliance had at least one serious violation that was classified as other-than-serious.

In FY 2014, CONN-OSHA’s average in the SAMM for SWRU violations decreased even further to 1.28, and was outside the SAMM’s further review level average of +/- of 1.99. In FY 2015, CONN-OSHA focused on increasing this average by discussing this matter with CSHOs and carefully reviewing violation classifications in all case files.

As shown in the table below, CONN-OSHA’s average for SWRU violations was at its lowest point in the first quarter of FY 2015, but as the year progressed, the average steadily increased. In the third and fourth quarters, the further review levels were met, and CONN-OSHA’s FY 2015 end-of-year average of 2.23 for SWRU violations met the further review level average of +/- 20% of 1.92. Because of this result and the fact that the most recent case file review indicated improvement in appropriateness of violation classification, this long-standing finding (Finding FY 2014-02) is completed.

SAMM #5: Average Number of SWRU Violations per NIC Inspection FY 2015 Quarterly Comparison									
First Quarter		Second Quarter		Third Quarter		Fourth Quarter		End-of-year	
Result	Further review level (+/- 20%)	Result	Further review level (+/- 20%)	Result	Further review level (+/- 20%)	Result	Further review level (+/- 20%)	Result	Further review level (+/- 20%)
1.00	2.06	1.40	2.18	1.86	1.93	2.80	1.86	2.23	1.92

CONN-OSHA’s penalties are established in the state’s Occupational Safety and Health Act, Sec. 31-382. Willful violations may incur a penalty of up to \$10,000 for each violation; and serious and other-than-serious violations may incur a penalty of not more than \$1,000 for each violation. The program’s penalty structure is based on the penalty structure in OSHA’s FOM that was issued in December 1990. CONN-OSHA had indicated that it does not intend to adopt the new penalty structure in OSHA’s current FOM.

5) Abatement

During the onsite review, OSHA reviewed 25 case files for inspections that were NIC. Of this total, OSHA identified 8 cases in which CONN-OSHA gave the employer 30 days to abate one or more violations. In these eight cases, it appears that CONN-OSHA did not consider assigning “the shortest interval within which the employer can reasonably be expected to correct the violation,” as required in CONN-OSHA’s FOM, Chapter 5. For example, in one case, the employer was given 30 days to properly label a container. In another case, the employer was given 30 days to adjust grinding wheel guards (a task that should take much less time to complete). OSHA will monitor abatement periods to ensure that CONN-OSHA is following the FOM’s guidance in this regard.

Observation FY 2015-OB-01: In 8 of 25 cases that were NIC (32 percent), the, CSFO assigned 30-day abatement periods, rather than assigning the shortest interval within which the employer can reasonably be expected to abate the hazard (as directed by CONN-OSHA’s FOM, Chapter 5).

6) Worker and Union Involvement

In the SAMM that was run by OSHA on November 12, 2015, CONN-OSHA’s percentage of 97.86 for SAMM #13 (percent of initial inspections with worker walk-around representation or worker interviews) did not meet the further review level of 100 percent. However, CONN-OSHA indicated that four inspections were improperly coded, and since the SAMM was run in November 2015, coding corrections have been made. Thus, CONN-OSHA actually met the further review level of 100 percent (based on the SAMM that was run by OSHA on February 17, 2016). CONN-OSHA met the further review level for this measure in FY 2013 and in FY 2014, as well. The case file review verified that most inspections had adequate union and/or employee representation.

C. REVIEW PROCEDURES

1) Informal Conferences

CONN-OSHA’s Occupational Safety and Health Act mirrors Chapter 7 of the FOM with respect to contesting citations, and notifications of penalty or abatement dates. During the onsite case file review, no issues were identified with the timeliness of informal conferences, or with violations being reclassified or vacated in high numbers.

A few years ago, OSHA was concerned that CONN-OSHA’s percent penalty reduced was higher than the average for all State Plans. Since that time, CONN-OSHA has implemented a policy of not granting penalty reductions higher than 50 percent, and data from the OIS indicates that CONN-OSHA is adhering to this policy. For example, the OIS Inspection Summary Report of February 5, 2016, shows that CONN-OSHA’s percent penalty reduced in FY 2015 was 41.6 percent, which compared favorably to the State Plan average of 46.5 percent.

In the FY 2013 Comprehensive FAME Report, OSHA made an observation that some

case files were missing at least one type of documentation required by CONN-OSHA's FOM, such as notes on worker and/or witness interviews, evidence to support worker exposure to hazardous conditions, and notes documenting the informal conference. In the FY 2014 Follow-up FAME Report this observation was continued.

