

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

State of Michigan

Michigan Occupational Safety and Health Administration



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this comprehensive Federal Annual Monitoring Evaluation (FAME) report is to assess the State's progress towards achieving performance goals established in their Fiscal Year (FY) 2015 Annual Performance Plan, to review the effectiveness of programmatic areas related to enforcement activities including a summary of an onsite evaluation, and to describe corrections made by the State in response to the FY 2014 FAME report findings and recommendations. This report fully assesses the current performance of Michigan's Department of Licensing and Regulatory Affairs (LARA) – Occupational Safety and Health Division (MIOSHA) 23(g) compliance program and compares the State's program to OSHA.

A six person OSHA team was assembled to accomplish the evaluation onsite at MIOSHA in Lansing, Michigan, beginning on January 25, 2016. The OSHA team's evaluation consisted of case file reviews and interviews of MIOSHA staff.

The Michigan Occupational Safety and Health Strategic Management Plan for FY 2014 to FY 2018 established three strategic goals: 1) Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities; 2) Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture; and 3) Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services. The FY 2014-2018 Performance Plan provided the framework for accomplishing the goals of the MIOSHA Strategic Management Plan by establishing specific performance goals for FY 2015.

Quarterly monitoring team meetings were held during FY 2015, at which time the State Activity Mandated Measures (SAMM) and State Information Report (SIR) were reviewed and discussed with MIOSHA management staff. The FY 2015 SAMM is Appendix D of this report.

MIOSHA has, and continues to meet the federal criteria for an effective state plan. MIOSHA is generally responsive and expedites correction of any deviation from OSHA. As can be ascertained from previous FAME reports, MIOSHA continues to partner with OSHA, and is innovative in their approach to safety and health.

MIOSHA has corrected all findings and recommendations from the FY 2013 Comprehensive FAME and the FY 2014 Follow-up FAME did not have any additional findings. MIOSHA continues to seek better ways to conduct the business of safety and health. MIOSHA strongly encourages employers to be proactive and not reactive by developing a comprehensive safety and health program, and provides many incentives such as, but not necessarily limited to, penalty reductions; easy payment plans; expedited abatement incentives; training and access to the services of the Consultation, Education and Training (CET) Division.

B. State Plan Introduction

MIOSHA functions under an Operational Status Agreement with federal OSHA. Mike Zimmerman is the Director of LARA. At the time this FAME was conducted Martha B. Yoder was the Director of MIOSHA and the Deputy Director for MIOSHA was Barton G. Pickelman. As of April 18, 2016 Martha Yoder retired, and Mr. Pickelman is the Acting MIOSHA Director.

The mission of MIOSHA is to help protect the safety and health of Michigan workers. The vision of MIOSHA is to enhance the quality of life and contribute to the economic vitality in Michigan.

MIOSHA includes the Administration, Technical Services Division, the General Industry Safety and Health Division, the Construction Safety and Health Division, the Consultation Education and Training Division, and the MIOSHA Appeals Division. The Technical Services Division is responsible for standards adoption, information technology and laboratory operations. The General Industry Safety and Health Division (GISHD) is responsible for both the Compliance Program administration through conducting enforcement inspections in general industry workplaces and the Worker Discrimination Section. The Construction Safety and Health Division (CSHD) is responsible for Compliance Program administration through conducting enforcement inspections related to construction, while the Consultation, Education and Training Division provides direct staff assistance and outreach to employers. The MIOSHA Appeals Division represents the Agency in contested cases and the Radiation Safety Section is responsible for safety compliance and outreach concerning radioactive sources used in the workplace. The MIOSHA Radiation Safety Section and Wage and Hour Programs are funded separately and receive 100% state funding.

The State program extends its protection to private, public, and municipal workers within the State. The program also covers non-Tribal employers within Tribal reservations and Tribal employers outside the territorial boundaries of Native American reservations. MIOSHA does not have jurisdiction over Federal agencies, United States Postal Service, maritime workers, household domestic workers, mineworkers, and employers who own or operate businesses located within the boundaries of Native American reservations who are enrolled members of Native American tribes. Additionally, the State does not cover commercial airline crews under specific standards such as, Hazard Communication, Blood borne Pathogens, and Hearing Conservation as established by a memorandum of understanding (MOU) with the Federal Aviation Administration.

In FY 2015, the state's 23(g) enforcement grant included state and federal funds totaling \$20,829,500. MIOSHA overmatched the federal grant by \$992,100. The state's current enforcement staff consists of 42 safety compliance officers, which is 75% of benchmark levels, and 21 industrial hygienists, which is 47% of benchmark levels. This is a reduction from the previous year of 5% and 12 % respectively.

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 a comprehensive review of case files while on site. The comprehensive review of the MIOSHA workplace safety and health program was conducted from January 25-28, 2016. One hundred and two cases were selected for review, which included nine fatalities, 60 safety, and 37 health cases. Additionally, a total of twelve non formal complaint case files were evaluated. Thirty-five discrimination cases were selected from those with a final determination and closed disposition between October 1, 2014 and September 30, 2015.

During the audit, the team also reviewed MIOSHA internal documents to gather information on policies and procedures related to the conduct of inspections and investigations. Such reviews included, but were not necessarily limited to, the MIOSHA field operations manual (FOM), web-based internal guidance, and directives.

D. Findings and Observations

There were no findings that resulted from OSHA's FY 2015 evaluation. There were three observations noted during the review period. A list of observations is found in Appendix B, Observations Subject to New and Continued Monitoring. These are related to documentation of worker interviews and MIOSHA's whistleblower program.

II. Major New Issues

In January 2015 OSHA's new severe injury reporting requirements went into effect. OSHA approved state plans were required to implement the new reporting requirements within six months of the effective date. MIOSHA could not enforce the new hospitalization reporting requirement until the previous requirement was removed from the Michigan Occupational Safety and Health Act, Act 154 of 1974. The recent enactment of Public Act 199 of 2015 officially removed the former requirement from the MIOSH Act, and as a result, MIOSHA began enforcing the reporting of the hospitalization of any employee on January 1, 2016.

