

FY 2016 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

State of Alaska

**Department of Labor and Workforce Development
Labor Standards and Safety Division –
Alaska Occupational Safety and Health (AKOSH)**



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this report is to assess Alaska Occupational Safety and Health’s (AKOSH’s) performance during Fiscal Year (FY) 2016 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA), and to gauge the State Plan’s progress toward resolving recommendations from the FY 2015 Federal Annual Monitoring and Evaluation (FAME) report. This report assesses the State Plan’s achievement of its annual performance plan goals, as well as its progress toward the goals in its five-year strategic plan.

In FY 2016, the Governor and Commissioner of Labor made dramatic changes in management positions at the Executive and Mid-management levels within AKOSH in an effort to achieve goals and meet its obligations to the federal grant. In FY 2016, AKOSH met or exceeded its goals or operated within the further review levels for almost all measures on the State Activity Mandated Measures (SAMM). In addition, AKOSH resolved 12 out of the 17 findings from the FY 2015 FAME report during the FY 2016 monitoring period.

As Table 1 shows, AKOSH finished ahead of their projected inspection goals to achieve an overall inspection rate of 120%. This compares to 77% of their inspection goal that was realized in 2015 and to 81% of their inspection goal that was realized in 2014. AKOSH lowered their inspection goal from 405 inspections in FY 2015 to 355 inspections in FY 2016, but they still managed to increase the overall number of inspections by 114 in FY 2016. This was a 37% improvement in the total number of inspections.

Table 1

**AKOSH Inspections Conducted FY 2007 – FY 2016
(SAMM 7)**

Inspections	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Goal	471	422	425	465	505	417	385	420	405	355
Conducted	289	257	355	375	311	288	376	338	310	424
Difference	(182)	(165)	(70)	(90)	(194)	(129)	(9)	(82)	(95)	+69
% of Goal	61%	61%	84%	81%	62%	69%	98%	81%	77%	120%

AKOSH has addressed OSHA’s concerns about how they conduct on-site visits for all inspections related to injury or death in the workplace. In addition, they have addressed employee training and professional development programs by placing emphasis on resources for employee development programs.

The State Plan's performance and its adherence to established policies and procedures have shown improvement at this time. AKOSH has increased its efforts to meet goals and to improve enforcement activities in order to strengthen its administration and execution of the entire program.

B. State Plan Introduction

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

The Commissioner of Alaska's Department of Labor and Workforce Development is Ms. Heidi Drygas, who serves as the State Plan designee. The Director of the Labor Standards and Safety Division, Ms. Deborah Kelly, manages the Occupational Safety and Health Section.

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

There are some differences between AKOSH's standards and those of OSHA. AKOSH has its own regulations for oil and gas operations. AKOSH has adopted additional standards for several hazardous operation in general industry and construction including logging, telecommunications, and electric power generation, transmission and distribution.

During FY 2016, the State Plan was staffed with 12 compliance officers (six safety, six health) and 11 consultants. The compliance officer positions include the Program Analyst (Assistant Chief). During FY 2016 two of the compliance officers were also assigned to conduct discrimination investigations part time. The program covers approximately 331,828 workers employed in 22,214 establishments statewide. AKOSH's federally-approved state OSHA program was funded at \$2,946,150 of which \$ 1,383,800 were federal funds.

Alaska administers a combined on-site consultation program under 21(d) and 23(g) funding. AKOSH's 11 consultant positions are a combination of 21(d), 23(g) and 100% state-funded. These consultants provide services to both state and local government and private employers.

Table 2 below shows AKOSH's funding levels from FY 2012 through FY 2016.

Table 2

FY 2012-2016 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2016	\$1,391,700	\$1,391,700	\$223,700	\$3,007,100	46%
2015	\$1,383,800	\$1,383,800	\$178,550	\$2,946,150	47%
2014	\$1,377,600	\$1,377,600	\$312,000	\$3,067,200	55%
2013	\$1,369,800	\$1,369,800	\$396,408	\$3,136,008	56%
2012	\$1,429,400	\$1,429,400	\$223,699	\$3,082,499	54%

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year and as such, OSHA did not perform the level of review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. However, over a period of five days onsite, OSHA reviewed 34 enforcement case files. All case files were reviewed to assess the quality of documentation, violation classification, penalty calculations, abatement verification, settlement, and other factors as appropriate in order to verify corrective actions taken to address FY 2015 FAME findings. The case files were chosen using a random numbers table. This limited case file review resulted in completed, continued and new findings and recommendations which are discussed in Sections II and III of this report.

Monitoring of the State Plan consisted of a variety of methods and tools. The opinions, analyses, and conclusions described herein are based on information obtained from these sources to include:

- Analysis and monitoring of the FY 2015 AKOSH Corrective Action Plan which provides AKOSH’s status and response to the FY 2015 FAME (Appendix C).
- Statistical reports comparing State Plan performance to federal performance.
- State Activity Mandated Measures (SAMM) report data (Appendix D).
- Mandated Activities Report for Consultation (MARC) data.
- State Information Report (SIR) data.
- The FY 2016 State OSHA Annual Report (SOAR) prepared by AKOSH, which contains details of AKOSH’s achievements with respect to its annual goals.
- Grant Assurances.
- Quarterly monitoring meetings between OSHA and the State Plan.
- Case file reviews of 34 inspection files.
- Interviews with the Chief of Enforcement and compliance staff.

