

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

**Puerto Rico Department of Labor
Puerto Rico Occupational Safety and Health Administration (PR OSHA)**



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this report is to assess the Puerto Rico Occupational Safety and Health Administration (PR OSHA) State Plan's activities for Fiscal Year (FY) 2015, and its progress in resolving outstanding observations from FAME reports with a focus being on the FY 2014 Follow-up FAME Report.

PR OSHA continues to have a significant enforcement presence in the workplace, even while the Puerto Rico government is in the midst of a fiscal crisis that could impact state and local government workers. In FY 2015, PR OSHA continued to exceed its inspection goal by conducting 1,549 inspections in FY 2015 – 104 more than its projected goal of 1,445. In fact, PR OSHA met or exceeded all of its annual performance plan (APP) goals.

PR OSHA's Voluntary Programs Division continues to provide assistance to employers and workers on safety and health matters. During FY 2015, 280 private sector establishments and 17 state and local government establishments received an on-site visit. PR OSHA has a comprehensive and very active outreach and training program. New this year was PR OSHA's implementation of "World Day for Safety and Health at Work." PR OSHA staff provided informational materials, booklets, and other educational material related to safety and health to both employers and workers. More than 1,000 workers were impacted on this one day.

Last year's FAME report included six observations and no findings. For this evaluation, one of the previous observations was converted to a finding and the remaining five observations were continued. This comprehensive FAME report includes three findings – most notably, PR OSHA not addressing all non-formal complaint allegations, failing to provide inspection results to union representatives (converted from an observation in FY 2014), and having delays in initiating worker retaliation investigations.

Six new observations were noted during this evaluation period and will be closely monitored during the FY 2016 performance period. The observations identified were noted in very few case files and involved: missed violations, adequate abatement verification (in both enforcement and consultation case files), failure to adhere to policies and procedures regarding informal conferences and work retaliation case files, and failure to notify complainant of the results of the inspection.

B. State Plan Introduction

PR OSHA, under the direction of Jose Israel Droz, Assistant Secretary of Labor, is responsible for administering the Puerto Rico State Plan, which is part of the Puerto Rico Department of Labor and Human Resources headed by Secretary of Labor Vance E. Thomas Rider. PR OSHA serves a population of 773,663 workers in the private sector and 144,009 workers in state and local government workplaces. There is a central administrative office and six area offices for enforcement activities. PR OSHA's consultation program is funded under the 23(g) grant agreement and its services are provided primarily out of the central office.

PR OSHA covers all employers in the private sector with the exception of those from the maritime industry (e.g. marine cargo handling, long shoring, shipbuilding, and ship repairing). Employers of the Puerto Rico Commonwealth and local government are under PR OSHA’s jurisdiction. The United States Postal Service (USPS), all federal agencies, and military facilities are under federal OSHA jurisdiction.

OSHA safety and health standards are adopted identically by PR OSHA. The regulations and operational systems of the plan are essentially the same as the federal program. A hearing examiner handles review procedures with employer rights of appeal to the district court.

The table below presents PR OSHA’s funding levels from FY 2011 through FY 2015:

FY 2011-2015 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Plan Funds (\$)	Total Funding (\$)	Percent of State Plan Contribution
2015	\$2,495,100	\$2,495,100	\$2,665,555	\$7,655,755	67.4%
2014	\$2,480,900	\$2,480,900	\$3,003,444	\$7,965,244	68.8%
2013	\$2,480,900	\$2,480,900	\$2,404,990	\$7,366,790	65.9%
2012	\$2,588,900	\$2,588,900	\$2,140,864	\$7,318,664	64.6%
2011	\$2,588,900	\$2,588,900	\$2,591,843	\$7,769,643	66.7%

The table below presents the number of full-time and part-time staff as of July 31, 2015:

FY 2015 Staffing					
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Plan Funded	Total	50/50 Funded FTEs Onboard	100% State Plan Funded FTEs Onboard
Managers/Supervisors (Administrative)	10	1	11	4	1
First Line Supervisors (Program)	7	0	7	6	0
Safety Compliance Officers	27	5	32	17	5
Health Compliance Officers	19	2	21	16	2
Discrimination Investigator	0	1	1	0	1
Public/Private Sector Safety Consultants	5	0	5	5	0
Public/Private Sector Health Consultants	5	0	5	4	0
Compliance Assistance Specialist	0	0	0	0	0
Trainers	0	0	0	0	0
Clerical	35	5	40	26	5
Other	8	1	10	4	1
Total 23(g) FTEs	116	15	131	82	15

*Full-Time Equivalent

C. Data and Methodology

OSHA established a two-year cycle for the FAME process. This is a comprehensive year, and as such, OSHA performed a comprehensive on-site case file review.

Monitoring of the Puerto Rico State Plan was performed by a team of federal OSHA personnel from both the safety and the health disciplines and from the Whistleblower 11(c) program. The team conducted on-site audits at PR OSHA's central office in Hato Rey, Puerto Rico starting on February 1, 2016 and ending on February 8, 2016.