III. Assessment of State Plan Performance

A. State Plan Administration

1. Training

MIOSHA has developed and implemented their own Training Program and Training Instruction, MIOSHA-TRG-05-1R2, which addresses the overall training needs of the MIOSHA staff. The Instruction includes a specific listing of required courses for new safety officers (SOs) and industrial hygienists (IHs). A list of the specific training classes required for new SO/IHs is contained in Appendices A and B of the instruction.

MIOSHA maintains all training records in an agency database.

2. Funding

During FY 2015, the MIOSHA budget was operated within the federal and state funds allocated to the Agency, especially as it related to out-of-state travel. As noted above, an annual training plan was developed and submitted for approval at the beginning of the year. All in-state and out-of-state training was approved.

Total state and federal funds allocated to the MIOSHA 23(g) Program for FY 2015 was \$20,829,500. MIOSHA overmatched the federal grant by \$992,100. MIOSHA did not de-obligate any funds during the Fiscal Year. MIOSHA did not apply for any one-time funding.

3. Staffing

No furloughs were required in FY 2015.

The benchmark for safety compliance officers is 56. MIOSHA has 42 (75%) of these positions filled. The benchmark for health compliance officers is 45 with 21 (47%) filled. This is a slight change from FY 2014. MIOSHA has been unable to meet staffing benchmarks, specifically for health compliance officers, but is not required to do so, as the state has not sought final approval of 18(e) status.

4. Information Management

Data entry is completed in one central location. All case files are sent via disk to this location which creates some delay of data entry in the OSHA Information System (OIS). The administrative staff enters the files and makes a copy for the supervisors to review. After the file is finalized, the citations are assembled, printed, signed by the supervisor, and mailed. MIOSHA's tracking system is updated manually as files move through the system. Some form of an internal tracking system has been in place since MIOSHA joined OIS.

MIOSHA General Industry Safety and Health Division (GISHD) completed work on an Access Database called the "Universal Log" that combines the tracking spreadsheets that were being used into one central database. The Universal Log aids in the workflow as several staff members have the ability to access the log and work in it at the same time. GISHD has the ability to customize reports based on specific needs as well as standardized reports such as the "CSHO Performance Detail" and "CSHO Performance Summary." These reports provide information, such as inspections assigned per safety officer, violations cited, where the case is in the process, and detailed lapse time data. Another standardized report, "Injury-Illness Assignments," tracks inspections generated by the review of Workers Compensation Data. A weekly

report called “IMIS Professional Weekly Report” is sent out to management every Monday. This report identifies all inspections in which 45 days have passed since the closing conference. The director of GISHD requires compliance officers submit a status report for all inspections over 45 days old. MIOSHA case files must be closed at 90 days.

Debt collection is handled by each respective Division. The checks that come in the mail for penalty payment in the GISHD go from the mail room directly to Receipt Accounting. The MIOSHA staff uses OIS to document receipt of payment.

If penalty payment has not been received within 30 days, a debt collection letter is sent to the employer. After a subsequent 30 day period, a pink slip is placed on the file. The file is then given to the Supervisor for follow-up with the employer. If a penalty payment is not received after 60 days, the file is closed and transferred to the Michigan Treasury Department. Once the Treasury Department has collected the penalties, the record of the transaction is sent to MIOSHA. The case file is re-opened and information is entered into OIS or IMIS (if applicable) regarding penalties collected.

5. State Internal Evaluation Plan (SIEP)

MIOSHA established goal # 3 of their Five –Year Strategic Plan to nurture collaboration among all MIOSHA team members and to enhance effective communication and development of staff. MIOSHA conducted audits of the General Industry, Construction, and Consultation and Training Divisions that led to sound recommendations to enhance their program. Details of these audits can be found in MIOSHA’s FY 2015 State OSHA Annual Report (SOAR).

B. Enforcement

During FY 2015, MIOSHA conducted 4079 inspections: 3222 in safety and 857 in health. Of those, 3361 were programmed, 718 were complaints, and 38 were fatalities. The total number of inspections was a 5% increase from FY 2014. This information was taken from the FY 2015 SAMM report. (See Appendix D.)

1. Complaints

During FY 2015, MIOSHA received a total of 2194 complaints, of which 1704 (78%) were formal and 490 (22%) were non formal. The average number of days to initiate a complaint inspection in FY 2015 was 7.87, below the negotiated standard of ten days. The average number of days to initiate a complaint investigation was 5.61, below the negotiated standard of eight days. OSHA randomly selected 12 complaint investigations for review during this evaluation of the MIOSHA program.

All complaints are evaluated according to established procedures, including the criteria

listed below to determine if the complaint includes issues covered by MIOSHA. When information is not provided by the complainant, the complaint is too vague to evaluate, or the office has other specific information that the complaint is not valid, an attempt is made to clarify or supplement available information. If a decision is made that the complaint is not valid, a letter or email is sent to the complainant and/or the complainant is contacted by telephone advising him/her/them of the reason for the decision. The contact will be documented and attached to the complaint.

The MIOSHA process for complaint processing is as follows. When complaints are received, the administrative staff prints a copy of the complaint and attaches a “buck slip.” This is used as a tracking mechanism. The complaint is then given to a manager for review and assessment. Once this is completed, the complaint is given back to the administrative staff to enter into OIS. This process takes up to several days to complete. Although this seems like a long process, MIOSHA responded to complaints for inspection within the negotiated average of 10 days (7.87 days) and the investigations negotiated average of 8 days (5.61 days).

2. Fatalities

A total of 29 fatalities were reported to MIOSHA in calendar year (CY) 2015, down from 37 the previous year. DLI’s Injury Notification Template is provided to OSHA for information and tracking of all fatalities. A total of nine fatality case files were reviewed. Overall, documentation, penalties, classification of violations, and case disposition met federal requirements. The case files were in appropriate order which led to easy retrieval of information. The cases, where settlements occurred, were settled appropriately. MIOSHA appropriately tracked and obtained abatement, in some cases before the issuance of citations. MIOSHA’s FOM requires that certain forms such as, the 507 (informal interview) and 508 (formal interview) be completed during fatality investigations and this was not consistently being done; however, the information required was captured in field notes. Next-of-kin (NOK) letters were not indicated as being sent in two cases. One of these concerned a non-occupational fatality and the other case concerned a relative of the deceased, i.e. family business. In both cases, it was appropriate not to send a NOK letter. Overall, MIOSHA’s ability to conduct a thorough investigation and conclude the fatality case was effective.