The review of the AKOSH State Plan also included the participation of OSHA’s Anchorage Area Director in four quarterly meetings with the State Plan and additional on-site meetings during the evaluation period. The Area Director and Anchorage Area Office staff conducted other

monitoring as needed with the State Plan to include case file reviews, program reviews, and periodic technical assistance. OSHA works closely with top AKOSH management to collaborate on ideas, initiatives, methods, and means of protecting workers. Additionally, OSHA has initiated enhanced communications with the Alaska Commissioner of Labor and the Director of Labor Safety and Standards in order to reinforce OSHA's support of the State Plan.

D. Findings and Observations

FY 2016 Findings and Observations

The FY 2016 FAME report on AKOSH includes a total of six findings; one finding is new, and five of are continued from the FY 2015 FAME report. The one new finding in this report deals with the timeliness of completing retaliation cases and was converted from an observation from FY 2015. This will be closely monitored by Region X in FY 2017. The five continued findings focus on inadequate casefile documentation and documentation of investigations within the whistleblower program.

Section III of this report provides details of each of the current findings and recommendations. Appendix A lists the new and continued findings and recommendations. There is also only one observation in the FY 2016 FAME report and it was continued from FY 2015.

FY 2015 Findings and Observations

In the FY 2015 FAME report, OSHA identified 17 findings and six observations. AKOSH made satisfactory progress to complete their corrective actions for 12 of the findings and those are considered complete. Based on documentation noted during the case file reviews, AKOSH has taken satisfactory corrective action to ensure compliance officers have appropriate training and professional development opportunities in accordance with the AKOSH Training Policy. Corrective action was evident in violation processing and application of penalties. Appropriate gravity-based penalties were documented using the correct penalty reduction factors, such as history and good faith, were appropriately applied. Additionally, in FY 2016, AKOSH increased its presence in the seafood processing industry by conducting more inspections at these workplaces. The corrective actions taken by AKOSH to correct these items in one evaluation cycle are notable.

AKOSH also made enough of an improvement in the issues underlying four of the six observations to warrant closure. The observation related to not completing whistleblower cases within 90 days was converted to a finding, and the observation about AKOSH's 0% merit rate for whistleblower cases was continued in this FY 2016 report. Appendix B lists the continued observation and Appendix C lists each of the FY 2015 findings and recommendations and related status.

Overall, the reduction of findings in this FAME is indicative of renewed focus by the management and employees within AKOSH and their partners in Federal OSHA.

II. Assessment of State Plan Performance

A. Major New Issues

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016 and again increased penalties according to the Consumer Price Index (CPI) in January of 2017. As required by law, OSHA will continue to raise maximum penalties each year according to the CPI. State Plans are required to adopt both the catch-up increase and annual increase.

As discussed in the Executive Summary, AKOSH exceeded their inspection goal in FY 2016. This was an improvement from the previous five years, when they did not consistently meet their inspection goals. With the exception of FY 2013, AKOSH inspection totals have been significantly below target. In FY 2016, AKOSH attained 120% of their inspection goal. AKOSH lowered their inspection goal from 405 inspections in FY 2015 to 355 inspections in FY 2016, but they still managed to increase the overall number of inspections by 114 in FY 2016. This was a 37% improvement in the total number of inspections, and was accomplished with improvements across the board in documentation of enforcement and consultation casefiles.

During the previous five fiscal years, AKOSH has experienced significant staff turnover rates within its enforcement program. However, one significant change in FY 2016 was that AKOSH ensured their compliance safety and health officers (CSHO) attended professional development training as safety and health inspectors. AKOSH completed almost eighty training sessions for the professional development of staff in 2016. This was an approximate 200% increase in training for the staff.

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

AKOSH established a five-year Strategic Plan for the period from October 1, 2013 (FY 2014) through September 30, 2018 (FY 2018), which included short- and long-range objectives aimed at improving safety and health for Alaska's workers. AKOSH developed and submitted its FY 2016 annual performance plan in support of its strategic plan as part of its grant application for federal funds. The State Plan met more than half of its annual goals for FY 2016. Satisfactory progress was made with respect to the other annual goals. A finding was noted and a recommendation was made where OSHA found need for significant improvement of compliance officer training of the core courses with the specified three-year timeframe. This issue is discussed below in the results for Annual Performance Goal 3.1a.

The following is OSHA's assessment of AKOSH's performance compared to its FY 2016 annual goals:

Strategic Goal 1: Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of injuries, illnesses and fatalities through AKOSH enforcement and consultation and training program activities.

FY 2016 Outcome Goal 1.1 – By the end of FY 2018, reduce the rate of workplace fatalities caused by circumstances that are under AKOSH jurisdiction by 10% as compared to the rate from the previous five-year period.

FY 2016 Annual Performance Goal 1.1 – Concentrate on the primary causes of fatalities and the industries where fatalities take place by focusing AKOSH efforts to Goals 1.2, 1.3 and 1.4.

