

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

Arizona Division of Occupational Safety and Health
(ADOSH)



Evaluation Period: October 1, 2015 – September 30, 2016

Initial Approval Date: November 5, 1974
Program Certification Date: September 18, 1981
Final Approval Date: June 20, 1985

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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this report is to assess Arizona Division of Occupational Safety and Health's (ADOSH's) activities for Fiscal Year (FY) 2016 and its progress in resolving outstanding recommendations from the FY 2015 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report. This report also assesses the achievement of ADOSH's annual performance plan goals, as well as progress in meeting the goals of its Five-Year Strategic Plan.

The State Plan seeks to improve its ability to protect workers through their enforcement and cooperative programs. Economic and injury and illness data were used to develop Partnerships and Alliances to protect workers. Among the Partnerships are the Public Entity Partnership Program (PEPP), and the Rate Reduction Awareness Program (RRAP) which were formed with the objective of reducing workplace injuries and illnesses. Among the Alliances are the Associated General Contractor Alliance, the Arizona Business Alliance, and the Arizona Utility Contractors Association.

ADOSH successfully conducted a total of 1,171 inspections, which exceeded their goal of 1,094 inspections. Three new sites were added to the Voluntary Protection Program (VPP). ADOSH met or exceeded the majority of the goals in its annual performance plan. However, two measures need improvement. Penalty amounts were well below the national average and the amount of time needed to issue citations for safety cases was well above the national average.

B. State Plan Introduction

The State of Arizona operates an occupational safety and health plan administrated by ADOSH under the Industrial Commission of Arizona (ICA). Midway through FY 2016, James Ashley was installed as the ICA Director and State Plan Designee. Bill Warren has continued to serve as the Director for the ADOSH program and is aided by Larry Gast, Assistant Director, and Jessie Atencio, Assistant Director of Cooperative Agreements. ADOSH covers nearly all private employers and state and local government workplaces with the exception of federal workers, mining, smelters, and areas of exclusive federal jurisdiction such as tribal lands.

Organizational units include Administration, Safety and Health Compliance, Consultation, Boiler Safety, Elevator Safety, and Research and Statistics. Boiler Safety, Elevator Safety and the Research and Statistics units are not included under the OSHA 23(g) grant. There are two State Plan offices, one in Phoenix and another in Tucson. The 23(g) grant provided funding for a full-time staff comprised of two managers, four first line supervisors, 17 safety compliance officers, seven health compliance officers, two retaliation investigators, four clerical staff, and two trainers. Consultation for state and local government employers is provided by seven consultants who spend 15% of their time under the 23(g) grant and the remainder of their time in the private sector consultation program, which is funded by the 21(d) cooperative agreement.

The grant agreement established the initial base award to fund the ADOSH program at \$4,572,800 (\$2,286,400 federal and \$2,286,400 state matching funds). Funds for the amount of

\$199,200 were de-obligated in FY 2016, but no funds were lapsed.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and a case file review associated with a comprehensive FAME was not conducted. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

Information and data referenced in this report were derived from the computerized State Activity Mandated Measures (SAMM) dated November 14, 2016, OSHA Information System (OIS), Arizona's FY 2016 State OSHA Annual Report (SOAR), the Bureau of Labor Statistics (BLS) data, the FY 2016 23(g) grant, Complaint About State Program Administration (CASPA) investigation results, and Arizona Revised Statutes. The review of the State Plan included information from the four quarterly meetings with the state during the period of review.

D. Findings and Observations

There are five findings and one observation in this report. Of the seven findings from the FY 2015 FAME, three were completed and four will carry over to next fiscal year. Two of the four are awaiting verification during the onsite monitoring visit. There was one new finding. One observation was carried over from last fiscal year. Details on the findings and observations being carried over from the FY 2015 FAME are provided in Section III of this report. Appendix A describes new and continued findings and recommendations. Appendix B describes new observations and the observations subject to continued monitoring. Appendix C describes the status of each FY 2015 finding in detail.