3. Targeting and Programmed Inspections

MIOSHA conducted 4079 inspections, with 82% as programmed inspections. MIOSHA focused its programmed inspections to reduce injuries, illnesses, and fatalities in certain targeted industries. MIOSHA has a guidance document that outlines its policies for inspection targeting and General Industry Inspection Priority System for Programmed Scheduled Inspections; additionally, MIOSHA has fully adopted some federal National Emphasis Programs.

The priority system adopted by MIOSHA for conducting scheduled and programmed inspections in private sector workplaces involves two major steps. In the first step,

MIOSHA designates target industries. In the second step, MIOSHA generates a priority list of establishments to be inspected based on the targeted industries.

MIOSHA selects targeted industries for its recurring five-year Strategic Plans. The current Strategic Plan in use is the MIOSHA Strategic Plan for Fiscal Years 2014-2018 in which the objectives of the Plan outline and guide program activity during the five-year period. The goals in the MIOSHA Strategic Plan are consistent with those of federal OSHA. The Strategic Plan defines goals that are outcome-based, rather than activity-based, thus providing clear benchmarks for evaluating performance. In the current Strategic Plan, two goals designate targeted industries. The industries are classified according to the North America Industry Classification System (NAICS) code. To generate the priority list, MIOSHA uses stratified, random sampling from the employer registers. The stratification is based on NAICS code.

The priority list contains a list of establishments in Michigan that have been selected for programmed inspections. The list is a random sample of Michigan employers. The establishments are pulled from publicly available and government-supplied directories of employers in Michigan. MIOSHA uses directories that have large numbers of employers and a wide array of NAICS codes. To ensure that the priority list is not a function of the data collection method of a particular directory, the directory used to generate the priority list is rotated. Additionally, MIOSHA combines lists of employers from multiple directories.

MIOSHA participates in several National Emphasis Programs (NEPs). These include primary metal industries, combustible dust, process safety management, falls, and isocyanates.

MIOSHA has several emphasis programs which include field sanitation, residential construction, bridge painting, ergonomics, and wood products manufacturing. Some emphasis programs in use by MIOSHA focus outreach efforts as the main tool to reduce hazards with minimal enforcement.

4. Citations and Penalties

There were 12,961 violations cited, of which 58.4% were serious, willful, or repeat violations.

MIOSHA has been consistent in their application of applying the appropriate classification to violations. MIOSHA has historically cited approximately 40% of their violations other-than-serious. The in-compliance rate for safety inspections was 32.5% and 39.4% for health. The average number of violations cited per inspection was 2.94. MIOSHA historically had been at the bottom of the nation in penalties. This is due mainly to liberal use of adjustment factors such as size, history, and good faith. The minimum penalty in MIOSHA's FOM is \$100.00. However, there were cases settled for as little as \$50.

Most citations are issued from the main office in Lansing by the administrative staff once the case file has been reviewed by the supervisor. While MIOSHA does not have a six-month statute of limitations for citation issuance, Section 33 of the MIOSHA Act states “citation(s) shall be issued immediately or within 90 days after the completion of the physical inspection or investigation.” Based on case file lapse time data noted below, citations are issued within the statutory 90 days.

	Lapse Time (days)
Safety	30.61
Health	51.97

A specific worksheet for assessing good faith was developed and implemented. A total of 102 case files were reviewed. Documentation for the hazards identified was appropriate in all but two cases. All penalties were calculated correctly. Penalties were appropriate based on MIOSHA’s FOM which allows reductions up to 95 percent depending upon the employer’s “good faith,” “size of business,” and “history of previous violations.” A maximum of 80 percent reduction is permitted for size, 30 percent for good faith, and 10 percent for history. If all of the allowable reductions are given and the gravity based penalty is reduced by more than 95%, a minimum penalty of \$100 is assessed.

MIOSHA’s average current penalty per serious violation in the private sector (SAMM 8: 1-250+ workers) was \$617.83 in FY 2015. The Further Review Level (FRL) 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.

5. Abatement

MIOSHA tracks abatement in OIS. Specific dates are noted on citations for abatement and are generally less than 30 calendar days in accordance with MIOSHA’s FOM. All citations reviewed had abatement dates that were appropriate and set in accordance with this policy.

The supervisors for both the General Industry Safety and Health Division and the

Construction Safety and Health Division are responsible for tracking and obtaining abatement verification. Supervisors also run weekly reports through OIS, which lists abatement status on open cases.

MIOSHA conducted follow-up inspections according to their policy and procedures. Division supervisors assign follow-up inspections to compliance officers on a case by case basis. In addition, the supervisors assign other candidates for follow-up inspections based on the classification of those violations that included issuance of willful violations, repeat and high gravity serious, and/or citations related to imminent danger situations.

6. Worker and Union Involvement

Section 29(4) of the Michigan Occupational Safety Act requires a worker representative be given an opportunity to participate in the inspection. The MIOSHA Field Operations Manual (FOM) Chapter V, paragraph I.B.23.a. defines the term “worker representative” as:

- (1) a representative of the certified or recognized bargaining agent, or if none, (2) an employee member of a safety and health committee who has been chosen by the employees (employee committee members or employees at large) as their MIOSHA representative, or (3) an individual employee who has been selected as the walk around representative by the employees of the establishment.

The MIOSHA Field Operations Manual (FOM) Chapter V, paragraph I.B.23.b., states “SO/IHs shall determine as soon as possible after arrival whether the workers at the worksite to be inspected are represented and, if so, shall ensure that worker representatives are afforded the opportunity to participate in all phases of the workplace inspection.” OSHA’s review concluded that MIOSHA follows their FOM with regard to union and worker representatives.

The MIOSHA Field Operations Manual (FOM) Chapter V, paragraph I.C.8.c., provides a guideline for the minimum number of interviews based on the number of workers affected by the inspection, not the total number of workers at the worksite. This guideline provides a minimum of two interviews. Most case files contained some kind of notation that an employee interview was conducted where necessary to support a violation or other file notes indicating the workplace conditions which was appropriate and was effective.