Results – The target rate was 1.53 fatalities per 100,000 workers. The total number of fatalities during FY 2016 was 4, with an actual fatality rate of 1.18 per 100,000 workers for the period.

OSHA Assessment – AKOSH met this goal.

FY 2016 Outcome Goal 1.2 – Reduce the number of worker injuries and illnesses in the construction industry by focusing compliance, consultation, and outreach efforts on the causes of “struck by” and “falling” incidents.

FY 2016 Performance Goal 1.2 – Reduce the lost time injury and illness rate in the construction industry as determined by the number of lost time injuries and illnesses per hundred employees by 2%.

Results – The injury and illness rate for the construction industry decreased to 1.28 per 100 workers from the target goal of 1.44.

OSHA Assessment – AKOSH met this goal.

FY 2016 Outcome Goal 1.3 – Reduce the number of worker injuries and illnesses in the transportation and warehousing industry sector (NAICS* code 48xxxx – 49xxxx) by focusing compliance, consultation, and outreach efforts on the causes of “struck by,” “falling,” and “caught in or between” incidents.

FY 2016 Performance Goal 1.3 – Reduce the rate of lost time injuries and illnesses in the transportation and warehousing industry sector by 2%.

Results – AKOSH exceeded its target goal of 1.24 per 100 workers by achieving a rate of 1.11.

OSHA Assessment – AKOSH met this goal.

FY 2016 Outcome Goal 1.4 – Reduce the number of worker injuries and illnesses in the seafood processing industry by focusing compliance, consultation, and outreach efforts on

the causes of “falling,” “caught in or between,” and “pinch-point” (including amputation) incidents.

FY 2016 Performance Goal 1.4 – Reduce the lost time injury and illness rate in the seafood processing industry as determined by the number of lost time injuries and illnesses per hundred employees by 2%.

Results – AKOSH’s annual target rate goal of 4.68 per 100 workers was attained with an actual outcome rate of 2.93.

OSHA Assessment – AKOSH met this goal.

FY 2016 Outcome Goal 1.5 – Respond effectively to legal mandates, so Alaskan workers are provided protection under the AKOSH Act.

FY 2016 Performance Goal 1.5a – Initiate inspections of fatalities within one (1) working day and hospitalizations of one or more workers within seven (7) working days for 90% of occurrences to prevent further injuries or deaths.

Results – AKOSH has achieved an outcome of 100% timely responses to fatalities and catastrophes.

OSHA Assessment – AKOSH met this goal.

FY 2016 Performance Goal 1.5b – Initiate inspections within (7) working days or investigations within one (1) working day of worker complaints for 90% of the cases.

Results – AKOSH has achieved an outcome of 100% timely responses to complaint inspections and 92% of timely responses to investigate complaints using a phone and fax method. The total outcome is 96% timely responses to all complaints within the time limit goals.

OSHA Assessment – AKOSH met this goal.

FY 2016 Performance Goal 1.5c – Resolve 75% of all discrimination cases within 90 days.

Results – AKOSH did not meet the annual goal for timely resolution of discrimination (whistleblower) investigations. AKOSH resolved 0% of whistleblower cases within 90 days. OSHA will continue to monitor this issue in FY 2017

OSHA Assessment – AKOSH did not meet the annual performance goal. OSHA identified the lack of whistleblower investigation staff during its second quarter meeting in Anchorage with the State Plan. AKOSH responded by assigning two compliance officers to conduct both enforcement and whistleblower investigations. It is anticipated that the lapse time for whistleblower cases will decrease as the investigators gain more experience and skill in

conducting these types of investigations. OSHA will continue to monitor this goal in FY 2017 related to Finding FY 2016-06, converted from observation FY2015-05.

FY 2016 Performance Goal 1.5d- Focus a minimum of 5% of AKOSH enforcement inspection resources toward public sector work sites.

Results – AKOSH has conducted 15.80% of their inspections at state and local government work sites.

OSHA Assessment – AKOSH met this goal.

Strategic Goal 2: Promote a safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.

FY 2016 Outcome Goal 2.1 – Promote safety and health programs in the workplace.

FY 2016 Performance Goal 2.1a – Develop and deliver training to workers and employers in the construction industry that target the most likely causes of injuries, illnesses, and fatalities.

FY 2016 Performance Goal 2.1b – Develop and deliver training to workers and employers in the transportation and warehousing industry sector (NAICS codes 48xxxx – 49xxxx) that targets the most likely causes of injuries, illnesses, and fatalities.

FY 2016 Performance Goal 2.1c – Develop and deliver training to workers and employers in the seafood processing industry that target the most likely causes of injuries, illnesses, and fatalities.

Results – AKOSH developed and delivered both formal and informal training to 2,582 workers in the three identified industries. This was 173% of the target goal.

OSHA Assessment – AKOSH met this goal.

FY 2016 Outcome Goal 2.2 – Promote cooperative/partnership agreements and recognition programs as a means of lowering accident/fatality rates.

FY 2016 Performance Goal 2.2a – Maintain at least eleven (11) Voluntary Protection Program (VPP) sites (both in public and private sector) over the course of the strategic plan.