During the most recent on-site review, OSHA also identified issues with informal conference documentation. For example, of 23 cases that had informal conferences, 7 cases (30 percent) did not include the justification for the penalty reduction granted by the State Plan. Chapter 7 of the FOM, which discusses the conduct of informal conferences in detail, states that "at the conclusion of the conference, all main issues and potential courses of action will be summarized and documented. A copy of the summary, together with any relevant notes of the discussion made by the Area Director, will be placed in the case file."

Overall, a total of 12 of the 23 cases that had informal conferences had one or more deficiencies related to informal conference documentation. For example, there were three cases where the date of the informal conference request could not be determined, and in another three cases, there was no documentation of when the employer received the citations.

The on-site case file review also identified incomplete case documentation in other areas. For example, 7 of 44 case files reviewed (16 percent) did not contain copies of the Narrative (OSHA-1A Form); 6 of 24 cases for programmed inspections (25 percent) were missing documentation of the review of the OSHA-300 Logs; and in 6 of 25 cases that were NIC (24 percent), the CSHO did not adequately document the employer's knowledge of the hazardous condition.¹⁵ In light of these issues, OSHA will continue to monitor CONN-OSHA's case documentation, to ensure completeness and compliance with the FOM's guidance.

Observation FY 2015-OB-02 (FY 2014-OB-03): Some case files were missing at least one type of documentation that is prescribed by CONN-OSHA's FOM, such as notes documenting the informal conference, the OIS Narrative (OSHA 1-A Form), and documentation of the employer's knowledge of the hazardous condition, etc.

2) Formal Review of Citations

The State of Connecticut's Occupational Safety and Health Review Commission consists of five members appointed by the governor "from among persons who by reason of training, education or experience are qualified to carry out the functions of the

¹⁵ The FOM, Chapter 5, states that all inspection case files must include the OSHA 1-A Form (OIS Narrative). The FOM, Chapter 3, states that CSHOs shall request copies of the *OSHA-300 Logs...*" The FOM, Chapter 4, states that the CSHO shall "record all evidence that substantiates that the employer could have known of the hazardous condition." In addition, the FOM, Chapter 5, states that relying on "reasonable diligence" to establish employer knowledge should be avoided; in three of the six cases, CONN-OSHA relied on "reasonable diligence" to establish employer knowledge.

commission....”¹⁶ In FY 2015 and in FY 2014, no decisions were issued by the review commission. In fact, the last decision issued by the commission was several years ago. However, settlement discussions are still ongoing for a fatality case that was contested in FY 2010. At this time, both parties are making one last attempt to settle this case. If a settlement is not reached, the case will move to the review commission for a hearing.

D. STANDARDS AND FEDERAL PROGRAM CHANGES (FPC) ADOPTION

In 1972, Connecticut enacted a uniform state law known as the Uniform Administrative Procedure Act (UAPA). This law is codified in the General Statutes of Connecticut (CGS) as Chapter 54 (Sections 4-166 *et. seq.*).¹⁷ Connecticut’s UAPA contains the provisions governing the rulemaking process that all agencies must follow. A standing committee of the General Assembly (Regulations Review Committee) must ultimately approve a regulation before it becomes law. Regulations are given the same weight as statutes once the regulations have been properly enacted.

CONN-OSHA has adopted all of OSHA standards for general industry and construction. CONN-OSHA incorporates federal standards by reference. Therefore, the state and federal standards are identical with the exception of Table Z-1, Limits for Air Contaminants, in 29 CFR 1910.1000, 29 CFR 1904.1, 29 CFR 1904.2, note to Subpart B and non-mandatory Appendix A to Subpart B of 29 CFR 1904.¹⁸

CONN-OSHA was up-to-date in responding to, and adopting, the FPCs that had adoption due during FY 2014 and FY 2015. CONN-OSHA adopted policies and procedures identical to those in OSHA’s instruction for all FPCs except CPL 03-00-017 (Occupational Exposure to Isocyanates). For this FPC, CONN-OSHA’s submittal of an alternative approach was reviewed and approved by OSHA.

¹⁶ Sec. 31-376, General Statutes of Connecticut

¹⁷ [CGS Section 4-167 through 4-174](#). These statutes do not reflect the Executive Mandate to seek pre-approval of all regulations by the Governor’s Office and Office of Policy and Management prior to initiating the statutory process.