Observation FY2015-OB-01: Case files showed that “check the box method” was in use when conducting interviews, yet in other case files good interviews were noted and could be easily followed. Basic employee interview documentation must be consistent in any case file and adequately documented using narrative form to explain what occurred during the inspection or why citations were or were not recommended.

Federal Monitoring Plan FY2015-OB-01: OSHA will review case files to ensure that sufficient documentation of employee interviews is used in each.

C. Review Procedures

1. Informal Conferences

If MIOSHA meets with the employer regarding the employer's petition, an informal conference will be held and the attendance of the worker or worker representative will be allowed. Informal conferences may be held by any means practical, but meeting in person is preferred. The informal conference or any request for such a conference shall not operate as a stay of the 15 working day appeal period. The Department shall notify the employer of its decision within 15 working days after receipt of the petition. The employer shall promptly post the notice of the Department's decision together with the appropriate citation. The decision of the Department shall become final 15 working days after the employer's receipt of the decision, unless further appealed.

An employer, any affected worker, or the worker representative may request an informal conference. The subject of the meeting may be related to any issue raised by an inspection or investigation, citation, notice of proposed penalty, or appeal petition.

Whenever the employer, an affected worker, or the worker representative requests an informal conference, both parties shall be afforded the opportunity to participate fully. If either party chooses not to participate in the informal conference, a reasonable attempt shall be made to contact that party to solicit their input. Informal conferences may be held by any means practical.

Of the 102 case files reviewed, employers in 34 of the case files requested and had informal conferences. All but two informal conferences were held within the required 15 day time period. Generally, the changes made were to the penalties. MIOSHA documented the rationale for all penalty changes using a standard form and followed their established policies and procedures.

2. Formal Review of Citations

The MIOSHA statute provides for a two-step citation appeal process for employers and/or workers to appeal any citations issued by the enforcement divisions to resolve disputes related to the alleged violations. If the citations cannot be resolved through the informal conference process utilized by the enforcement divisions, the case is transmitted to the Appeals Division where prehearings are conducted in an attempt to reach settlement. The Appeals Division also represents the agency's enforcement divisions at the formal appeal stage when an employer or worker contests the department's decision on a variance, a petition for modification for abatement, or a discrimination complaint.

Amendments to or withdrawal of a citation shall be made when information is presented to the supervisor which indicates a need for such action.

Withdrawal of or modifications to the citation and notification of penalty shall be accomplished by means of an appeal decision response letter. Depending on the number

and complexity of the changes, an amended citation and Notification of Penalty Form may be issued as well.

When circumstances warrant it, the issuing division or Appeals Division, in consultation with the issuing division, may withdraw a citation in its entirety. Justifying documentation shall be placed in the case file.

In the cases reviewed during the FY 2015 FAME, a majority of the changes were penalty reductions for settlement purposes.

D. Standards and Federal Program Changes (FPC) Adoption

1. Standards Adoption

MIOSHA submitted responses for all standard adoption notices to OSHA in a timely manner.

Subject	Intent to Adopt	Adopt Identical	Date Promulgated	Effective Date
Occupational Injury and Illness Recording and Reporting Requirements	YES	YES	09/01/2015	09/01/2015

2. OSHA/State Plan Initiated Changes

All Federal Program Changes were submitted timely along with Plan change information and any state initiated changes with no outliers of concern or recommendations requiring attention for the MIOSHA FY 2015 activities.

Directive Number	Title	Adoption Required, Equivalency Required or Adoption Encouraged/Not Required	Intent to Adopt	Adopt Identical	State Adoption Date
CPL-02-01-057 2015 724	Compliance Directive for the Cranes and Derricks in Construction Standard	NO	YES	YES	NA
CPL-03-00-018 2015 725	REVISION - National Emphasis Program - Primary Metal Industries	Yes	YES	YES	01/31/2015
CPL-02-03-005 2015 744	Whistleblower Investigations Manual	NO	YES	YES	NA
CPL-02-02-078 2015 764	Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis	NO	YES	YES	NA
CPL-02-02-079 2015 784	Inspection Procedures for the Hazard Communication Standard (HCS 2012)	NO	YES	YES	NA

CPL-03-00-019 2015 824	National Emphasis Program on Amputations	YES	YES	YES	12/30/2015
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E. Variances

In FY 2015, MIOSHA granted one variance in general industry and one variance in construction. Neither affected employee safety and health.

F. State and Local Government Worker Program

MIOSHA’s State and Local Government Worker Program operates identically as the private sector. As with the private sector, state and local government employers can be cited with monetary penalties. The penalty structure for both sectors is the same. MIOSHA conducted 118 public sector inspections in FY 2015, or 2.9% of all inspections. These inspections included complaints and programmed activity.

G. Workplace Retaliation Program

Investigative File Review

MIOSHA’s Whistleblower Protection Program consists of a Program Manager and three Investigators. Procedurally, the MIOSHA Whistleblower Program adheres to OSHA’s Whistleblower Investigations Manual, CPL 02-03-005, which provides guidelines for the investigation and disposition of discrimination complaints.

During the review period, the program employed three full-time Whistleblower Investigators in addition to the Program Manager. All intakes are reviewed by the Program Manager in Detroit who then assigns them to the investigators for screening. Two of the investigators work out of Detroit, while the third works out of Lansing. During the review period, a senior investigator retired in July and a new investigator was hired, effective November 30, 2015 and is still in training. The Program Manager started in 1991 and the other investigators have been on board since 2004 and 2012. Each of the investigators, with the exception of the most recently hired, have all been through the Basic Whistleblower Investigation course at the OSHA Training Institute (OTI) and at least one has taken the interviewing course.

MIOSHA does not share the complainant’s statement with the respondent nor do they share Respondent’s position with complainant. This is to avoid having to put the documents through the FOIA office prior to sharing which would create delays in the investigation process. When notifying the respondent, MIOSHA provides the MIOSHA Discrimination Complaint. Additionally, MIOSHA does not send the respondent notification at the same time the complainant’s docketing letter is sent. The reason is to ensure the complainant is interested in moving forward by obtaining a signed complaint prior to notifying respondent.