Results – The Alaska VPP had eleven (11) participants at the beginning of FY 2016. By year-end there were nine (9) participants, with the program losing one (1) company during the 2nd and the 3rd quarter. Consequently, AKOSH is not on track to meet their five-year strategic plan goal.

OSHA Assessment – AKOSH is not on track to meet their five-year strategic plan goal. The State Plan should consider reassessing the Alaska VPP and adjusting the goal accordingly for the remainder of the Strategic Plan period of FY 2014 – 2018. OSHA’s VPP and Consultation Manager will continue to monitor AKOSH’s activity with respect to its goal in FY 2016.

FY 2016 Performance Goal 2.2b – **Establish or maintain at least one partnership agreement in construction, transportation /warehousing, seafood processing or the public sector over the course of the strategic plan.**

Results – AKOSH has one construction partnership agreement, the AK Construction Health and Safety Excellence (CHASE) program. In FY2016 there were 14 companies participating in the partnership.

OSHA Assessment – AKOSH met this goal.

Strategic Goal 3: Secure public confidence through excellence in the development and delivery of AKOSH enforcement and consultation and training programs and services.

FY 2016 Outcome Goal 3 – **Ensure AKOSH staff is well trained and knowledgeable and delivers services in a fair and consistent manner.**

FY 2016 Performance Goal 3.1a – **Work with OSHA Training Institute and Region X to address the issue of establishing regional training to assure that compliance and consultation staff receive basic and specialized training necessary to effectively carry out the AKOSH strategic plan. Ensure AKOSH compliance officer core competency training within the required time frame of three years as outlined in AKOSH PD 16-02.**

Results – Employment training records revealed all of the current compliance staff have substantially completed or are on track to complete the eight required courses.

OSHA Assessment – AKOSH met the annual performance goal. AKOSH also implemented a new training directive which effectively addresses employee development and training. Management support of this program is robust. This resolves finding FY 2015-01 from the FY 2015 comprehensive FAME report. See Appendix C for more detailed information.

FY 2016 Performance Goal 3.1b – **Conduct quarterly self-audits of enforcement and consultation case files to evaluate the effectiveness and consistency of services.**

Results – During FY 2016, AKOSH management began a review process for evaluating progress on enforcement and consultation case files. All case files are reviewed by 2 levels of management and settlements are now reviewed by the Labor Standards and Safety Director to ensure quality and conformity to AKOSH Policies.

OSHA Assessment – AKOSH met this goal. The Anchorage Area Director collaborated with AKOSH management to improve the reviews for this performance goal. Due to their rigorous

evaluation of case files, AKOSH was able to resolve findings FY 2015-02, FY 2015-03, FY 2015-07, FY 2015-09, and FY 2015-10 from the FY 2015 comprehensive FAME report. See Appendix C for more detailed information.

Alaska State Plan's more detailed report on its accomplishments with respect to its FY 2016 Annual Performance Plan can be found on AKOSH's website at <http://labor.state.ak.us/lss/> in the State OSHA Annual Report (SOAR).

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

Average Current Penalty Per Serious Violation

Alaska OSHA's average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$1,083.71 in FY 2016. The Further Review Level (FRL) is -25% of the National Average (\$2,279.03) which equals \$1,709.27. Penalties are one component of effective enforcement, and State Plans are required to adopt penalty policies and procedures that are "at least as effective" (ALAE) as those contained in OSHA's FOM, which was revised on August 2, 2016, to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection. OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

In most areas of the mandated activities reported in the SAMM, AKOSH has done well compared to the further review levels, with major improvements in SAMM Measures 7 and 11.

SAMM Measure 7 looks at the number of inspections AKOSH has conducted. In FY 2016, AKOSH achieved 120% of their annual goal. This was a significant improvement, as AKOSH has only achieved its inspection goal twice in the last ten years of federal monitoring due to a variety of reasons including personnel shortages and training of new personnel.

SAMM Measure 11 looks at safety and health inspection lapse times. In FY 2016 the AKOSH safety lapse time average was 62.81 days, a marked improvement from the FY 2015 average of 90 days. AKOSH is still outside the further review level of 54.19 days for safety inspection lapse times. The health inspection lapse time also improved significantly, from an average of 87 days in FY 2015 to an average of 56.69 days in FY 2016. For FY 2016, AKOSH is now within the further review level for health inspection lapse times.

III. Assessment of State Plan Corrective Actions

This section summarizes the findings and recommendations for the previous evaluation period and the State Plan's progress in taking corrective action towards addressing the findings. In FY 2015, there were a total of seventeen findings, all of which relate to Alaska State Plan's enforcement program and whistleblower protection program.

Overall, AKOSH made positive progress towards initiating and implementing corrective action for twelve of the findings from the FY 2015 comprehensive FAME. Five of the findings are continued because the issues still remain as supported by the FY 2016 case file review, and one

observation from FY 2015 was converted to a finding. The status of findings noted in the FY 2015 FAME period is summarized in Appendix C of this report.