II. Assessment of State Plan Performance

A. Major New Issues

Maximum Penalty Increase

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.

Industrial Commission of Arizona

One unique feature of the State Plan is the ICA's administrative oversight of ADOSH. Several stakeholders complained that the ICA was making changes to ADOSH enforcement cases which reduced, reclassified, or removed proposed ADOSH violations at weekly Commission meetings. On December 9, 2016, OSHA opened a Complaint About State Program Administration

(CASPA) investigation that alleged 1) the ICA was reclassifying and/or reducing penalties for a number of ADOSH proposed citations without following the guidelines of the Arizona Division of Occupational Safety and Health Field Operations Manual (ADOSH FOM) or using other approved criteria; and 2) the ICA was reclassifying violations. By Arizona Revised Statute (ARS) §23-403, the ICA is granted the authority and discretion to penalize employers with monetary penalties “to assess civil penalties giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the number of employees employed by the employer, the good faith of the employer and the history of previous violations.” According to the ICA website, the commission is tasked with, among other things, approving the issuance of occupational safety and health citations with penalties in excess of \$2,500.

The Arizona Field Operations Manual (FOM) makes no reference to the ICA’s role in adjusting penalties and does not set forth the criteria the ICA uses to make adjustments. In FY 2017, a Complaint About State Program Administration (CASPA) investigation was initiated regarding this issue. That investigation resulted in two findings: 1) The role of the ICA and the criteria to be used for making penalty adjustments is not defined in the ADOSH FOM or in any OSHA approved guidance document; and 2) The ICA is reclassifying violations.

The investigation found that the ICA was reducing penalties in a seemingly arbitrary manner. Based on Arizona state law ARS 23-418, the ICA was also operating outside of its legal authority by reclassifying violations. These actions do not meet the provisions of the Final Approval of the Arizona State Plan. The state is currently formulating a response to the results of this investigation and discussion continues.

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

This is the first year of the Five-Year Strategic Plan (FY 2016 – 2020). The FY 2016 Annual Performance Plan was developed and submitted as part of the grant application.

Strategic Goal 1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.

Five-year Performance Goal 1.1: Reduce the injury and illness rate by approximately 5% from the present average of 4.3 to 4.1 in the construction industry. Excluding only heavy construction North American Industry Classification System (NAICS) 237. (At the end of 2020, the latest BLS data will be for 2018)

Annual Performance Goal 1.1: Reduce the injury and illness rate by approximately 5% from the present average of 4.3 to 4.1 in the construction industry. (Excluding only heavy construction NAICS) 237. (At the end of 2020, the latest BLS data will be for 2018)

- Conduct 580 compliance inspections in NAICS 23
- Identify 795 hazards
- Achieve a Total Case Incident Rate (TCIR) of 4.3 for construction industry

- Achieve a Days Away, Restricted and Transfer Rate (DART) of 2.9 for construction industry

Results:

- Conducted 486 inspections in NAICS 23
- Identified 900 construction violations (hazards)
- Achieved a TCIR of 3.9 in construction industry*
- Achieved a DART of 2.3 in construction industry*

**2015 BLS Construction injury rates*

Assessment: Annual Performance Goal 1.1 was partially achieved.

There were 486 inspections conducted in the construction industry which did not meet the goal of 580 inspections. A total of 900 workplace violations (hazards) were observed and issued, which exceeded the goal of 795. The baseline TCIR used for this goal is 4.3 from 2013 BLS data and a TCIR of 3.9 was achieved for 2015. The baseline DART used for this goal is 2.9 from the 2013 BLS data and a DART of 2.3 was achieved for 2015.

Five-year Performance Goal 1.2: Reduce the fatality rate by approximately 5% through scheduled inspections and visits at workplaces in targeted industries of construction, public sector and agriculture.