¹⁸ CFR 1904.1 provides a partial exemption to employers with 10 or fewer employees and business establishments in certain industry classifications from keeping OSHA injury and illness records. Under 29 CFR 1904.2, business establishments in certain industry classifications (that are listed in appendix A of subpart B) are partially exempt from keeping OSHA injury and illness records. CONN-OSHA does not have jurisdiction over such establishments, because they are classified under North American Industry Classification System (NAICS) codes for private sector entities.

CONN-OSHA FEDERAL PROGRAM CHANGE LOG (excluding standards)

Directive	Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	Adoption Date
CPL-03-00-018 2015 725 REVISION - National Emphasis Program - Primary Metal Industries	10/20/2014	12/20/2014	12/12/2014	YES	YES	NO		
CPL-02-01-057 2015 724 Compliance Directive for Cranes and Derricks in Construction Standard	10/17/2014	12/20/2014	12/12/2014	NO	YES	YES	YES	12/31/2014
TED-01-00-019 Mandatory Training Program for OSHA Compliance Personnel	7/21/2014	9/21/2014	8/7/2014	NO	YES	YES	YES	8/15/2014
CPL-02-01-056 Inspection Procedures for Accessing Communication Towers	7/17/2014	9/17/2014	8/21/2014	NO	YES	YES	YES	9/5/2014
CPL-02-00-158 Inspection Procedures for the Respiratory Protection Standard	6/26/2014	9/5/2014	8/21/2014	NO	YES	YES	YES	9/5/2014

CONN-OSHA FEDERAL PROGRAM CHANGE LOG (excluding standards)

Directive	Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	Adoption Date
CPL- 02-00-157 Shipyard Employment “Tool Bag” Directive	4/1/2014	6/1/2014	5/21/2014	NO	YES	YES	YES	5/23/2014
CPL-02-14-01— Site Specific Targeting 2014 (SST-14)	3/6/2014	4/2/2014	3/27/2014	YES	YES	YES	NO	3/27/2014
CPL-03-02- 003—Directive Subject: OSHA Strategic Partnership Program for Worker Safety and Health	11/6/2013	1/14/2014	11/15/2013	NO	YES	YES	YES	12/2/2013
CPL-02-01- 055—Maritime Cargo Gear Standards and 29 CFR Part 1919 Certification	9/30/2013	12/30/2013	11/6/2013	NO	YES	YES	YES	11/15/2013
CPL-02-00- 155— Inspection Scheduling for Construction	9/6/2013	11/5/2013	10/15/2013	NO	YES	NO	N/A	N/A

CONN-OSHA FEDERAL PROGRAM CHANGE LOG (excluding standards)								
Directive	Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	Adoption Date
CPL-03-00-017 NEP— Occupational Exposure to Isocyanates	6/20/2013	8/20/2013	8/20/2013	YES	YES	YES	NO	10/1/2013

As shown in the table below, CONN-OSHA was timely in responding to all three of the standards that had adoption due dates in FY 2014 and in FY 2015. However, the State Plan was only timely in adopting one of the three standards – 1904 Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions. Connecticut adopted the modification to the authority section of 1904, as well as the revisions to 1904.39, but was not required to adopt the revisions to 1904.2 or non-mandatory appendix A to Subpart B.

A few years ago, OSHA made a finding that CONN-OSHA had exceeded the six-month timeframe for adopting OSHA’s standards. Because adoption of OSHA’s standards is controlled by the Connecticut State Legislature’s Regulations Review Committee, and not by CONN-OSHA, this finding was administratively closed. CONN-OSHA has assured OSHA that standard adoption documentation is submitted to the Regulations Review Committee in a timely manner. Therefore, no action by CONN-OSHA is required with regard to timely standard adoptions.

CONN-OSHA STANDARD ACTIONS LOG								
Standard	FR Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Adoption Due Date	Adopt Identical	Effective Date
1926 Cranes and Derricks in Construction - Operator Certification – Final Rule	9/26/2014	11/26/2014	11/18/2014	NO	YES	3/26/2014	YES	8/5/2015
1904 Occupational Injury and	9/18/2014	11/19/2014	11/17/2014	YES	YES	3/19/2015	NO	1/1/2015

CONN-OSHA STANDARD ACTIONS LOG								
Standard	FR Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Adoption Due Date	Adopt Identical	Effective Date
Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions								
1910, 1926 Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment	4/11/2014	6/11/2014	5/21/2014	YES	YES	1/11/2015	YES	3/10/2015

E. VARIANCES

CONN-OSHA had no activity with respect to variances in FY 2014 or in FY 2015. CONN-OSHA has acceptable procedures for evaluating and issuing variances.

F. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

CONN-OSHA is a State and Local Government Only State Plan.

G. WORKPLACE RETALIATION PROGRAM

In the FY 2013 Comprehensive FAME Report, OSHA made a finding that OPP’s case files did not contain any information related to the review of settlement agreements. To remedy this finding, OPP planned to make every effort to review the settlement agreements and document such efforts. In the FY 2014 Follow-up FAME Report, this finding (FY 2014-04) was awaiting verification. The on-site case file review indicated that OPP has implemented the corrective action, and that this finding is completed.

The percent of 11(c) investigations completed within 90 days of receipt significantly improved in FY 2015. OPP completed 100 percent of cases within that time frame in FY 2015, which was a significant increase over the program’s result of 33 percent in FY 2014. Therefore, OPP met the further review level in SAMM #14 (percent of 11(c) investigations completed within 90 days).

SAMM #15 calculates the percent of 11(c) complaints that are meritorious. In FY 2014,

33 percent of the program's complaints were found to have merit, but this percentage decreased to zero in FY 2015. This is because only seven complaints were received in FY 2015, and a final decision on merit had not been rendered on any of them at the time of the audit. This percentage is expected to be higher in FY 2016.

The average days to complete an investigation went from 548 days in FY 2014 to only 7 days in FY 2015. Therefore, OPP met the further review level of 90 days in SAMM #16 (average number of calendar days to complete an 11(c) investigation). However, this result is not a valid indicator of improvement, because it is only based on one case. This measure will continue to be monitored in FY 2016.

H. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

CONN-OSHA had no CASPAs in FY 2014 or in FY 2015.

I. VOLUNTARY COMPLIANCE PROGRAM

Alliances

CONN-OSHA adopted OSHA's newest Alliance Program directive (CSP-04-01-002; July 29, 2015) on October 1, 2015. In compliance with this instruction (and previous OSHA directives for the Alliance Program), CONN-OSHA's Alliances conduct the following core activities: training and education; outreach and communication; and promoting the national dialogue on workplace safety and health.

In FY 2015, CONN-OSHA had seven Alliances that do not expire until 2016, and all were active in FY 2015.¹⁹ The files for the seven Alliances contained signed Alliance agreements and also summary reports from FY 2008 through FY 2011 on activities, the type of training conducted, and the names of the trainers, etc. However, no records of activities were found in the folders for FY 2012 to FY 2015. Although not required, OSHA recommends that CONN-OSHA reinstate the practice of providing annual summaries by using the Alliance annual report template (which is included in the Alliance directive).

Training and Outreach

In the FY 2014 Follow-up FAME Report, OSHA made an observation that the number of municipal workers trained through CONN-OSHA's training programs had decreased significantly from the previous year. For example, the number of municipal participants decreased by almost 50 percent (from 545 in FY 2013 to 273 in FY 2014).

In FY 2015, CONN-OSHA projected a total of 800 outreach participants. However, this goal was not met, mainly due to the fact that the number of municipal participants declined even further (from 273 in FY 2014 to 162 in FY 2015). As shown in the table below, there has been a noticeable decrease in the number of local government workers

¹⁹ CONN-OSHA participates in two additional Alliances that were initiated by OSHA's area offices in Connecticut.

trained since FY 2013. On the other hand, the number of state workers trained has increased over the past three fiscal years. OSHA will continue to monitor CONN-OSHA's outreach efforts to ensure that the State Plan reverses the downward trend in worker participation from the local government sector.

Observation FY 2015-OB-03 (Observation FY 2014-OB-01): The number of local government participants in CONN-OSHA's outreach program has been trending downward since FY 2013.