In addition, there were six observations from FY 2015; four were closed, one was continued and one was converted to a finding in FY 2016. . There were no new observations during this period. The status of observations noted in the FY 2015 FAME period is summarized in Appendix B.

FY 2015 Findings Continued in FY 2016

Finding FY 2016-01 (Continued FY 2015-08): In 38% (13 of 34) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.

Recommendation FY 2016-01 (Continued FY 2015-08): Ensure case files are administratively reviewed to correct deficiencies in severity and/or probability in accordance with the AKOSH FOM prior to issuance.

Status: Severity and the correlation of hazards to the Alleged Violation Description (AVD) were not correct in 38% of all casefiles reviewed. This was an increase from FY 2015, when the severity and correlation to the hazard in the AVD were not correct in 19% of all the casefiles reviewed. In some instances, the AVD included “death”, but the severity was marked as medium, or lower in severity. These discrepancies have been problematic and have not been resolved.

Finding FY 2016-02 (Continued FY2015-12): In 15% (5 of 34) of all case files reviewed, abatement verification was not documented.

Recommendation FY 2016-02 (Continued FY2015-12): Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.

Status: The FY 2016 casefile review showed that AKOSH has improved their abatement verification process, compared to FY 2015 where 27% of cases reviewed showed that abatement was not documented. However, documentation of abatement verification was still noted in 15% of the casefiles reviewed and will be continued as a finding.

Finding FY 2016-03(Continued FY2015-15): AKOSH’s timely response rate for notification of intent regarding adoption of federal program changes and standards is 78% and 66% respectively.

Recommendation FY 2016-03 (Continued FY2015-15): Ensure responses to OSHA regarding intent of adoption of federal program changes and standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.

Status: AKOSH improved their response rate for timely notification of intent regarding federal program changes from 50% in FY2015 to 78% in FY2016. The response rate for notification of intent for standards also improved from 33% timely in FY2015 to 67% timely in FY2016. While

AKOSH has shown improvement, the number of late intent responses was still significant enough that this finding is continued in FY2016.

Finding FY 2016-04 (Continued FY2015-16): During the FY 2015 case file review of whistleblower cases, 38% (3 of 8) of whistleblower cases were closed by the investigator without interviewing the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview.

Recommendation FY 2016-04 (Continued FY2015-16): Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.

Status: At the time of case file review for the FY 2016 follow-up FAME, none of the 27 pending whistleblower case files had been closed by AKOSH and a review could not be conducted. Therefore, this finding will continue to be monitored in FY2017.

Finding FY 2016-05 (Continued FY2015-17): During the FY 2015 case file review of whistleblower cases, 38% (3 of 8) of whistleblower cases were closed by the investigator without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.

Recommendation FY 2016-05 Continued FY2015-17): Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.

Status: At the time of case file review for the FY 2016 follow-up FAME, none of the 27 pending whistleblower case files had been closed by AKOSH and a review could not be conducted. Therefore, this finding will continue to be monitored in FY2017.

Finding FY 2016-06 (Converted to finding from FY2015-OB-05): AKOSH is not resolving investigations in a timely manner with 0% of cases completed within 90 days. The average age of pending cases was 326 days, and the average days to complete, for cases completed during the reporting period, was 521 days.

Recommendation FY 2016-06 (Converted to finding from FY2015-OB-05): Ensure that the compliance officers responsible for investigating retaliation cases complete them in a timely manner.

Status: At the time of case file review for the FY 2016 follow-up FAME, none of the 27 pending whistleblower case files had been closed. This observation was converted to a finding and will continue to be monitored in FY2017.

Completed FY 2015 Findings

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

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

Status: AKOSH increased training of CSHOs to fulfill requirements using AKOSH training plan. AKOSH completed almost eighty training sessions for the professional development of staff in 2016. This was an approximate 200% increase in training for the staff. OSHA considers this finding to be completed.

Finding FY 2015-02: In 22% (4 of 18) of formal complaint case files reviewed, AKOSH did not ensure letters were sent to complainants providing the results of the inspections, in accordance with the AKOSH FOM.

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

Status: The AKOSH Chief of Enforcement reviews all casefiles to ensure letters are sent to complainants. Based on documentation noted during the case file reviews, OSHA found that AKOSH has taken satisfactory corrective action and considers this finding to be completed.

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

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

Status: The Chief of Enforcement now reviews all casefiles to ensure letters are sent to victim's next of kin. OSHA's case file review found this item to be completed.

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

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

Status: AKOSH ensured that all inspections requiring a site inspection by the FOM were accomplished. OSHA found through case file review that this item was completed.

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

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

Status: The Chief of AKOSH now uses a randomized list based on NAICS and assigns inspections to compliance officers. OSHA found this item to be completed.

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

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

Status: AKOSH made significant progress in reducing both safety and health inspection lapse times. The AKOSH safety inspection lapse time went down to 63 days in FY 2016. The health lapse time went down to 57 days in FY 2016 and is now within the further review level. OSHA considers this finding to be completed, but will continue to monitor safety lapse times.

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

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

Status: The Chief of AKOSH now reviews all photographs in the casefile to ensure all violations are identified and addressed. OSHA found through case file review that this item was completed.