Annual Performance Goal 1.2: Reduce the fatality rate by approximately 1% through scheduled inspections at workplaces in targeted industries of construction, public sector and agriculture.

- Conduct 580 inspections in the Construction Industry
- Conduct 50 inspections in Public Sector
- Conduct 75 inspections in the Agriculture Industry

Results:

- Conducted 486 inspections in the Construction Industry
- Conducted 175 inspections in Public Sector (State and local government)
- Conducted 44 inspections in the Agriculture Industry

Assessment: Annual Performance Goal 1.2 was partially achieved.

There were 486 inspections conducted in the construction industry which did not meet the goal of 580 inspections. In the public sector, 175 inspections were conducted which exceeded the goal of 50 inspections. In agriculture, 44 inspections were performed which was short of the goal of 75. Arizona focused on scheduling inspections in the three industries where the highest number of fatalities occurred over a five-year average with the intent of having these scheduled inspections drive down the total fatality rate. The 2015 fatal injury average for construction of 6.3 per 100,000 workers was significantly lower (27%) than the 2014 fatality rate of 8.6, although the goal to reduce the fatality rate 1% lower than the baseline rate of 5.3 was not met. There were no fatalities in either agriculture or the public sector.

Five-year Performance Goal 1.3: Through ADOSH Rate Reduction Awareness Program (RRAP) and Public Entity Partnership Program (PEPP) programs, work with 10 new private employers and 2 new public employers respectively; assisting those employers in reducing their Total Case Incident Rates (TCIR) by at least 15%.

Annual Performance Goal 1.3: Through ADOSH Rate Reduction Awareness Program (RRAP) and Public Entity Partnership Program (PEPP) programs, work with new private employers and new public employer respectively; assisting those employers in reducing their Total Case Incident Rates (TCIR) by at least 15%.

- Minimum of two new private employers added each year to the RRAP
- Minimum of two public employers added during the 5 year cycle

Results:

- Two private employer participants were added to the RAPP
- Three public employer participants were added to the PEPP

Assessment: Annual Performance Goal 1.3 was achieved.

The minimum number of private and public employers was added. ADOSH added two private sector employer facilities to participate in the two-year RRAP and both employer locations achieved an overall DART reduction of 25%. ADOSH also added three employers from the public sector to participate in the three-year PEPP, in addition to the one PEPP participant already in the program, who completed its first year.

Five-year Performance Goal 1.4: Increase the number of new participants in VPP by 10.

Annual Performance Goal 1.4: Through ADOSH'S recognition and exemption programs, recognize two new workplaces each in the Voluntary Protection Program (VPP).

- Add two new participants in VPP

Results:

- Three new participants were added to VPP

Assessment: Annual Performance Goal 1.4 was achieved.

Three new participants were added to VPP, and this goal is on target to reach its five-year goal of attaining 10 new participants. The VPP continued to assist employers in the State of Arizona with progressive safety and health management system implementation.

Five-year Performance Goal 1.5: Educate employers and employees regarding the value of occupational safety and health by increasing the on-site training classes available to employers and employees from the present average of 291 per year to 305 by 2020.

Note: This is a consultation program goal and will be covered under the Regional Annual Consultation Evaluation Report.

Strategic Goal 2: Strengthen public confidence through continued excellence in the development and delivery of ADOSH services.

Five-year Strategic Goal 2.1: Initiate 95% of fatalities and catastrophe inspections within one working day of notification.

Annual Performance Goal 2.1: Initiate 95% of fatalities and catastrophe inspections within one day of notification.

- Initiate 95% of fatality and catastrophe inspections within one day of notification

Results:

- Initiated 100% of fatality inspections within one working day of notification. There were no catastrophes in FY 2016.

Assessment: Annual Performance Goal 2.1 was achieved.

Fifteen fatality inspections were conducted in FY 2016 and each was initiated within one day. Due to inconsistencies with SAMM data, OSHA conducted a review of the actual number of fatalities and determined the reasons for the disparate metrics were due to miscoding. All required updates have been entered into OIS.