Over 95% of complainant statements and witness interviews are performed onsite, with the exception being when the complainant is located in a remote part of the state and travel costs would be prohibitive until it has been established with certainty that the case will move forward.

MIOSHA does not track receipt of closing letters for complaints that are administratively closed. While proof of receipt is not required, sending the letter is required and tracking is one method to support that the letter was sent.

Observation FY2015-OB-02: MIOSHA does not track closing letters for complaints that are administratively closed. Although not required, a tracking receipt or system of tracking would make tracking of closed complaints more efficient.

Federal Monitoring Plan FY2015-OB-02: OSHA will work with MIOSHA to develop a system for tracking closing letters to complainants that are administratively closed.

MIOSHA's appeal review system provides complainants with an effective process for review of their cases. MIOSHA offers complainants the opportunity for a hearing before an administrative law judge.

Whistleblower Review Process

MIOSHA utilizes the policies and procedures contained in the federal OSHA Whistleblower Investigations Manual. Accordingly, this review followed the guidelines, procedures, and instructions of the OSHA Whistleblower Investigations Manual, CPL 02-03-005, effective April 21, 2015. Prior to April 21, 2015, CPL 02-03-003 was in effect (since September 20, 2011). The MIOSHA Whistleblower Program Director was also interviewed as part of the review.

This review was for the period 10/01/2014 through 09/30/2015. Reports utilized from IMIS include the Whistleblower Case Listing, Length of Investigation, Activity Measures, and Investigation Data Report for the same period.

During FY2015, MIOSHA completed 142 cases and at the time of the review had 32 cases pending. During the same time period, 77 complaints were administratively closed. The cases reviewed were selected from those with final determinations during the review period and the selections were based on type of determination and the Investigator of record. Thirty (21%) of the 142 cases were reviewed, including seven settled, 16 dismissed and seven withdrawn determinations. Dismissal, settled, and withdrawal determinations were selected for each Investigator and the Program Manager. All case files were produced, with the exception of one that was in the appeals process.

WebIMIS Reports

The Case Listing Report indicated that of the 142 completed cases, 46 (32%) were withdrawn; 69 (49%) were dismissed and 27(18%) were found to have merit, with 25 of the

27 merit cases resulting in settlement. The percentage of cases timely completed was 60%, with an average completion time of 92 days. MIOSHA had seven appeals resulting in a 10% appeal rate. It should be noted that MIOSHA's appeal process allows complainants to go through the Michigan Administrative Hearing System providing for a hearing before an administrative law judge.

While there are some procedural and administrative differences between MIOSHA and Federal OSHA's Discrimination Programs, the determinations made by MIOSHA were consistent with the evidence and reasoning contained in each of the 30 case files reviewed.

Complaint Intake and Screening

Intakes and complaints are all distributed by the Program Manager. Complaints are screened by the Investigators. All complaints that were docketed were timely filed, within the state's jurisdiction, and properly screened.

During FY 2015, MIOSHA administratively closed 77 complaints. Of those, eight (8) were reviewed. While closing letters are sent to complainants, receipt is not tracked.

Complainant Statement and Witness Interviews

MIOSHA Investigators complete a complainant statement for each complaint assigned to them. All case files contained complainant interview statements. Complainant statements may be taken over the phone, especially for complainants located a long distance from the investigator; however, MIOSHA prefers to handle all interviews in person when possible. Complainant interview statements are not redacted or shared with respondent. MIOSHA utilizes the MIOSHA Discrimination complaint form, similar to an OSHA-87 and shares that when notifying respondent due to the time delay it would cause by having to send all statements through the FOIA office. (Note: This is the same for respondent position statements. One of the investigators completes a summary of the position statement which is shared with complainants. The others communicate the position to complainants verbally).

Respondent Notification

Once a complaint has been determined to be appropriate for investigation, the investigator will docket the complaint and the docketing letter is sent to the complainant. The notification letter to respondent is sent later once a signed complaint is received from the complainant. The docketing date in IMIS is the date of the letter to the Complainant.

Report of Investigation

MIOSHA prepares a Report of Investigation (ROI) when the complaint resulted in a full field investigation. The Program Manager reviews all investigation files and signs and dates the ROIs and closing letters. Complaints that are closed for lack of cooperation, settlement,

or withdrawals are closed in accordance with the streamlined procedures allowing a Case Summary to be used in lieu of the ROI.

The ROI used by MIOSHA follows the criteria provided in the WIM CPL 02-03-005. While all dismissal determinations were supported by the evidence in the files, a few of the ROIs did not include a proper analysis of each of the elements of a prima facie case and exhibits were not always referenced. All files contained a Table of Contents and exhibits were separated by divider pages.

Most importantly in all cases, the evidence supported the resulting determination.

Observation FY2015-OB-03: Report of Investigation (ROI) did not consistently demonstrate how conclusions were made concerning merit or non-merit cases, which can affect whether a case meets all elements to be a prima fascia case.

Federal Monitoring Plan FY2015-OB-03: The Regional Office will discuss with MIOSHA how to improve the demonstration of merit decisions at the quarterly meetings.

MIOSHA utilizes a letter that adequately sets forth their determination following the investigation and provides the respective parties their right to appeal the MIOSHA determination or object to the determination and the procedures for doing so.

Settlements

Twenty five cases were settled during the review period. Seven of the cases were reviewed and all were coded as Settled. All files contained fully executed copies of the agreements as well as closing letters to the Complainant and Respondent. All files contained information regarding how the remedy was determined and agreed to. One file contained a standard OSHA settlement agreement along with a third party agreement with a general release; however, there was no reference to the 3rd party agreement in the OSHA agreement. This was a minor administrative error that was corrected during the onsite review.

Timeliness

For the fiscal year, MIOSHA completed cases on average in 92 days, which was within the appropriate reference range.

Whistleblower Program Management

Dates and information in the case files reviewed were also compared to the entries made into the Whistleblower Application.

MIOSHA entries into the WB Application include investigation information, party information, determination date and the adverse action date under additional information. All key dates were correctly entered into IMIS for each file including the filing date, ROI date, and determination date.

The OSHA Program Manager uses IMIS Reports weekly to stay abreast of investigations and ensure their timely completion.