The evaluation of PR OSHA covered FY 2015 (the period of October 1, 2014 through September 30, 2015) and included the following documents:

- State Activity Mandated Measures (SAMM) Report
- Enforcement Comparison
- Mandated Activities Report for Consultation (MARC)

The OSHA team reviewed a total of 142 closed case files broken down by the following:

- Eight non-formal complaints (six safety, two health)
- Eight-seven (87) enforcement case files (63 safety, 24 health, and three fatalities)
- Thirty (30) consultation case files (18 safety, seven health, and five safety/health)
- Two SHARP case files (both safety/health)
- Two VPP case files
- Thirteen (13) discrimination investigation case files

D. Findings and Observations

This report contains three new findings and 11 observations (six new and five continued).

FY 2015 Findings

OSHA identified three new findings this year which included the following: 1) complaint items were not being addressed in 50% of the non-formal (phone/fax) complaint investigations, 2) inspection results and copies of the citations were not sent in 42% of the case files with union representation, and 3) delays were occurring in initiating discrimination investigations. Details of the FY 2015 findings and recommendations can be found in Appendix A of this report.

FY 2015 Observations

All five of the observations noted in last year's evaluation will continue as observations this year. In addition, six new observations were identified during the FY 2015 evaluation. Details of the FY 2015 observations can be found in Appendix B of this report.

II. Major New Issues

Puerto Rico Government's Economic Crisis

Puerto Rico's economy is entering its 10th year of negative or flat growth. This fiscal crisis has resulted in the island having more than \$72 billion of debt which could have an impact on the payment of state and local government workers' salaries. This could ultimately result in a government shutdown by July 2016.

PR OSHA's Whistleblower Program

PR OSHA's Discrimination Division has only one investigator assigned to receive all discrimination complaints. This discrimination investigator represents the six area offices throughout the island which has an impact in delaying the screening and evaluation timeline required in their Whistleblower Manual (WIM CPL02-003-02D, June 26, 2012). Due to only having one investigator, there may be excessive delays – sometimes one or two months pass before the main area office in Hato Rey receives the complaint.

III. Assessment of State Plan Performance

A. STATE PLAN ADMINISTRATION

1) Training

Training is essential for PR OSHA in order for them to continue to develop and improve their case file documentation process. PR OSHA continues to ensure that its staff is being trained in accordance with TED 01-00-018.

2) Funding

PR OSHA did not return any 23(g) funding during FY 2014 and FY 2015.

3) Staffing

Staffing continues to remain consistent – the total FTE allocated for PR OSHA in FY 2014 and FY 2015 was 131. PR OSHA currently has 107 FTEs onboard of which 49 fall under enforcement, eight fall under consultation (private sector and state and local government workplaces), and the remaining 50 are managers or administrative staff. During FY 2014 and FY 2015, PR OSHA did not experience furloughs or hiring freezes.

4) OSHA Information System (OIS)

During FY 2014, PR OSHA's consultation division transitioned from the Integrated Management Information System (IMIS) to OIS. In FY 2015, PR OSHA's enforcement division transitioned to OIS.

Lapse Time

Observation 15-01 (14-OB-02)

In FY 2015, PR OSHA's average lapse time for citations was calculated at 51.62 days for safety – a decrease of 1.86 days from 53.48 days in FY 2014 – but above the national average of 42.78 days. The lapse time for health was 66.33 days – a decrease of 18.28 days from 84.61 days in FY 2014 – but above the national average of 53.51 days (SAMM report SAMM #11).

Federal Monitoring Plan 15-01 (FY 14-OB-02)

The Region will continue to monitor this issue by utilizing the quarterly SAMM reports.

5) State Internal Evaluation Program (SIEP) Report

PR OSHA's State Internal Evaluation Program (SIEP) is used to identify potential policy and procedural weakness, areas for improvement, and unsatisfactory execution of the State Plan and any other activity discovered during evaluations. Evaluation activities are accomplished by conducting on-site visits, cases file reviews, OIS data reviews, questionnaire completion, and/or other documentation reviews. Evaluations are done annually.

B. ENFORCEMENT

1) Complaints

During this evaluation period, PR OSHA responded to 369 complaints with an average response time of 2.24 days from notification. This represents a decrease from 2.71 days in FY 2014 (SAMM report SAMM #1a).

Notification to Complainant

Observation 15-02

Three of sixteen (19%) complaint case files lacked documentation that the complainant had been notified of the results of the inspection.

Federal Monitoring Plan 15-02

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

During this evaluation period, PR OSHA received 16 non-formal complaints with an average response time of 0.00 days which is well below the one-year OIS national rate of one day. (SAMM report SAMM #2a)

Non-Formal Complaint Investigations

Finding 15-01

In four of the eight (50%) non-formal (phone/fax) complaint investigations reviewed, the complaint items were not adequately addressed prior to the case files being closed. The complaint allegations not addressed were: construction machinery and operator training, ventilation, means of egress, personal protective equipment, and vermin control.

Recommendation 15-01

Ensure all complaint items are addressed using phone/fax procedures and/or assigned for inspection in accordance with PR OSHA's Field Operations Manual (FOM).

2) Fatalities

During FY 2015, seven fatalities occurred under PR OSHA's jurisdiction. PR OSHA responded within one day to all seven fatalities for a 100% response time (SAMM report SAMM #10). Three fatality case files were reviewed. All three (100%) contained documentation that the next-of-kin (NOK) had been notified of PR OSHA's initial and final involvement.