Five-year Strategic Goal 2.2: Average number of days to initiate inspections is conducted within seven working days and average number of days to initiate investigations is conducted within three days of notification.

Annual Performance Goal 2.2: Average number of days to initiate inspections is conducted within seven working days and average number of days to initiate investigations is conducted within three days of notification.

Results:

- Complaint inspections were initiated in an average of 4.9 days
- Complaint investigations were initiated in an average of 2.3 days

Assessment: Annual Performance Goal 2.2 was achieved.

ADOSH achieved both complaint timeliness goals as compared to the negotiated mandated measures and within its own annual performance goals. The state's response to initiate inspections and investigations hastened the removal of workers from hazards.

Five-year Strategic Goal 2.3: In addition to other training classes and outreach services, deliver 25 (5 per year) webinars or other online or broadcast training events.

Annual Performance Goal 2.3: In addition to other training classes and outreach services, deliver five webinars or other online or broadcast training events focused on small employers.

- Conduct five webinars
- 50 participants in webinar training
- 70% of surveys demonstrate an increase of knowledge or change in work practices

Results:

- Conducted 29 webinars or other online or broadcast training events for small employers
- 374 workers and managers attended training

- 84% of surveys demonstrated improvement

Assessment: Annual Performance Goal 2.3 was achieved.

ADOSH exceeded its goal to produce five webinars this year. It is anticipated the website will soon include recorded webinar training sessions for employers to utilize as needed for safety and health awareness training. A total of 374 workers and managers attended the webinars and 84% of attendees demonstrated an improvement in topic knowledge.

Five-year Strategic Goal 2.4: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

Annual Performance Goal 2.4: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

Results:

- 92% of safety and health staff received professional development

Assessment: Annual Performance Goal 2.4 was achieved.

ADOSH enforcement staff received at least one professional development course, and some completed more than one class. Among the OSHA Technical Institute courses taken were: OSHA 1230 Accident Investigation, OSHA 1310 Investigative Interviewing Techniques, OSHA 2220 Respiratory Protection, OSHA 2010 Hazardous Materials, OSHA 3090 Electrical Standards, OSHA 511 Occupational Safety and Health Standards for General Industry. 1410 Inspection Techniques and Legal Aspects, 2210 Principles of Industrial Ventilation, 2450 Evaluation of Safety and Health Management Systems, 3100 Applied Spray Finishing and Coating Principles, and 3300 Safety & Health in the Chemical Processing Industries.

ADOSH should include the average hours of training and professional development when tracking and reporting out on training opportunities for affected staff.

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

Average Current Penalty Per Serious Violation (SAMM 8)

Arizona OSHA's average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$1,004.55 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 all employer size categories, penalties were issued to employers which were below the national average. The minimal penalties assessed by ADOSH impacts the State Plan's ability to impose a sufficient deterrent effect on employers (Table 1).

Table 1
Average Current Penalty per Serious Violation (SAMM 8)

Average Penalty (\$) per Employer Size	1-25 Workers	26-100 Workers	101-250 Workers	>250 Workers	Total All Combined
ADOSH	\$728	\$1,233	\$1,710	\$1,840	\$1,005
National	\$1,559	\$2,549	\$3,494	\$4,436	\$2,279

Citation Lapse Time (SAMM 11)

The average lapse time for the issuance of safety citations increased significantly this year and was above the further review level of 54.19 days (+20% of the national average, 45.16). The average number of days for ADOSH to issue safety citations was 57.99 days; approximately 4 days more than the further review level. Table 2 reflects ADOSH’s performance history for safety citation lapse time for the past three years.

Table 2
Citation Lapse Time (SAMM 11 – Open Date to Issue Date)

Lapse Time Safety	FY 2014	FY 2015	FY 2016
ADOSH Results	43	42	58
National Average	43	43	45

Finding FY 2016-01: The average time to issue citations for safety enforcement inspections exceeded the further review level for SAMM 11.