Number of Workers Trained by CONN-OSHA FY 2013-FY 2015 <i>Source: CONN-OSHA SOARs (FY 2013-FY 2015)</i>				
Fiscal Year	Local Government		State Government	
	Number of Classes	Number of Trainees	Number of Classes	Number of Trainees
2013	37	545	28	261
2014	27	273	23	352
2015	16	162	25	417
Three-Year Average	27	327	25	343

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

In FY 2015, CONN-OSHA conducted 126 state and local government consultation visits of 130 projected for the year, and achieved 97 percent of the goal. Although CONN-OSHA came close, but did not meet the target of 130 visits, the program conducted more visits in FY 2015 than in each of the past two fiscal years.²⁰

State and Local Government Consultation Visits FY 2013-FY 2015								
FY 2013			FY 2014			FY 2015		
Projected	Actual	Percent Achieved	Projected	Actual	Percent Achieved	Projected	Actual	Percent Achieved
130	121	93	90	102	113	130	126	97

The OIS Mandated Activities Report for Consultation (MARC) run on February 11, 2016, shows that CONN-OSHA verified that 100 percent of serious hazards identified were corrected in a timely manner (which is within 14 days of the latest correction due

²⁰ CONN-OSHA projected fewer consultation visits in FY 2014 because a vacancy that occurred in late FY 2013 was filled by a new consultant who faced a learning curve.

date - MARC #4A).²¹ As shown in the table below, CONN-OSHA has a strong track record of meeting the 100 percent standard.

MARC #4A: Percent of Serious Hazards Corrected in a Timely Manner (within 14 days of the latest correction due date) FY 2013-FY 2015								
FY 2013			FY 2014			FY 2015		
Number Corrected Timely	Percent	Total Serious Hazards	Number Corrected Timely	Percent	Total Serious Hazards	Number Corrected Timely	Percent	Total Serious Hazards
320	100	320	111	100	111	300	100	300

The OIS End-of-Year Consultation Metrics Report (run on February 11, 2016) for FY 2015 shows that CONN-OSHA identified a total of 361 hazards, of which 339 were serious (94 percent) and removed 8,642 employees from risk.²² The project’s average number of serious hazards identified per initial visit was 3.26, which was slightly below the national average of 3.56. Of the total number of serious hazards identified in CONN-OSHA’s state and local government sector worksites in FY 2015, 306 were in state and local government establishments with 100 employees or less; 17 were in establishments of 101-250 workers; and 16 were in worksites with 250 or more workers.

As mentioned earlier, CONN-OSHA was involved in the state’s emergency preparedness efforts aimed at the Ebola outbreak. CONN-OSHA’s private and state and local government sector consultants conducted training on the use of N-95 respirators, as well as qualitative fit testing for fire, police, and emergency responders. Approximately 120 emergency response personnel were fit-tested and trained in December 2014 as a result of these efforts.

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

The following is an assessment of CONN-OSHA’s progress in meeting the FY 2015 annual performance goals. This assessment is based primarily on OIS data, the SOAR and the BLS DART rates.

Based on the OIS Inspection Summary Report of February 5, 2016, CONN-OSHA conducted 198 inspections (118 safety and 80 health) in FY 2015, and achieved 86 percent of the annual performance plan goal of 230 inspections.²³ The table below shows that CONN-OSHA conducted fewer inspections in FY 2015 than in each of the past two fiscal years. As mentioned earlier, a few of CONN-OSHA’s CSHOs had to take

²¹ MARC #4A is based on closed cases only.

²² This report is based on open and closed cases.

²³ This total varies from SAMM #7, due to the later run date of the OIS Inspection Summary Report. The FY 2015 SAMM used in this report was run on November 12, 2015.

medical leave, and this hampered the program’s ability to achieve the FY 2015 goal for inspections.

Inspection Total Comparison FY 2013-FY 2015			
	Projected	Actual	Percent Achieved
FY 2015	230	198	86
FY 2014	230	236	103
FY 2013	190	224	118

In SAMM #7 (planned v. actual inspections), CONN-OSHA did not meet the further review level for either safety or health inspections in FY 2015, as shown below. Further review levels were met for both health and safety in FY 2014, and in FY 2013, CONN-OSHA met the further review level for safety, but not for health.

SAMM #7: Planned v. Actual Inspections						
	FY 2013		FY 2014		FY 2015	
	Actual	Further Review Level	Actual	Further Review Level	Actual	Further Review Level
Safety	170	110	155	150	116	+/- 5% of 150
Health	54	80	81	80	71	+/- 5% of 80

FY 2015 was the first year of CONN-OSHA’s current five-year strategic plan, which extends through the end of FY 2019. Under this plan, CONN-OSHA has three broad-based goals: 1.) Improve workplace safety and health by reducing hazards, injuries, illnesses and fatalities; 2.) Promote safety and health through compliance assistance, cooperative programs and strong leadership; and 3.) Maximize effectiveness by strengthening internal capabilities.