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

Recommendation FY 2015-09: Review case files to ensure justification for Good Faith, Size, and History are documented and applied correctly in accordance with the AKOSH FOM

Status: The Director of Labor Standards and Safety now reviews files for quality and assurance of AKOSH policy requirements regarding penalty adjustments. OSHA found through case file review that this item was completed.

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

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

Status: The Chief of AKOSH reviews all cases for inclusion of the OSHA 300 logs. The Director of LSS reviews casefiles to provide more assurance of review. CSHOs have been trained on the importance of including OSHA 300 data. OSHA found through case file review that this item was completed.

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

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

Status: AKOSH implemented a multi-layered approach to ensure cases do not approach the 180 day statute of limitations. OSHA found through case file review that this item was completed.

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

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

Status: Casefile reviews indicated that there were no casefiles where inadequate documentation of Informal Settlements was noted. OSHA considers this finding completed.

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

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

Status: AKOSH established a new procedure that ensured the Chief of AKOSH enforcement cannot reduce penalties beyond 30% without the Director's approval. The 2nd level of review is now the Director. OSHA considers this finding completed.

FY 2015 Observations

Observation FY 2015-OB-01: AKOSH does not effectively use OSHA Information System (OIS) reports to manage the program, by tracking important performance indicators such as timeliness.

Status: Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.

Observation FY 2015-OB-02: AKOSH does not formally review its targeting goals for effectiveness and improvement outside of SOAR goals. AKOSH should implement a review process to ensure targeting programs are effective in achieving safety presence in the high hazard industries.

Status: Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.

Observation FY 2015-OB-03: In 10% of all case files reviewed, employer knowledge was not adequately documented.

Status: Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.

Observation FY 2015-OB-04: In 10% of all case files reviewed, where a union presence was indicated in the inspection, there was no documentation of participation by the union during the inspection process in the file, including the informal conference process.

Status: Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.

Observation FY 2015-OB-05: AKOSH did not meet their performance goal of resolving 75% of whistleblower cases within 90 days. Only 29% of AKOSH whistleblower cases were resolved within 90 days.

Status: Review of casefiles, worker interviews, and SAMM measures indicate this item should be a finding. AKOSH is not investing time and resources into their Whistleblower Program to ensure cases are completed in a timely and efficient manner. **OSHA considers this item Continued as Finding FY 2016-06.**

Observation FY 2015-OB-06: In FY2015, AKOSH determined that 0% of their 11(c) cases were merit cases, compared to 45% in FY2014 and 42% in FY2013.

Status: AKOSH did not close any 11(c) cases in FY 2016. Until actual cases can be evaluated to affirm that investigators understand how to determine the facts of the case and whether it met the prima facie element components, this item will remain as a **Continued as Observation FY 2016-OB-01.**

Appendix A – New and Continued Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

New and Continued Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report			
FY 2016-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2016-01	In 38% (13 of 34) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.	Ensure case files are administratively reviewed to correct deficiencies in severity and / or probability in accordance with the AKOSH FOM prior to issuance.	FY 2015-08
FY 2016-02	In 15% (5 of 34) of all case files reviewed, abatement verification was not documented.	Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.	FY 2015-12
FY 2016-03	AKOSH's timely response rate for notification of intent regarding adoption of Federal Program Changes and Standards are 100% and 66% respectively.	Ensure responses to OSHA regarding intent of adoption of Federal Program Changes and Standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.	FY 2015-15
FY 2016-04	In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without interviewing the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview.	Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.	FY 2015-16
FY 2016-05	In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.	Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.	FY 2015-17
FY 2016-06	AKOSH is not resolving investigations in a timely manner, averaging 521 open days per case and zero cases resolved in FY 2016.	Ensure that the compliance officers responsible for investigating retaliation cases complete them in a timely manner.	Converted to finding from FY2015-OB-05

Appendix B – Observations Subject to New and Continued Monitoring

FY 2016 AKOSH Follow-up FAME Report

Observation #	Observation#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-OB-06	In FY 2015, AKOSH determined that 0% of their 11(c) cases were merit cases. An insufficient number of cases were closed in FY 2016 to monitor status of this item.	Region X will use WebIMIS reports to monitor AKOSH’s merit rate and discuss with AKOSH management ensuring quarterly meetings.	Continued
	FY 2015-OB-01	AKOSH does not effectively use OSHA Information System (OIS) reports to manage the program, by tracking important performance indicators such as timeliness.	Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.	Closed
	FY 2015-OB-02	AKOSH does not formally review its targeting goals for effectiveness and improvement outside of SOAR goals. AKOSH should implement a review process to ensure targeting programs are effective in achieving safety presence in the high hazard industries.	Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.	Closed
	FY 2015-OB-03	In 10% of all case files reviewed, employer knowledge was not adequately documented.	Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.	Closed
	FY 2015-OB-04	In 10% of all case files reviewed, where a union presence was indicated in the inspection, there was no documentation of participation by the union during the inspection process in the file, including the informal conference process.	Reviews of casefiles, worker interviews, and SAMM measures indicate this item is no longer problematic. OSHA considers this item closed.	Closed
	FY 2015-OB-05	AKOSH did not meet their performance goal of resolving 75% of whistleblower cases within 90 days. Only 29% of AKOSH whistleblower cases were resolved within 90 days.	Reviews of casefiles, worker interviews, and SAMM measures indicate this item should be a finding. AKOSH is not investing time and resources into their Whistleblower Program to ensure cases are completed in a timely and efficient manner. OSHA considers this item Continued as FY 2016-06.	Converted to Finding