Recommendation FY 2016-01: ADOSH should ensure safety citations are issued timely.

III. Assessment of State Plan Corrective Actions

This section details the corrective action taken to address findings and observations from FY 2015.

Finding FY 2015-01: Two of 19 fatality investigations were not initiated within one day of notification of the fatal event.

Recommendation FY 2015-01: ADOSH should ensure that each fatality and/or catastrophe inspection is initiated within one day of notification.

Status: Completed

Supervisors were instructed on July 14, 2016 and October 15, 2016, of the requirement to ensure each fatality and/or catastrophe inspections are initiated within one (1) work day of notification. Fifteen fatality inspections were conducted in FY 2016 and each was initiated within one day. OSHA conducted a review of the actual number of fatalities and determined that the SAMM 10 data in Appendix D was incorrect. The reasons for the disparate metrics were due to miscoding. All required updates have been entered into OIS.

Finding FY 2015-02: The in-compliance rate for safety inspections was 35.9%, which exceeded the national in-compliance rate of 28.5% as per SAMM 9.

Recommendation FY 2015-02: ADOSH should determine the cause of the high in-compliance rate, as indicated in SAMM 9, and implement corrective actions.

Status: Completed

Monthly updates were provided to supervisors on the compliance officers' in-compliance rates to facilitate efforts to reduce rates toward the national standard. As a result, the in-compliance rate for safety inspections was 25.61%, which was below the national average of 28.85%; the in-compliance rate for health inspections was 25.5%, which was well below the national average of 35.68%.

Finding FY 2015-03: The average number of serious, willful, or repeat violations per inspection was 1.26, which was below the national average of 1.92 as per SAMM 5.

Recommendation FY 2015-03: ADOSH should determine the cause of the low rate of inspections with serious, willful, or repeat violations and implement corrective actions.

Status: Open

Management conducted instructional meetings with both the Phoenix compliance and support staff on November 9, 2016 and with supervisory staff on November 15, 2016. Similar meetings were held with supervisors in Tucson on November 21, 2016 and with the Director on November 30, 2016. Earlier training had been conducted August 24, 2016 on FOM requirements for proper inspection planning and the effective use of resources. In addition, ADOSH has carefully reviewed its targeting system in some industries and noted that several high experience modification (EMod) industries did not result in the anticipated correlated number of serious, willful, or repeat violations. Based on these internal studies, the targeting was adjusted to include amputation hazards. In FY 2016, the percent of serious, willful, or repeat violations for FY 2016 was 1.29, which is lower than the further review level of 1.5 for SAMM 5 (-20% of national average, 1.87.)

Finding FY 2015-04: ADOSH did not adopt the three new OSHA standards issued in FY 2015, by the adoption due date.

Recommendation FY 2015-04: ADOSH should ensure that each standard be adopted by the due date.

Status: Open

A tracking spreadsheet was developed to oversee the timely notification of intent and adoption of standards. The adoption of two OSHA standards, the Improvement Tracking of Workplace Injuries and Illnesses (due September 2016) and the Occupational Exposure to Respirable Crystalline Silica (due November 2016), has not yet occurred.

Finding FY 2015-05: A Final Investigative Report as required in Chapter 5 of the ADOSH Discrimination Manual and now renamed the Report of Investigation in the OSHA Whistleblower Investigation Manual, was not completed for three of twelve workplace retaliation case files reviewed.

Recommendation FY 2015-05: ADOSH should ensure that a Final Investigative Report as required in Chapter 5 of the ADOSH Discrimination Manual, and now renamed the Report of Investigation in the OSHA Whistleblower Manual, be completed for all retaliation cases.

Status: Awaiting Verification

The ROI format is being used for all of its final investigative reports. Managers were briefed on November 1, 2016, to review all retaliation program case files to ensure either a ROI or a Web IMIS (Integrated Management Information System) summary report is included indicating case file status.