Overall Organization

Required documents were found in files. However, exhibits were not tabbed and in a couple of cases they were located on the wrong side of the file. Files were otherwise well organized and exhibits were separated by a divider that was numbered. All files are hand delivered or picked up in person by the Program Manager.

Resources

Based on file reviews and the program manager interview, training provided and available to investigators appears to be adequate. MIOSHA investigators attend WB courses through the OTI when available. The Program Manager indicated that once advanced courses are offered, they will take advantage of those as well. Staffing also appears to be adequate. While the Program Manager completed 13 cases, the case load per investigator was approximately 45 cases. The pending caseload would suggest that each investigator currently has between 10-15 cases pending.

Overall Evaluation

A review of the investigation files revealed the determination reached in each case was supported by the evidence and documentation contained in the files. Procedures are in place which provide for effective and timely investigations, subsequent review and an effective appeals system.

H. Complaint About State Program Administration (CASPA)

OSHA received and investigated one CASPA during FY 2015 related to a complaint inspection. No recommendations were made as a result. The complainant alleged that inspection findings were not discussed with him/her. It was determined that MIOSHA had discussed inspection findings with the complainant and adhered to their field operations manual and other guidance in relation to how complaint inspections were processed.

I. Voluntary Compliance Program

MIOSHA actively supports three Cooperative Programs which are Alliances, Partnerships and the Michigan Voluntary Protection Program (MVPP).

Alliances

MIOSHA does have Alliances with associations in place. The MIOSHA Instruction for the Alliance Program was reviewed and found to be consistent with the federal program. A review of Alliance documents found that copies of the signed agreement and annual reports were maintained.

Partnerships

The MIOSHA Instruction for their Partnership Program was reviewed and found to be effective. The majority of the Partnerships are with construction sites. MIOSHA added four new partnerships in FY 2015.

A review of the Partnership documentation found that copies of the signed agreements and annual evaluations were maintained.

It also should be noted that MIOSHA continued to participate in the partnership with International Union, United Automobile, Aerospace and Agricultural Implement Workers of America UAW/ACH-LLC/Ford, and Federal OSHA during FY 2015.

Voluntary Protection Program (MVPP)

MVPP companies are exempt from programmed inspections while in the program. MIOSHA maintains a robust VPP program. MIOSHA renewed seven and added one new company to their VPP program in FY 2015. They conducted seven recertification visits. A review of their VPP files found that the applications along with the current reports were maintained.

J. State and Local Government On-site Consultation Program

In FY 2015, the State and Local Government Consultation Program conducted a total of 14 visits. Of these 14 visits, 11 were classified as initial and there were no follow-ups. Workers were interviewed during each of these visits.

The Consultation, Training and Education (CET) Division not only provides assistance to state and local government workers, they effectively manage the Michigan Voluntary Protection Program (MVPP), Alliance and Partnership Programs.

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

In the FY 2015 SOAR, MIOSHA outlined their accomplishment of meeting their five-year Strategic Management Plan. Information provided by MIOSHA has been reviewed and analyzed to assess their progress in meeting performance plan goals. The following summarizes the activities and/or accomplishments for each of the FY 2015 performance goals. MIOSHA's results for each of the following goals is compared to the United States Bureau of Labor Statistics (BLS) Occupational Injuries, Illnesses and Fatalities data for 2012, the year for which MIOSHA uses as their baseline. The results are from 2014 BLS data, the most recent year available.

Strategic Goal #1: Help assure improved workplace safety and health for all workers, as

evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

Performance Goal #1.1A-10: Reduce the rate of worker injuries in high-hazard industries.

Goal #	Industry	2012 Baseline	Results	Comments
1.1A-1	Beverage and Tobacco Product Manufacturing	13.2	7.2	Rate of 7.2 is a 45.4% decrease from the baseline. Goal of 15% reduction was met in year 2.
1.1A-2	Primary Metals Manufacturing	10.2	5.4	Rate of 5.4 is a 47.5% decrease from the baseline. Goal of 15% reduction was met in year 2.
1.1A-3	Fabricated Metal Product Manufacturing	6.4	6.1	Rate of 6.1 is a 4.7% decrease from the baseline. Goal of 15% reduction was not met in year 2.
1.1A-4	Machinery Manufacturing	5.4	4.2	Rate of 4.2 is a 22.2% decrease from the baseline. Goal of 15% reduction was met in year 2.
1.1A-5	Transportation Equipment Manufacturing	7.0	6.0	Rate of 6.0 is a 14.3% decrease from the baseline. Goal of 15% reduction was not met in year 2.
1.1A-6	Support Activities for Transportation	4.2	6.2	Rate of 6.2 is a 47.6% increase from baseline. Goal of 15% reduction was not met in year 2.
1.1A-7	Warehousing and Storage	5.7	4.8	Rate of 4.8 is a 15.8% decrease from baseline. Goal of 15% reduction was met in year 2.
1.1A-8	Hospitals	7.5	7.0	Rate of 7.0 is a 6.7% decrease from the baseline. Goal of 15% reduction was not met in year 2.
1.1A-9	Nursing and Residential Care Facilities	9.6	7.8	Rate of 7.8 is a 18.8% decrease from the baseline. Goal of 15% reduction was

				met in year 2.
1.1A-10	Accommodations	4.7	5.4	Rate of 5.4 is a 14.9% increase from the baseline. Goal of 15% reduction was not met in year 2.

Performance Goal 1.2: Reduce by 15% the rate of worker injuries, illnesses, and fatalities in workplaces experiencing high rates or with targeted hazards or exposures not covered by Emphasis 1.1.

Results: This was a two-part goal related to the Manufacturing Industry (31-33).

Part one was to reduce by 15% (3% per year) the incidence rate, total recordable cases (TRC) per 100 full-time workers. The baseline rate was 5.8. MIOSHA exceeded this goal. The rate of 4.8 was a reduction of 17.2%, which met the goal of 6% for year two.

Part two was to reduce by 15% (3% per year) the number of fatalities. There was no change in the number of General Industry fatalities for and therefore, this goal was not met.

Performance Goal 1.3A: Decrease fatalities in the construction industry by 2% per year (10% total for 5 years) by focusing on the four leading causes of fatalities (falls, electrocution, struck-by, crushed by/caught between).