In support of the broad-based strategic plan goals, CONN-OSHA plans to reduce each targeted industry’s baseline DART rate by a total of five percent by the end of the five-year plan. Therefore, in FY 2015, CONN-OSHA planned to achieve a one percent reduction in each targeted industry’s baseline rate. By the end of FY 2016, the goal is to achieve a two percent reduction in the baseline rates; and in FY 2017, the goal is a three percent reduction in the baseline rates, etc.

In FY 2015, CONN-OSHA partially met the annual performance goal of reducing the DART rate in each targeted industry by one percent from the baseline. In four of the targeted industries, the DART rate decreased by more than one percent, but in two of the

industries, the DART rate increased by more than one percent, as shown in the next table.²⁴

FY 2015 Annual Performance Plan DART Rate Comparison 2013 v. 2014 Source: BLS							
Local Government				State Government			
Targeted Industry	2013 DART rate	2014 DART rate	Percent increase/(decrease)	Targeted Industry	2013 DART rate	2014 DART rate	Percent increase/(decrease)
Public works (street and highway)	11.1	8.9	(20)	State hospitals	5.7	9.9	74
Water sewage and other	8.5	1.9	(78)	Nursing and residential care facilities	16.0	6.8	(58)
Waste management and remediation services	2.3	3.4	49	Highway maintenance and repair operations	11.1	8.9	(20)

As discussed below, CONN-OSHA also met all of the sub-goals that were aligned with meeting the annual performance goal for DART rates and the three broader strategic goals. For example, goals for inspections and consultation visits in targeted industries; conducting training for workers on designated topics; maintaining Alliances; staff training; and emergency management were all met in FY 2015.

Strategic Goal #1: Improve workplace safety and health for all workers, by reducing hazards, exposures to hazards, injuries, illnesses, and fatalities.

Annual Performance Goal 1.1: Reduce the 2013 DART rate by one percent in each of the six targeted industries. (To avoid repetition, the extent to which CONN-OSHA met the annual performance plan goal for DART rate reductions has been discussed above.)

Annual Performance Goal 1.1(a): Conduct 60 inspections and 20 consultation visits at worksites in these industries.

²⁴ Percentage-wise, the changes in the DART rates were substantial. Small changes in injuries and illnesses have a dramatic effect on DART rates from year to year because so few state and local government worksites are surveyed by the BLS in Connecticut. In the past, CONN-OSHA's statistics unit has supplemented the BLS data with injury and illness data gathered from additional worksites. However, at this time, CONN-OSHA does not have the funding and resources needed to supplement the BLS data on an annual basis. Therefore, the State Plan must rely solely on BLS data to analyze annual performance on DART rates.

Result: The goal was met.

Discussion: CONN-OSHA exceeded goals for inspections and consultation visits in the most hazardous industries.

Inspections and Consultation Visits in the Targeted Industries FY 2015		
	Projected	Actual
Inspections	60	78
Consultation visits	20	40

Annual Performance Goal 1.1(b): Include an article on preventing fatalities in each issue of the *CONN-OSHA Quarterly*.

Result: The goal was met.

Discussion: The training topics on fatality prevention were as follows: fatality prevention in work involving trailer lifts, fatality prevention in work involving abrasive wheel grinders, fatality prevention in work zones, and fatality prevention in permit-required confined spaces.

Strategic Goal #2: Promote a safety and health culture through compliance assistance, cooperative programs and strong leadership.

Annual Performance Goal 2.1: Reduce the 2013 DART rate by one percent in each of the targeted industries. (See previous discussion.)

Annual Performance Goal 2.1(a): Conduct training courses on selected topics (confined spaces, lockout/tagout, ergonomics, safe driving, trenching and excavation, work zone safety, and workplace violence) at targeted state and local government worksites.

Result: The goal was met.

Discussion: CONN-OSHA covered all selected topics during the training classes that were held for both state and local government workers. However, the number of local government participants has sharply declined since FY 2013. OSHA will closely monitor CONN-OSHA's outreach activities to help shore up enrollment by local government participants. See Observation FY 2015-OB-03 in Appendix B.

Annual Performance Goal: 2.1(b): Maintain or renew current Alliances that share and promote CONN-OSHA's goal of reducing injuries and illnesses.

Participate in training and outreach with Alliance partners to improve their safety and health awareness.

Result: The goal was met.

Discussion: All Alliances were active in FY 2015. None expire until FY 2016.

Annual Performance Goal 2.1 (c): Improve safety and health awareness among state and local government workers by promoting effective safety and health management systems. CONN-OSHA will involve workers in 100 percent of all inspections and consultation visits.