3) Targeting and Programmed Inspections

The Bureau of Inspections conducted a total of 1,549 inspections which exceeded the projected goal of 1,445 by 7%. Of the 1,549 inspections conducted, 1,211 were in the private sector and 338 were in state and local government workplaces.

The breakdown for safety inspections was 1,181 safety inspections – of which a total of 744 were programmed inspections (593 planned – and 151 programmed-related). Regarding the health inspections, PR OSHA conducted 368 inspections – of which a total of 67 were programmed inspections (57 planned and 10 programmed-related) (PR OSHA SOAR FY 2015).

PR OSHA focused its inspection resources within the industries listed below:

- Handling and Working with Blood in the Emergency Room – 31 inspections
- Limited and Full Service Restaurants – 187 inspections
- Emergency, Disaster Preparedness and Management Offices – 25 inspections

The percent of in-compliance inspections for safety was 49% and for health 32% (SAMM report SAMM #9).

In FY 2015, the average number of serious/willful/repeat (S/W/R) violations issued was 1.57 – slightly below the one-year OIS national rate of 1.92. The number of other-than-serious violations issued was 1.34, well above the .87 one-year OIS national rate (SAMM report SAMM #5). During FY 2015, no significant cases were noted.

4) Citations and Penalties

Of the 87 case files reviewed, 60 had violations. PR OSHA issued 1,681 violations during FY 2015 (PR OSHA SOAR FY 2015). PR OSHA issued an average of 1.57 S/W/R violations per inspection and 1.92 other-than-serious violations per inspection. Proposed penalties were \$1,613,697 for safety and \$320,062 for health (SAMM report SAMM #5 and PR OSHA SOAR FY 2015).

PR OSHA's average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$884.98 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.

Adequate Evidence to Support Violations

Observation 15-03 (14-OB-01)

In five of the 60 (8%) case files reviewed with violations, adequate evidence to support the violation was not documented in the case file. One recordkeeping citation was issued when there were no injuries/illnesses reported and worker exposure was missing on the violation worksheet in four case files.

Federal Monitoring Plan 15-03 (14-OB-01)

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

Citations for all Apparent Violations

Observation 15-04

Missed violations were noted in seven of the 60 (12%) case files reviewed. The missed violations were for slips, electrical hazards, hazard communication, and fall hazards.

Federal Monitoring Plan 15-04

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

Appropriateness of Violation Classification

Observation 15-05 (14-OB-03)

In 14 of 60 (23%) case files reviewed with citations issued, violations related to machine guarding, electrical hazards, unprotected rebar, hazard communication, blood-borne pathogens, respiratory protection, and powered industrial trucks were issued as other-than-serious with no justification documented in the case file. The related conditions most likely should have been issued as serious. Another case file reviewed had a citation issued as a serious for a fall hazard. Based on the information in the case file this violation most likely should have been a willful.

Federal Monitoring Plan 15-05 (14-OB-03)

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

Observation 15-06 (14-OB-04)

In 15 of the 60 (25%) case files reviewed, the severity/probability noted on the violation worksheet did not compare to the injury/illness assessed for violations related to fire extinguishers, electrical, personal protective equipment, machine guarding, power industrial truck, ladders, first aid, and hazard communication

Federal Monitoring Plan 15-06 (14-OB-04)

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

5) Abatement

The review of case files during this audit revealed that appropriate abatement periods were applied to the condition cited in all 60 (100%) case files reviewed with citations issued.

Adequate Verification or Evidence of Abatement

Observation 15-07

PR OSHA accepted abatement responses from employers and closed the cases without adequate evidence in 10 of the 60 (17%) case files reviewed. PR OSHA is not obtaining the final verification for power industrial truck operator training (struck-by), respiratory protection, hazard communication, ladders (fall) and rebar (impalement).

Federal Monitoring Plan 15-07

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

6) Worker and Union Involvement

Unions were present in seven of the 87 (8%) case files reviewed. Union representatives were involved in all aspects of the inspection process in six of the seven case files reviewed.

Worker Notification of Inspection Results

Finding 15-02 (14-OB-05)

Inspection results and a copy of the citation was not sent to the union in three of the seven (43%) case files reviewed that had both an authorized union and citations issued.

Recommendation 15-02

PR OSHA must ensure that representative of workers are notified of the inspection results and provided with a copy of the citation.

C. REVIEW PROCEDURES

1) Informal Conferences

PR OSHA conducted 692 informal conferences in FY 2015. Thirty-nine (39) case files reviewed had informal conferences.

Adequacy of Procedures and Whether Followed -Informal Settlements

Observation 15-08

In eight of 39 (20%) cases where informal conferences were held, area directors did not request approval from the Director of the Bureau of Inspections for a penalty reduction above 50% as described and required in PR OSHA's FOM. Also noted, the informal conference was not held within 15 days in three of the case files.

Federal Monitoring Plan 15-08

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

2) Formal Review of Citations

Contested cases are handled by the PR Department of Labor Hearing Examiner Division. According to PR OSHA's Field Operations Manual, the Occupational Safety and Health Examiner (OSHE), created under Section 21 of the Act, is an independent adjudicatory entity. The Hearing Examiner is entirely separate and apart from the Puerto Rico Occupational

Safety and Health Administration of the Department of Labor and Human Resources. It consists of one or more members and provides workers and employers an opportunity for a hearing in matters associated with citations, proposed penalties and abatement periods as provided by the Act. Formal settlement agreements and abatement documentation are kept at the Hearing Examiner office in separate files and copies of such documentation are not included in the original case files at PR OSHA.