Results: Michigan had 4.53 fatalities/100,000 workers which is a 44.7% decrease from the baseline of 8.10. This met the goal of a 2% decrease for the second year of the strategic plan.

Performance Goal 1.3B: Decrease injuries and illnesses in the construction industry by 1% a year (5% total for 5 years).

Results: The most recent Days Away, Restricted Time (DART) rate for the construction industry is 1.8, which is a decrease of 5.3% of the baseline. This met the goal of a 2% decrease for the second year of the strategic plan.

Performance Goal 2.1: Promote safety and health management systems (SHMS) during 100% of MIOSHA visits. Evaluate the SHMS during MIOSHA visits. Sixty percent (60%) of the employers in general industry that receive a subsequent MIOSHA visit will have a fully implemented SHMS or will have improved their SHMS.

Results: SHMS was promoted during all compliance inspections and consultation interventions. In FY 2015, CET consultants re-evaluated five companies and all five companies showed improvement. One of the five had a fully implemented SHMS.

Performance Goal 2.2: Increase Level 2 certificate holders by 10% each year by marketing the Michigan Training Institute (MTI) to targeted groups.

Results: The number of Level 1 and advanced certificate holders in FY 2015 is 165 (Level 1 – 97, Level 2 – 56, Occupational Health – 12). The target to increase the number of MTI level 2 certificate holders by 10% each year was achieved. Fifty-six Level 2 certificate holders represents a 16% increase over 48 in FY 2014.

Performance Goal 2.3: Increase participation in MIOSHA cooperative programs.

Results: MIOSHA continued to promote their Cooperative Programs through press releases, media advisories, MIOSHA News and seminars. The results of their activities are noted below.

	FY 2015 Goal	FY 2015 Results	Comments
MVPP	3	1	Did not meet goal
MSHARP	2	5	Exceeded goal
New CET Awards	6	0	Did not meet goal
Michigan Challenge	1	0	Did not meet goal
Alliances	1	2	Exceeded goal
Partnerships	1	4	Exceeded goal

Performance Goal 2.4: Communicate the benefits of workplace safety and health through initiatives and communication with employers and employees.

Results: The baseline injury and illness rates for all Michigan industries (including State and Local government) are DART of 2.0 and TRC of 4.1 (BLS, 2012). The most recent Michigan BLS rates of 1.9 for the DART and 3.7 for the TRC equals a 5% decrease and a 9.8% decrease, respectively, for year 2.

Performance Goal 3.1A: Internal – Implement strategies that nurture collaboration among all MIOSHA team members to enhance effective communication and staff development.

Results: MIOSHA last conducted an Organizational Culture Inventory (OCI) in 2009, a year ahead of the scheduled strategy. The next OCI is scheduled for 2016. The Internal Assessment of Management Strategies (IAMS) for Objective 3.1A of the Strategic Plan was conducted in FY 2015. The purpose of the survey is to evaluate the current perception about the key result areas of management strategies within MIOSHA. The survey consisted of twelve multiple choice questions. Each question also contained a space to provide additional information and comments.

Performance Goal 3.1B: External – Ninety-five percent (95%) of employers and workers who provide customer service feedback rate their overall MIOSHA intervention(s) as useful in identifying and correcting workplace safety and health hazards.

Results: MIOSHA received 317 Comment/Suggestion Cards during FY 2015. Results for the three questions:

- 99.7% “Useful” on “How would you rate your overall experience with MIOSHA?”
- 100.0% “Yes” on “Did you find the staff to be knowledgeable about employee safety and health issues?”
- 100.0% “Yes” on “Did the staff explain how to correct the safety and health hazards they identified?”
- MIOSHA received 5,440 Comment/Suggestion Cards during FYs 2008 to 2015. Results for the three questions:
 - 98.6% “Useful” on “How would you rate your overall experience with MIOSHA?”
 - 99.5% “Yes” on “Did you find the staff to be knowledgeable about employee safety and health issues?”
 - 99.3% “Yes” on “Did the staff explain how to correct the safety and health hazards they identified?”

Performance Goal 3.2A: Respond to 97% of complaints within 10 working days of receipt by MIOSHA.

Results: For FY 2015, 757 of 769 complaints, or 98.4%, were responded to within 10 working days.

Performance Goal 3.2B: Ensure that 95% of non-contested cases have abatement complete within 60 workdays of last abatement due date.

Results: Results: During the FAME review of 62 case files, 61 files were abated within 60 days which culminated in a 98.3% compliance rate.

Performance Goal 3.2C: Respond to 95% of all Freedom of Information Act requests within 5 days.

Results: For FY 2015, 589 of 727 Freedom of Information (FOI) Act Requests, or 81%, were responded to within 5 working days. The majority of the delay in processing was due to two things: 1) information for one FOI requestor tied up staff time for most of a month, and 2) an office move in August 2015.

Performance Goal 3.2D: Establish a priority and deadline for all standards assigned for promulgation. Promulgate 100% of standards required by OSHA within six months and 80% of the other standards within deadlines established by an annual standards promulgation plan.

Results: Accomplished 0% of original goal to promulgate 100% of standards required by OSHA within six months. The delay in promulgation was a result of a continued backlog of work within the Department of Licensing and Regulatory Affairs, and the Office of Regulatory Reinvention, which is outside of the control of MIOSHA. It is anticipated the backlog will be eliminated in 2016, allowing for more timely promulgation.

MIOSHA promulgated 75% of other standards within the established deadlines. The delay in promulgation was a result of a continued backlog of work within the Department of Licensing and Regulatory Affairs, and the Office of Regulatory Reinvention, which is outside of the control of MIOSHA. It is anticipated the backlog will be eliminated in 2016, allowing for more timely promulgation.

Performance Goal 3.3A: Identify and assess information technology (IT) related needs within the agency and make recommendations to improve technology use and incorporation into the agency processes.

Results: All staff is outfitted with a computer with valid warranty, monitor upgrades have been made and are being deployed. An analyst position was filled in the Technical Services Division to assist with computer related issues. Training was provided for the use of OIS. Reference materials were provided for the migration to Windows 7. Field staff has been outfitted with Smart phones. Both Consultation and Enforcement are deployed to OIS. Support for existing data systems is ongoing.