Result: The goal was met.

Discussion: In the SOAR, CONN-OSHA states that safety and health management systems were promoted during all enforcement consultation activities. MARC #3 (percent of visits where the consultant conferred with employees) shows that workers were involved in 100 percent of all initial, follow-up and training and education visits with compliance assistance only. CONN-OSHA also met the further review level of 100 percent for SAMM #13 (percent of initial inspections with employee walk around representation or employee interview). CSHOs also obtained information concerning the presence and/or implementation of a safety and health system to prevent or control workplace hazards.

Strategic Goal 3: Maximize CONN-OSHA's effectiveness and efficiency by strengthening its capabilities and infrastructure.

Annual Performance Goal 3.1: Reduce the 2013 DART rate by one percent in each of the targeted industries. (See previous discussion.)

Annual Performance Goal 3.1(a): Each field staff will complete safety and/or health training annually.

Result: The goal was met.

Discussion: In FY 2015, all field staff (CSHOs and consultants) completed at least one safety and or health course at the OTI. A list of the courses completed by each staff member is provided in the SOAR.

Annual Performance Goal 3.1 (b): Each field staff member will complete at least one professional development course annually.

Result: The goal was met.

Discussion: CONN-OSHA's managers met with field staff to discuss their professional development needs. In FY 2015, all field staff participated in a safety and health demonstration at a nearby airport.

Annual Performance Goal 3.1 (c): Strengthen the emergency management plan by actively participating in at least 85 percent of the training sessions and drills provided by the Connecticut Emergency Management System.

Result: The goal was met.

Discussion: In FY 2015, CONN-OSHA participated in 100 percent of the Connecticut Emergency Management System's drills and training classes. A complete list of events is provided in the SOAR.

V. Other Special Measures of Effectiveness and Areas of Note

N/A

Appendix A – New and Continued Findings and Recommendations

FY 2015 CONN-OSHA Comprehensive FAME Report

FY 20XX-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2015-01	Lapse times (SMM #11) – CONN-OSHA’s average lapse time of 85.79 days for safety cases did not meet the further review level of +/- 20% of 42.78 days. The program’s average lapse time of 74.12 days for health cases did not meet the further review level of +/- 20% of 53.48 days.	Review policies and procedures to eliminate the problems that are causing the program to have high lapse times.	FY 2014-03

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 CONN-OSHA Comprehensive FAME Report

Observation # FY 20XX-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-01		In 8 of 25 cases that were NIC (32 percent), the, CSHO assigned 30-day abatement periods, rather than assigning the shortest interval within which the employer can reasonably be expected to abate the hazard (as directed by CONN-OSHA's FOM, Chapter 5).	OSHA will review abatement procedures with CONN-OSHA during quarterly meetings to ensure compliance with the CONN-OSHA's FOM, Chapter 5.	New
FY 2015-02	FY 2014-OB-03	Some case files were missing at least one type of documentation that is prescribed by CONN-OSHA's FOM, such as notes documenting the informal conference, the OIS Narrative (OSHA 1-A Form), and documentation of the employer's knowledge of the hazardous condition, etc.	OSHA will monitor case documentation through quarterly discussions with CONN-OSHA's managers.	Continued
FY 2015-OB-03	FY 2014-OB-01	The number of local government participants in CONN-OSHA's outreach program has been trending downward since FY 2013.	During quarterly meetings, OSHA will discuss ways to increase enrollment in training classes for municipal workers.	Continued
	FY 2014-OB-02	CONN-OSHA's in compliance rate of 49.18 percent for health inspections was outside the further review level of 34.1 percent.		Closed
	FY 2014-OB-04	CONN-OSHA is not targeting state employees for inspections.		Closed

Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 CONN-OSHA Comprehensive FAME Report

FY 20XX-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2014-01	CONN-OSHA's average number of days to initiate complaint inspections (SAMM #1) is 10.04 days, which is outside the negotiated further review level of 5 days.	Review policies and processes to identify and eliminate the problems that are causing the program to exceed the negotiated further review level of five days in SAMM #1.	The CONN-OSHA director and manager met with all personnel involved in complaint processing to address how the five day goal needs to be achieved. The CONN-OSHA manager is tracking complaint and referral response times by running the SAMM monthly and running OIS complaint tracking reports weekly.	September 30, 2015	Completed
FY 2014-02	CONN-OSHA's average number of violations per inspections with violations (SAMM #9) is 1.28, which is below the further review level of 1.99 for serious/willful/repeat (s/w/r) violations. During the onsite review for the FY 2013 Comprehensive FAME Report, OSHA determined that 7 of 35 case files that were not in-compliance had at	Meet the further review level in SAMM #9 for s/w/r violations and focus on ensuring that violations are properly classified as serious and other-than-serious.	CONN-OSHA has followed OSHA's recommendation and implemented oversight procedures to ensure proper classification. SAMM data for the third quarter of FY 2015 indicates that the further review level has been met.	June 30, 2015	Completed

Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 CONN-OSHA Comprehensive FAME Report

	least one serious violation that was classified as other-than-serious. These results may indicate that CONN-OSHA is classifying some serious violations as other-than-serious.				
FY 2014-03	CONN-OSHA's average lapse time of 83.34 days for health inspections (SAMM #23) did not meet the further review level of 57.05 days for this measure.	Review policies and processes to identify and eliminate the problems that are causing the program to have high lapse times.	The CONN-OSHA manager met individually with each CSHO to reinforce compliance with this measure. The citations pending report is run and monitored on a weekly basis. The manager met with health personnel to develop gradual goals to reduce lapse times.	Not Completed	Open September 30, 2015
FY 2014-04	Discrimination Case Files – In cases that were classified as “settled other,” there is no indication that OPP reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement	Review “settled other” determinations to ensure that there is nothing repugnant to the Act. The State Plan should also document its review of the “settled other” determinations, as prescribed in Chapter 6 of the Whistleblower Investigations	CONN-OSHA has implemented a procedure to (1) share the settlement chapter of the Whistleblower Manual with parties; (2) make every effort to review the settlement agreements; and (3) document such efforts.	September 30, 2015	Completed

Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 CONN-OSHA Comprehensive FAME Report

	agreements.	Manual. (<i>Corrective action complete; awaiting verification</i>)			
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Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
FY 2015 CONN-OSHA 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 Connecticut State Plan’s enforcement data was captured in OIS during FY 2015. The Connecticut State Plan opened 187 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: **Connecticut - CONN-OSHA**

FY 2015

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	9.98	5	State Plan data is pulled only from OIS. Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	6.05	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
FY 2015 CONN-OSHA State Plan Comprehensive FAME Report

2a	Average number of work days to initiate complaint investigations (state formula)	0	1	State Plan data is pulled only from OIS. Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints and referrals in FY 2015. Further review level is fixed for every State Plan.
4	Number of denials where entry not obtained	0	0	State Plan data is pulled only from OIS. Further review level is fixed for every State Plan.
5	Average number of violations per inspection with violations by violation type	SWRU: 2.23	+/- 20% of SWRU: 1.92	State Plan data is pulled only from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
		Other: 1.84	+/- 20% of Other: .87	
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
7	Planned v. actual inspections – safety/health	S: 116	+/- 5% of S: 150	State Plan data is pulled only from OIS. Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 71	+/- 5% of H: 80	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,002.86	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
FY 2015 CONN-OSHA State Plan Comprehensive FAME Report

	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,402.49	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$2,263.31	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$3,108.46	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$3,796.75	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS.
9	Percent in compliance	S: 32.99%	+/- 20% of S: 28.47%	State Plan data is pulled only from OIS.
		H: 36.92%	+/- 20% of H: 33.58%	Further review level is based on a one-year national rate, pulled only from OIS.
10	Percent of work-related fatalities responded to in one workday	100%	100%	State Plan data is pulled only from OIS. Further review level is fixed for every State Plan.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
FY 2015 CONN-OSHA State Plan Comprehensive FAME Report

11	Average lapse time	S: 85.79	+/- 20% of S: 42.78	State Plan data is pulled only from OIS.
		H: 74.12	+/- 20% of H: 53.48	Further review level is based on a one-year national rate, pulled only from OIS.
12	Percent penalty retained	60.73%	+/- 15% of 67.96%	State Plan data is pulled only from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
13	Percent of initial inspections with worker walk around representation or worker interview	97.86%	100%	State Plan data is pulled only from OIS. Further review level is fixed for every State Plan.
14	Percent of 11(c) investigations completed within 90 days	100%	100%	State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0	+/- 20% of 24%	State Plan data is pulled from WebIMIS. Further review level is based on a three-year national average, pulled from WebIMIS.
16	Average number of calendar days to complete an 11(c) investigation	7	90	State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.35%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. Further review level is based on a one-year national rate, pulled only from OIS.