During FY 2015, the Legal Division received 113 contested cases. Sixty eight (68) out of 113 cases were closed with Hearing Examiner Resolutions as follows: 19 cases were dismissed, 45 cases had a hearing with stipulated agreement, three cases settled with penalty, and one case had a formal agreement with a total penalty of \$ 200,000.00. The remaining 45 cases are under legal analysis. (PR OSHA SOAR FY 2015) A total of 87 case files were reviewed with none being contested.

D. STANDARDS AND FEDERAL PROGRAM CHANGES (FPCs) ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal Program Changes (FPCs) within a six-month time frame. State Plans that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During FY 2014 and FY 2015, PR OSHA responded in a timely manner with the required notice of intent to adopt. The tables below provide a complete list of the federal directive and standards which required action during this period:

a) Standards Adoption

Standards Requiring Action	Federal Register Date	Adopted Identical	Effective Date
Final Rule for Electric Power Generation, Transmission & Distribution; Electrical Protective Equipment	April 2014	Yes	08/12/2014
Longshoring & Marine terminals; Vertical Tandem Lifts (Revised 4/21/2014)	May 2014	Yes	12/17/2014
Occupational Injury & Illness Recording & Reporting Requirements – NAICS Update & Reporting Revisions	October 2014	No	03/05/3015
Cranes & Derricks in Construction – Operator Certification Final Rule	October 2014	Yes	03/05/2015
Final Rule for Confined Spaces in Construction	May 2015	Yes	01/14/2016

b) Federal Program Changes (FPC) Adoption

FPCs Requiring Action and Federal Directive Number	Date of Directive	Adopted Identical	Adoption Date
OSHA Strategic Partnership Program for worker Safety and Health CPL 03-02-003	11/06/2014	No	N/A
Site-Specific Targeting 2014 (SST-14) CPL 02-14-01	02/02/2014	No	N/A
Shipyards Employment Tool Bag CPL 02-00-156	02/06/2014	No	N/A
Inspection Procedures for the Respiratory Protection Standard CPL 02-00-158	06/26/2014	Yes	12/19/2014
Inspection Procedures for Accessing Communication Towers CPL 02-01-056	07/17/2014	Yes	12/19/2014
Mandatory Training Program for OSHA Compliance Personnel TED 01-00-019	07/21/2014	No	12/19/2014
Cranes & Derricks in Construction CPL 02-01-057	10/17/2014	No	N/A
NEP – Primary Metal Industries CPL 03-00-018	10/20/2014	Yes	03/05/2015
Whistleblower Investigations Manual CPL 02-03-005	04/21/2015	No	N/A
NEP – Amputations CPL 03-00-019	06/30/2015	Yes	02/26/2016
Enforcement Procedures & Scheduling for Occupational Exposure to TB CPL 02-02-078	06/30/2015	Yes	12/11/2015
Inspection Procedures for the Haz Com Std. (HCS 2012) CPL 02-02-079	07/09/2015	Yes	1/14/2016
OSHA Alliance Directive TED 04-01-002	07/29/2015	No	N/A
SGE Program Policies & Procedures Manual for OSHA VPP TED 03-01-004	07/30/2015	No	N/A
Alternative Dispute Resolution Process for Whistleblower Protection Program CPL 02-03-006	08/18/2015	No	Anticipate 03/01/2016

E. VARIANCES

There were no requests for variances received or processed during FY 2014 and FY 2015.

F. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

PR OSHA conducted a total of 338 (22%) inspections in state and local government workplaces during FY 2015 (PR OSHA SOAR FY 2015 and SAMM report SAMM #6). PR OSHA's program contains provisions for the issuance of monetary penalties for state and local government employers found not to be in compliance with applicable standards on a first instance basis, except in cases of FTA violations.

G. WORKPLACE RETALIATION PROGRAM

PR OSHA investigated two allegations of workplace retaliation during FY 2014 and 13 allegations in FY 2015. During this evaluation period, a regional discrimination investigator reviewed all 13 case files from FY 2015. Of the 13 case files reviewed, one was withdrawn, four were dismissed, one was settled, two were merit, and five were administratively closed. Case files contained sufficient documentation to support determination or administrative closings.

Initial case intakes are processed in any of the six area offices which are a good practice. However, there is an excessive delay, sometimes one or two months before the central office in Hato Rey receives the complaint. The intake is first reviewed and then assigned to an investigator for screening. This delay in assignment and screening is causing a significant delay in initiating the investigation and is creating a discrepancy in the recording of the correct filing date within the paper file and IMIS.

Delays in Initiating an Investigation

Finding 15-03

Five of thirteen (39%) complaints were noted in IMIS as having a delay from the initial intake to the actual screening, causing a significant delay in initiating an investigation.

Recommendation 15-03

Ensure that the Whistleblower Investigation Manual, adopted in March 2012, is followed with regard to all workplace retaliation allegations.