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-01	Four compliance officers have not completed eight core development courses through the OSHA Training Institute in their first three years of employment, as stipulated by the AKOSH training policy.	Ensure all compliance staff completes core training within the established three-year timeframe in accordance with AKOSH policy.	AKOSH increased training of CSHOs to fulfill requirements using AKOSH training plan.	1/13/2017	Complete 1/13/2017
FY 2015-02	In 22% (4 of 18) of formal complaint case files reviewed, AKOSH did not ensure letters were sent to complainants providing the results of the inspections, in accordance with the AKOSH FOM.	Ensure all complainants are sent letters regarding the results of formal complaint inspections in accordance with the AKOSH FOM.	The Chief of Enforcement reviews all casefiles to ensure letters are sent to complainants.	1/13/2017	Complete 1/13/2017
FY 2015-03	In the one fatality experienced during FY 2015, a follow-up condolence letter, including inspection results, were not sent to the next-of-kin, in accordance with the AKOSH FOM.	Ensure next-of-kin are sent condolence letters and inspection results at the completion of fatality investigations and copies of the letters are maintained in the case file in accordance with the AKOSH FOM.	The Chief of Enforcement reviews all casefiles to ensure letters are sent to victim's next of kin.	1/13/2017	Complete 1/13/2017
FY 2015-04	AKOSH did not perform on-site	Ensure that inspections	AKOSH ensured that all	1/13/2017	Complete

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
	inspections at two work sites that should have been inspected, in accordance with the AKOSH FOM.	include on-site visits to the incident or formal complaint sites, as required by the AKOSH FOM. If the incident site is deemed unsafe, then AKOSH should select an alternative site such as the employer's establishment location, in accordance with the AKOSH FOM.	inspections requiring a site inspection by the FOM were accomplished. AKOSH will document all cases where a site visit is not completed along with abatement verification.		1/13/2017
FY 2015-05	AKOSH did not ensure neutral selection criteria when selecting establishments for programmed inspections in accordance with AKOSH policy.	Ensure site selection neutrality and that employers who are in high risk or in National Emphasis Programs (NEP) programs are targeted in accordance with the AKOSH FOM and / or Policy Directive 13-02.	The Chief of AKOSH now uses a randomized list based on NAICS and assigns inspections to compliance officers.	1/13/2017	Complete 1/13/2017
FY 2015-06	During FY 2015, AKOSH's citation lapse times were 90 days for safety inspections and 87 days for health inspections, both	Review the citation issuance process to determine the cause of the high occurrence of	The Chief of AKOSH uses a monitoring process from inspection reports and tracking	1/13/2017	Complete 1/13/2017

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
	of which are far higher than the national average.	lapse time between opening an inspection and issuance of a citation. Develop and implement a resolution to ensure citations are issued timely and employers are put on notice to abate hazards in a timely manner.	sheets to ensure case lapse tracking. CSHOs have also been trained to track their cases in accordance with AKOSH procedures to ensure lapse times are reduced.		
FY 2015-07	In 29% (15 of 52) of case files reviewed, citations were not issued for all violations of hazards and recordkeeping observed during the inspection and documented in the case file.	Ensure management conducts a comprehensive and thorough review of all case files prior to issuance of citations to ensure all hazards are addressed in compliance with the AKOSH FOM.	The Chief of AKOSH now reviews all photographs in the casefile to ensure all violations are identified and addressed.	1/13/2017	Complete 1/13/2017
FY 2015-08	In 19% (10 of 52) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.	Ensure case files are administratively reviewed to correct deficiencies in severity and / or probability in accordance with the AKOSH FOM prior to	The Chief of Enforcement periodically reviews casefiles to ensure completeness and quality. The Director of Labor Standards and Safety periodically does	Not complete	In 13 casefiles out of 34 reviewed (38%), injury severity was not appropriately calculated or did not match the described injury.

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
		issuance.	quality checks on these cases.		This item is open and continued as Finding FY 2016-01.
FY 2015-09	In 10% (6 of 52) of all case files reviewed, initial penalty adjustment rationale was not documented.	Review case files to ensure justification for Good Faith, Size, and History are documented and applied correctly in accordance with the AKOSH FOM	The Director of Labor Standards and Safety now reviews files for quality and assurance of AKOSH policy requirements regarding penalty adjustments.	1/13/2017	Complete 1/13/2017
FY 2015-10	In 21% (11 of 52) case files reviewed, OSHA Form 300 information was not entered or evaluated.	Ensure that OSHA 300 data is reviewed, entered, and evaluated for potential violations of the recordkeeping standard in accordance with the AKOSH FOM.	The Chief of AKOSH reviews all cases for inclusion of the OSHA 300 logs. The Director of LSS reviews casefiles to provide more assurance of review. CSHOs have been trained on the importance of including OSHA 300 data.	1/13/2017	Complete 1/13/2017
FY 2015-11	AKOSH allowed two case files to go over the 180 day statute of limitations, one of which was issued 181 days after the opening conference.	Ensure that case files are tracked and issued prior to the expiration of the statute of limitations in accordance with the	AKOSH implemented a multi-layered approach to ensure cases do not approach the 180 day statute of limitations.	1/13/2017	Complete 1/13/2017