Performance Goal 3.3B: Assess options to provide new and better ways to deliver MIOSHA information and services to the public, and other agencies through the use of information technology such as the Internet and mobile technologies. Make appropriate recommendations to agency administration and staff to implement the improvements.

Results:

- MIOSHA submitted ideas for three customer-facing apps to be evaluated for creation by the Department of Technology, Management & Budget (DTMB). The apps were based on providing access to standards and rule requirements for: a) Machine Guarding b) Electrical Clearances c) Personal Protective Equipment.
- The General Industry division implemented an electronic case file submission process to expedite the review and notification process and reduce costs. The CET division maintains five different GovDelivery Listservs with over 39,000 total subscribers. The Construction division utilized a new web page as a means to disseminate information to industry regarding the Residential Construction Initiative.
- MIOSHA increased followers on Facebook to 1,500 for FY 2015. MIOSHA increased followers on Twitter to 855 for FY2015. MIOSHA increased subscribers on YouTube to 120 for FY2015.
- MIOSHA moved its quarterly publication (MIOSHA News) to electronic format.
- MIOSHA staff has been encouraged to include social media information in their signature block on emails.
- MIOSHA contacted employers enrolled on the listserv asking that they let their employees know MIOSHA has a social media presence. MIOSHA monitors responses to social media questions and comments and provides appropriate follow-up including referring customers to other MIOSHA electronic resources.

Performance Goal 3.4: Connect MIOSHA to industry by increasing collaboration and communication to create collective ownership for workplace safety and health.

Results: Held nine “Coffee with MIOSHA” events and one “Take a Stand Day” event in FY 2015. In FY 2015, comment cards indicated that 99.7% of MIOSHA’s customers indicated their overall experience with the agency was useful.

V. Other Special Measures of Effectiveness and Areas of Note

The State of Michigan Office of the Auditor General (OAG) completed a performance audit of MIOSHA and issued their report in January 2016. The audit covered the period from October 1, 2012 through July 31, 2015. OAG’s first objective was to assess the effectiveness of MIOSHA’s enforcement of occupational health and safety standards and their conclusion is that MIOSHA is effective with no material or reportable findings. The second objective was to assess the effectiveness of MIOSHA’s administration of equipment, grants, appeals, and employee whistleblower discrimination complaints. OAG’s conclusion is that MIOSHA was moderately effective. The two reportable findings related to this objective include: 1) improve the administration of consultation, education and training grant awards; and 2) implement formal equipment inventory management policies and procedures.

Appendix A – New and Continued Findings and Recommendations
FY 2015 Michigan Comprehensive FAME Report

FY 2015-#	Finding	Recommendation	FY 2015
None			

Appendix B – Observations Subject to New and Continued Monitoring
 FY 2015 Michigan Comprehensive FAME Report

Observation # FY 2015-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
<i>FY 2015-OB-01</i>		Casefiles showed that “check the box method” was in use when conducting interviews, yet in other case files good interviews were noted and could be easily followed. Basic employee interview documentation must be consistent in any casefile and adequately documented using narrative form to explain what occurred during the inspection or why citations were or were not recommended.	OSHA will review case files to ensure that sufficient documentation of employee interviews is used in each.	<i>New</i>
<i>FY 2015-OB-02</i>		MIOSHA does not track closing letters for complaints that are administratively closed, and although not required a tracking receipt or system of tracking would make tracking of closed complaints more efficient	OSHA will work with MIOSHA to develop a system for tracking closing letters to complainants that are administratively closed.	<i>New</i>
<i>FY 2015-OB-03</i>		Report of Investigation (ROI) did not consistently demonstrate how conclusions were made concerning merit or non-merit cases, which can affect rather a case meets all elements to be a prima fascia case.	The Regional Office will discuss with MIOSHA how to improve the demonstration of merit decisions at the quarterly meetings.	<i>New</i>

Appendix C – Status of FY 2014 Findings and Recommendations

FY 2015 Michigan Comprehensive FAME Report

FY 2014-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
N/A	No Findings in FY14 FAME				

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Michigan 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 Michigan State Plan’s enforcement data was captured in OIS during FY 2015. The Michigan State Plan opened 4,079 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: Michigan - MIOSHA			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)	7.87	10	State Plan data is pulled 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)	4.74	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state	5.61	8	State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
 FY 2015 Michigan Comprehensive FAME Report

	formula)			
2b	Average number of work days to initiate complaint investigations (federal formula)	3.82	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)	100%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.88	+/-20% of SWRU: 1.92	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
		Other: 1.06	+/-20% of Other: .87	
6	Percent of total inspections in state and local government workplaces	2.92%	+/-5% of 3.47%	State Plan data is pulled from OIS. Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
7	Planned v. actual inspections – safety/health	S: 3,222	+/-5% of S: 3,700	State Plan data is pulled from OIS. Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 857	+/-5% of H: 910	

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Michigan Comprehensive FAME Report

8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$617.83	+/-25% of \$2,002.86	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	a. Average current serious penalty in private sector (1-25 workers)	\$306.77	+/-25% of \$1,402.49	State Plan data is pulled from OIS. 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)	\$685.18	+/-25% of \$2,263.31	State Plan data is pulled from OIS. 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)	\$1,272.91	+/-25% of \$3,108.46	State Plan data is pulled from OIS. 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)	\$1,672.78	+/-25% of \$3,796.75	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
9	Percent in compliance	S: 32.50%	+/-20% of S: 28.47%	State Plan data is pulled from OIS.
		H: 39.38%	+/-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	97.06%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
11	Average lapse time	S: 30.61	+/-20% of S: 42.78	State Plan data is pulled from OIS.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Michigan Comprehensive FAME Report

		H: 51.97	+/-20% of H: 53.48	Further review level is based on a one-year national rate, pulled only from OIS.
12	Percent penalty retained	57.15%	+/-15% of 67.96%	State Plan data is pulled 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	99.85%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	61%	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	19%	+/- 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	92	90	State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans.
17	Percent of enforcement presence	2.33%	+/-25% of 1.35%	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.