Closing conferences are not being held with the complainant, therefore PR OSHA is not affording complainants an opportunity to submit any new information or rebut the evidence PR OSHA has obtained from respondent. PR OSHA is waiting until the closing letter is received before making complainants aware of their right of appeal.

Policies and Procedures

Observation 15-09

Three of 13 (23%) discrimination cases were closed without a closing conference being held with the complainant as required by Whistleblower Investigation Manual.

Federal Monitoring Plan 15-09

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

During the review, OSHA identified other areas of concern with PR OSHA's Whistleblower Program. The discrimination division has only one investigator to address all discrimination complaints for the six area offices throughout the island. This has an impact in delaying the screening and evaluation timeline required in their Whistleblower Manual [WIM CPL02-003-02D] dated June 26, 2012.

In addition, the Whistleblower Investigations Manual, WIM CPL02-003-02D dated June 26, 2012, is somewhat outdated. Some of the information is not accurate and does not reflect the revised Chapter 6 (or the new revisions as of 1/28/16). PR OSHA has an electronic version of a revised manual which has not received final approval. Finally, PR OSHA does not post their manual on its public website.

H. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

There were no CASPAs filed against PR OSHA during FY 2014. One CASPA was received in FY 2015 but due to surrounding circumstances, OSHA determined that an investigation was not warranted.

I. VOLUNTARY COMPLIANCE PROGRAM

PR OSHA Voluntary Protection Program (VPP)

PR OSHA has a comprehensive VPP which mirrors OSHA's VPP. The highest award, the "Guanin," is similar to OSHA's Star program, while the "Cemi" is similar to the Merit award. In addition, PR OSHA has a smaller category called the "Taino" for smaller employers and/or those working toward meeting all the core elements of the Guanin and/or Cemi. PR OSHA's VPP currently has 16 participants all in the Guanin level. During FY 2015, one VPP site was approved, one was re-certified and one was on conditional status in the Guanin level. (PR OSHA SOAR FY 2015)

No findings or observations were identified in the two VPP case files that were reviewed; however, several items were identified as needing attention, including: BLS data entries, best practice details in executive reports, 90-day items information tracking, and application letters filing. OSHA recommends that PR OSHA adopt the last page of the latest VPP corrective action worksheet template and list best practices and areas of excellence in the executive report.

Safety and Health Achievement and Recognition Program (SHARP)

During FY 2015, PR OSHA approved one new SHARP site. The participation for a second, third, or fourth two-year or three-year term in SHARP was approved for three establishments. There were no findings and/or observations identified in the two SHARP case files reviewed.

“Door-to-Door” in Construction

The goal of this initiative is to promote safety and health through island-wide on-site consultation visits to construction projects. General contractors accepting to participate in this initiative agree to abate all the hazards identified, improve their safety and health program, and receive quarterly on-site consultation visits. During FY 2015, 26 new construction projects were accepted into this initiative.

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

PR OSHA conducted on-site consultation visits to 17 of the 66 (25%) projected state and local government establishments during FY 2015. Of the 17 on-site visits, 14 were safety and three were health. One hundred percent (100%) of the serious hazards identified were corrected in a timely manner. (MARC report MARC #4a) Ten (10) case files were selected and reviewed during this evaluation period.

K. PRIVATE SECTOR 23(g) ON-SITE CONSULTATION PROGRAM

PR OSHA conducted on-site consultation visits to 280 private sector establishments during FY 2015. This number is 52% above the projected goal of 147 on-site visits. Of the 280 visits, 246 were safety, 27 were health, five were follow-up, and two were training and assistance. Twenty (20) files were reviewed.

Activities from the MARC report do not reveal any significant outliers. Of the five measures in the report, PR OSHA met or exceeded the reference mark in four of the five. The one measure that was below the reference mark was the percent of initial visits in high hazard establishments. The reference mark is not < 90%; PR OSHA was at 88.81%.

PR OSHA has a comprehensive and very active outreach and training program. Numerous outreach activities, including training seminars and speeches are conducted by PR OSHA’s experienced consultants, compliance officers, and management throughout the year.

Observation 15-10 (14-OB-06)

In 29 of 30 (97%) of the consultation case files reviewed, the safety and health hazard survey (Form 33) comments section did not provide details necessary to ensure that the number assigned and description corresponded.

PR OSHA consultants attended OTI 1330 (Consultation Systems Assessment Training) in December 2016. This training covered OSHA-33 completion. Due to the training not being

conducted until FY 2016, this will remain an observation and will be reviewed during next year's FAME.

Federal Monitoring Plan 15-10

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

Observation 15-11

In 6 of 30 case files (20%) reviewed, abatement verification (certification and documentation) for serious hazards was not properly identified (requirements of CSP 02-00-002, Section II.F and IV.F.2.II, respectively).

Federal Monitoring Plan 15-11

In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

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

This section focuses on PR OSHA's progress toward meeting its targeted performance goals as outlined in the program's FY 2015 Annual Performance Plan (APP). The APP consisted of two fundamental goals: to improve workplace safety and health for all workers, and to change workplace culture to increase employer and worker awareness in safety and health. This is the fourth year of PR OSHA's Five-Year Strategic Plan.