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
		AKOSH FOM and Alaska Statutes.			
FY 2015-12	In 27% (14 of 52) of all case files reviewed, abatement verification was not documented.	Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.			In 5 case files out of 34 reviewed (14%) injury severity was not appropriately calculated or did not match the described injury. Open Continued as FY 2016-02
FY 2015-13	In 27% (14 of 52) of all informal settlement agreements reviewed, the chief of enforcement did not adequately document rationale for penalty reductions.	Ensure all penalty adjustments, made for purposes of settlement at informal conferences, are modified appropriately and documented in the inspection case file in accordance with the AKOSH FOM.	Casefile reviews indicated that there were no casefiles where inadequate documentation of Informal Settlements was noted. OSHA considers this finding completed.		Complete
FY 2015-14	AKOSH's penalties are being inappropriately reduced during informal conferences - in some cases by over 80% - due to the lack of specific guidelines for penalty reductions and lack of	Establish methods to ensure penalty adjustments are documented, and have a second level of review.	AKOSH established a new procedure that ensured the Chief of AKOSH enforcement cannot reduce penalties beyond 30% without the		Complete

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
	review by upper management, thus diminishing the deterrent effect of the penalty system.		Director's approval. The 2nd level of review is now the Director. OSHA considers this finding completed.		
FY 2015-15	Alaska's timely response rate for notification of intent regarding adoption of Federal Program Changes and Standards is 78% and 66% respectively.	Ensure responses to OSHA regarding intent of adoption of Federal Program Changes and Standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.			AKOSH established a new procedure to ensure that AKOSH meets the deadlines for intent submissions. However, AKOSH's intent for the adoption of Federal Program Changes is still not consistently being submitted within the required timeframe. This item is open and continued as Finding FY 2016-03.
FY 2015-16	In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without interviewing the complainant. AKOSH is not conducting timely interviews of	Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position			AKOSH did not complete any cases for review in FY 2016. This item is open and continued as Finding FY

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 AKOSH Follow-up FAME Report

Status of FY 2015 Findings and Recommendations FY 2016 AKOSH Follow-up FAME Report					
FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
	whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview.	statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.			2016-4.
FY 2015-17	In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.	Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.			AKOSH did not complete any cases for review in FY 2016. This item is open and continued as Finding FY 2016-05.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 AKOSH Follow-up FAME Report

Fiscal Year 2016 is the first year since the transition from the NCR (OSHA's legacy data system) began that all State Plan enforcement data has been captured in OSHA's Information System (OIS). All State Plan and federal whistleblower data continues to be captured in OSHA's WebIMIS System. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report and State Plan WebIMIS report run on November 14, 2016, as part of OSHA's official end-of-year data runs. The further review levels for SAMMs 5, 8, 9, 11, 12, 15, and 17 have been negotiated to rely on a three-year national average. However, due to the recent transition to OIS, the further review levels for these SAMMs will rely on a one-year national average for one more year.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 AKOSH Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Alaska – AKOSH			FY 2016	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	3.52	7	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	1.52	N/A	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)	1.63	1	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.32	N/A	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%	Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	Further review level is fixed for all State Plans.
5	Average number of violations per inspection	SWRU: 2.08	+/- 20% of SWRU: 1.87	Further review level is based on a one-year national rate.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 AKOSH Follow-up FAME Report

	with violations by violation type	Other: 1.07	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	15.80%	+/- 5% of 15.49%	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: 292	+/- 5% of S: 260	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 132	+/- 5% of H: 95	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,083.71	+/- 25% of \$2,279.03	Further review level is based on a one-year national rate.
	a. Average current serious penalty in private sector (1-25 workers)	\$729.78	+/- 25% of \$1,558.96	Further review level is based on a one-year national rate.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,051.14	+/- 25% of \$2,549.14	Further review level is based on a one-year national rate.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,580.58	+/- 25% of \$3,494.20	Further review level is based on a one-year national rate.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$1,830.12	+/- 25% of \$4,436.04	Further review level is based on a one-year national rate.
9	Percent in compliance	S: 18.64%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.
		H: 21.37%	+/- 20% of H: 35.68%	

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 AKOSH Follow-up FAME Report

10	Percent of work-related fatalities responded to in one workday	100%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 62.81	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 56.69	+/- 20% of H: 57.28	
12	Percent penalty retained	75.89%	+/- 15% of 69.86%	Further review level is based on a one-year national rate.
13	Percent of initial inspections with worker walk around representation or worker interview	97.41%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	50%	+/- 20% of 24%	Further review level is based on a three-year national average.
16	Average number of calendar days to complete an 11(c) investigation	521	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	2.47%	+/- 25% of 1.26%	Further review level is based on a one-year national rate.