A. PR OSHA Strategic Goal 1

Performance Goal 1.1.1A: Reduce the most prevalent workplace injuries/illnesses by 5% in handling and working with blood in the emergency room industry. Achieve a 1% reduction from the baseline measure to assess progress towards achievement of the five-year performance goal. The corrected baseline was established in FY 2013 based on 2012 data.

NAICS 621493 (Freestanding Ambulatory Surgical & Emergency Centers)

Year	TRC (OSHA300) Rate	Percent Change
2012	2.89	Baseline
2013	6.26	Corrected Baseline
2014	6.19	1% Decrease
2015	5.01	20% Decrease

NAICS 622110 (General Medical & Surgical Hospitals)

Year	TRC (OSHA300) Rate	Percent Change
2012	9.53	Baseline
2013	8.0	Corrected Baseline
2014	7.92	1% Decrease
2015	7.80	3% Decrease

During FY 2015, PR OSHA’s Bureau of Inspections (BI) identified 68 establishments and conducted 31 inspections where the LEP directive would apply. As a result of the inspections, establishments were cited with a total of 68 violations classified as 24 serious and 44 other.

One hundred and sixty-one (161) injuries were reported on the 2014 OSHA 300 logs related to General Medical Services. The corrected baseline was established as 6.26 for NAICS 621493 and 8.0 for NAICS 622110. **PR OSHA exceeded the goal.**

Performance Goal 1.1.1B: Reduce the most prevalent workplace injuries/illnesses by 5% in the fast food industries (limited and full service restaurants). Achieve a 1% reduction from the baseline measure to assess progress toward achievement of the five-year performance goal. Corrected baseline was established in FY 2013 based on 2012 data.

Year	TRC (OSHA300) Rate	Percent Change
2012	2.51	Baseline
2013	5.62	Corrected Baseline
2014	5.56	1% Decrease
2015	5.20	7% Decrease

During FY 2015, BI identified 436 establishments and conducted 187 inspections where the LEP directive would apply. As a result of these inspections, establishments were cited with a total of 161 violations classified as 87 serious and 74 other-related-to hazards. Three hundred and fifty (350) injuries were reported on the 2014 OSHA 300 logs related to the fast food industry. The corrected baseline was established as 5.62. **PR OSHA exceeded the goal.**

Performance Goal 1.1.1C: Reduce the most prevalent workplace injuries/illnesses by 5% in the emergency, disaster preparedness, and management offices. Achieve a 1% reduction from the baseline measure to assess progress toward achievement of the five-year performance goal. (The corrected baseline was established in FY 2013 based on 2012 data.)

Year	TRC (OSHA300) Rate	% Change
2012	8.85	Baseline
2013	10.92	Corrected Baseline
2014	10.81	1% Decrease
2015	9.25	15% Decrease

During FY 2015, BI identified 81 establishments and conducted 25 inspections where the LEP directive would apply. As a result of the inspections, establishments were cited with a total of 77 violations classified as 31 serious and 46 as other.

Seventy-six (76) injuries were reported on the 2014 OSHA 300 logs by the employers of the Emergency, Disaster Preparedness, and Management offices. The corrected baseline was established as 10.92. **PR OSHA exceeded the goal.**

Performance Goal 1.1.2: Decrease the fatality rate in the construction industry by an additional 5% from the baseline by focusing on the four leading causes of fatalities in construction (falls,

struck-by, electrocutions, and caught-in/between). Revise baseline and performance measure to assess progress towards achievement of the five-year performance goal.

Year	Number of Fatalities	Workforce	Fatality Rate	Percent Change From Baseline
2012	5	48,000	1.04	Baseline – 1.28 = 1% Decrease
2013	3	35,614	0.84	Baseline – 1.04 = 1% Decrease
2014	5	36,050	1.38	Baseline – 1.26 = 0.9% Increase
2015	3	37,000	0.80	Baseline – 0.80 = 37% Decrease

Notes: During FY 2015, the fatality rate was calculated at 0.80 per 10,000 workers [$x \text{ fatalities} \div 37,000 \text{ workers}] \div 10,000 \text{ workers}$).

During FY 2015, PR OSHA investigated three fatalities in the construction industry – all related to the four leading causes of fatalities in construction (one fall, one struck-by, and three electrocutions). The BI conducted 260 programmed planned construction inspections. As a result of the fatalities investigated, six citations were issued that related to the four leading causes of fatalities in construction.

PR OSHA continued to maintain its successful “Door-to-Door” program in the construction industry. This program is used to promote safety and health on-site consultation visits in the construction projects all over Puerto Rico. Program participants must agree to abate all the hazards identified, improve their safety and health program, and receive an on-site consultation visit at least every three months. Approved participants post the program’s banner in a visible place at the worksite. Participation of 26 new sites was approved during FY 2015.

PR OSHA joined in the National Fall Prevention Stand-Down in an attempt to reduce and/or control the four leading causes related to fatalities in the construction industry: falls, struck-by, caught-in/between, and electrocution. Compliance safety and health officers from BI and the Voluntary Programs Division will visit construction sites. In addition, the Door-to-Door program directive was updated to establish that on the second Wednesday of May of every year PR OSHA will initiate its Stand-Down Campaign.

During FY 2015, the Voluntary Programs Division conducted 163 on-site consultation visits in the construction industry, resulting in 582 hazards identified and notifications to employers. Three-hundred and twenty-seven (327) of the 582 hazards identified were related to the four leading causes of fatalities in construction. As part of PR OSHA’s effort to control the fatalities related to the four leading causes of fatalities in the construction industry, two open training sessions on safety and health in the construction industry were delivered. **PR OSHA exceeded this goal.**

B. PR OSHA Strategic Goal 2

Performance Goal 2.1.1A: Achieve 78% of the targeted employers in general industry that received an inspection and have either implemented an effective safety and health program or improved their existing program.

The annual performance goal of 79% established for FY 2015 was exceeded by 9%. During FY 2015, the number of targeted establishments inspected was 1,211. Of the 1,211 targeted establishments, 88% (1,073) implemented or improved their existing program. In addition, PR OSHA's Division of Voluntary Programs delivered three open training sessions regarding safety and health programs and worker involvement. There were 271 employer representatives and 72 workers that participated. **PR OSHA exceeded this goal.**

Performance Goal 2.1.1B: Achieve 79% percent of the targeted employers in general industry that requested an on-site visit and have either implemented an effective safety and health program or improved their existing program.

During FY 2015, the Division of Voluntary Programs conducted 133 on-site consultation visits to employers in the general industry. Of the 133 employers who requested on-site consultation visits, 106 (80%) implemented or improved their existing program. The annual performance goal of 79% established for FY 2015 was exceeded by 1%. **PR OSHA exceeded this goal.**

Performance Goal 2.2.2A: Deliver training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in working with blood in the emergency room.

BI conducted 31 related inspections and delivered training to all (100%) employers and workers following the inspection. The annual performance goal of 90% established for FY 2015 was exceeded by 10%. **PR OSHA exceeded this goal.**

Performance Goal 2.2.2B: Deliver training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in the fast food (limited and full service restaurants) industry.

BI conducted 187 fast food industry inspections and delivered training to all (100%) employers and workers following the inspection. The annual performance goal of 90% established for FY 2015 was exceeded by 10%. **PR OSHA exceeded this goal.**

Performance Goal 2.2.2C: Deliver training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in the emergency, disaster, preparedness, and management offices industry.

BI conducted 25 related inspections and delivered training to all (100%) employers and workers following the inspection. The annual performance goal of 90% established for FY 2015 was exceeded by 10%. **PR OSHA exceeded this goal.**

Performance Goal 2.3.1: Develop and disseminate occupational safety and health training and reference materials to 100% of private workplaces identified in the Drugstore Industry.

The Voluntary Program Division hosted the "Safety and Health to the Drugstores in the Annual Pharmaceuticals Convention" conference. Thirty attendees participated. An open training session of safety and health in the Drugstore Industry was delivered in Hato Rey with 62 participants attending. **PR OSHA met this goal.**

V. Other Special Measures of Effectiveness and Areas of Note

N/A

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

FY 2015-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2015-01	<p><i>Non-Formal Complaint Investigations</i> In four of the eight (50%) non-formal (phone/fax) complaint investigations reviewed, complaint items were not adequately addressed prior to the case files being closed. (Complaint allegations not addressed were: construction machinery and operator training, ventilation, means of egress, personal protective equipment, and vermin control.)</p>	<p>PR OSHA should ensure all complaint items are addressed using phone/fax procedures and/or assigned for inspection in accordance with PR OSHA’s FOM.</p>	
FY 2015-02	<p><i>Union Involvement</i> Inspection results and a copy of the citation was not sent to the union in three of the seven (43%) case files reviewed that had both an authorized union and citations issued.</p>	<p>PR OSHA should ensure that representative of workers are notified of the inspection results and provided with a copy of the citation.</p>	FY 2014-OB-05
FY 2015-03	<p><i>Worker Retaliation - Delays in Initiating an Investigation</i> Five of 13 (39%) complaints were noted in IMIS as having a delay from the initial intake to the actual screening, causing a significant delay in initiating an investigation.</p>	<p>PR OSHA should ensure that the Whistleblower Investigation Manual, adopted in March 2012, is followed regarding all workplace retaliation allegations.</p>	

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

FY 2015-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#	FY 2015-#
FY 2015-OB-01	FY 2014-OB-02	<p><i>Citation Lapse Time</i> Citation lapse time was calculated at 51.62 days for safety which is above the national average of 42.78 days. The lapse time for health was 66.33 days which is above the national average of 53.51 days.</p>	The Region will continue to monitor this issue by utilizing the quarterly SAMM reports.	Continued
FY 2015-OB-02		<p><i>Notification to the Complainant</i> Three of sixteen (19%) complaint case files lacked documentation that the complainant had been notified of the results of the inspection.</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New
FY 2015-OB-03	FY 2014-OB-01	<p><i>Adequate Evidence to Support Violations</i> In five of the 60 (8%) case files reviewed with violations, adequate evidence to support the violation was not documented in the case file. One recordkeeping citation was issued when there were no injuries/illnesses reported and worker exposure was missing on the violation worksheet in four case files.</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2015-OB-04		<p><i>Citations for all Apparent Violations</i> Missed violations were noted in seven of the 60 (12%) case files reviewed. The missed violations were for slips, electrical hazards, hazard communication, and fall hazards.</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 PR OSHA Comprehensive FAME Report

Observation # FY 2015-OB-#	Observation # FY 2014-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-05	FY 2014-OB-03	<p><i>Violation Classification</i></p> <p>In 14 of 60 (23%) case files reviewed with citations issued, violations related to machine guarding, electrical hazards, unprotected rebar, hazard communication, bloodborne pathogens, respiratory protection, and powered industrial trucks were issued as other-than-serious with no justification documented in the case file. The related conditions most likely should have been issued as serious. Another case file reviewed had a citation issued as a serious for a fall hazard. Based on the information in the case file this violation most likely should have been a willful.</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2015-OB-06	FY 2014-OB-04	<p><i>Violation Classification</i></p> <p>In 15 of the 60 (25%) case files reviewed, the severity/probability noted on the violation worksheet did not compare to the injury/illness assessed for violations related to fire extinguishers, electrical, personal protective equipment, machine guarding, power industrial truck, ladders, first aid, and hazard communication</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2015-OB-07		<p><i>Adequate Verification or Evidence of Abatement</i></p> <p>PR OSHA accepted abatement responses from employers and closed the cases without adequate evidence in 10 of the 60 (17%) case files reviewed. PR OSHA is not obtaining the final verification for power industrial truck operator training (struck-by), respiratory protection, hazard communication, ladders (fall), and rebar (impalement).</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New

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

Observation # FY 2015-OB-#	Observation # FY 2014-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-08		<p><i>Informal Conferences- Informal Settlements</i> In eight of 39 (20%) cases where informal conferences were held, the area directors did not request approval from the Director of the Bureau of Inspections for a penalty reduction above 50% as described and required in PR OSHA’s FOM. In addition, the informal conference was not held within 15 days in three of the files reviewed.</p>	<p>In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.</p>	New
FY 2015-OB-09		<p><i>Worker Retaliation – Policies and Procedures</i> Three of 13 (23%) discrimination cases were closed without a closing conference being held with the complainant as required by Whistleblower Investigation Manual.</p>	<p>In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.</p>	New
FY 2015-OB-10	FY 2014-OB-06	<p><i>Consultation Case File Documentation</i> In 29 of 30 (97%) of the consultation case files reviewed, the safety and health hazard survey (Form 33) comments section did not provide details necessary to ensure that the number assigned and description corresponded.</p>	<p>In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action. PR OSHA consultants attended OTI 1330 (Consultation Systems Assessment Training) which covered OSHA-33 completion in December 2016.</p>	Continued

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 PR OSHA Comprehensive FAME Report

Observation # FY 2015-OB-#	Observation # FY 2014-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-11		<p><i>Consultation Case File Documentation</i></p> <p>In 6 of 30 (20%) case files reviewed, abatement verification (certification and documentation) for serious hazards was not properly identified (requirements of CSP 02-00-002, Section II.F and IV.F.2.II, respectively).</p>	In FY 2016, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New

Appendix C - Status of FY 2014 Findings and Recommendations
FY 2015 PR OSHA Comprehensive FAME Report

FY 2014-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date

There were no findings in FY 2014.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
FY 2015 PR OSHA 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 Puerto Rico State Plan’s enforcement data was captured in OIS during FY 2015. The Puerto Rico State Plan opened 1,516 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: Puerto Rico 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)	2.24	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)	1.23	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 formula)	0.00	1	State Plan data is pulled only from OIS. Further review level is negotiated by OSHA and the State Plan.

Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report
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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
2b	Average number of work days to initiate complaint investigations (federal formula)	0.00	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 only 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 only from OIS. Further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.57	+/- 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: 1.34	+/- 20% of Other: .87	
6	Percent of total inspections in state and local government workplaces	21.31%	+/-5% of 39.17%	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.
7	Planned v. actual inspections – safety/health	S: 1,168	+/-5% of S: 1,025	State Plan data is pulled only from OIS.
		H: 348	+/-5% of H: 420	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.

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

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$884.98	+/-25% of \$2,002.86	State Plan data is pulled only 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)	\$435.97	+/-25% of \$1,402.49	State Plan data is pulled only 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)	\$902.22	+/-25% of \$2,263.31	State Plan data is pulled only 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)	\$1,100.34	+/-25% of \$3,108.46	State Plan data is pulled only 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)	\$1,562.53	+/-25% of \$3,796.75	State Plan data is pulled only from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
9	Percent in compliance	S: 48.60%	+/-20% of S: 28.47%	State Plan data is pulled only from OIS.
		H: 31.90%	+/-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	100.00%	100%	State Plan data is pulled only from OIS. Further review level is fixed for every State Plan.
11	Average lapse time	S: 51.62	+/-20% of S: 42.78	State Plan data is pulled only from OIS.
		H: 66.33	+/-20% of H: 53.48	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 PR OSHA Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
12	Percent penalty retained	60.86%	+/-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	99.74%	100%	State Plan data is pulled only from OIS. Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	100%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	38%	+/-20% of 24%	State Plan data is pulled from WebIMIS. Further review level is based on a three-year national average, pulled only from WebIMIS.
16	Average number of calendar days to complete an 11(c) investigation	76	90	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
17	Percent of enforcement presence	4.13%	+/-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.