Finding FY 2015-06: Case disposition information entered into Web IMIS for seven out of the twelve cases reviewed was not accurate or timely entered.

Recommendation FY 2015-06: ADOSH should enter information into Web IMIS in a timely and accurate manner.

Status: Awaiting Verification

WebEx training sessions on IMIS entry were conducted on August 25, 2016 for its staff and supervisors. In addition, following the training session, a supervisor was assigned to oversee data entry into Web IMIS. Managers were instructed on August 24, 2016, to routinely review investigative case files as compared to Web IMIS reports to ensure the correct dates and information is being entered.

Finding FY 2015-07: Personally identifiable information from case files, such as names of witnesses, was routinely divulged to the public.

Recommendation FY 2015-07: ADOSH should protect from disclosure any and all identifiable information as well as witness names collected in case files.

Status: Completed

ADOSH reviewed its redaction policy to ensure PII continues to be protected. Additionally, ADOSH strengthened its current policy on government informant and confidential interviews for non-management workers.

Observation FY 2015-OB-01: Case files did not contain documentation justifying penalty reductions and reclassifications in four of the 14 (28.57%) cases reviewed.

Federal Monitoring Plan 2015-OB-01: In FY 2016, a limited number of case files will be selected randomly and reviewed to determine the presence of documentation justifying penalty reductions and reclassification.

Status: Continued

OSHA did not conduct a random review of all case files in FY 2016. OSHA intends to conduct one during the next comprehensive FAME cycle to determine the presence of documentation justifying penalty reductions and reclassification.

Appendix A – New and Continued Findings and Recommendations

FY 2016 ADOSH Follow-up FAME Report

FY 2016-#	Finding	Recommendation	FY 2015-# or FY 2015-OB-#
FY 2016-01	The average time to issue citations for safety enforcement inspections exceeded the further review level for SAMM 11.	ADOSH should ensure safety citations are issued timely.	New
FY 2016-02	The average number of serious, willful, or repeat violations per inspection was 1.29, which was below the further review level of 1.5 for SAMM 5.	ADOSH should determine the cause of the low rate of inspections with serious, willful, or repeat violations and implement corrective actions.	FY 2015-03
FY 2016-03	ADOSH did not adopt the new OSHA standards issued in FY 2016 by the adoption due date.	ADOSH should ensure that each standard be adopted by the due date.	FY 2015-04
FY 2016-04	A Final Investigative Report, as required in Chapter 5 of the ADOSH Discrimination Manual and now renamed the Report of Investigation in the OSHA Whistleblower Investigation Manual, was not completed for three of the twelve workplace retaliation case files reviewed.	ADOSH should ensure that a Final Investigative Report, as required in Chapter 5 of the ADOSH Discrimination Manual and now renamed the Report of Investigation; be completed for all retaliation cases. <i>Corrective action complete; awaiting verification.</i>	FY 2015-05
FY 2016-05	Case disposition information entered into Web IMIS for seven out of the twelve cases reviewed was not accurate or timely entered.	ADOSH should enter information into Web IMIS in a timely and accurate manner. <i>Corrective action complete; awaiting verification.</i>	FY 2015-06

Appendix B – Observations Subject to Continued Monitoring

FY 2016 ADOSH Follow-up FAME Report

Observation#	Observation#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-OB-01	Case files did not contain documentation justifying penalty reductions and reclassifications in four of the 14 (28.57%) cases reviewed.	OSHA did not conduct a random review of all case files in FY 2016. OSHA intends to conduct one during the next comprehensive FAME cycle to determine the presence of documentation justifying penalty reductions and reclassification.	Open

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 ADOSH Follow-up FAME Report

FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-01	Two of 19 fatality inspections were not initiated within one day of notification of the fatal event.	ADOSH should ensure that each fatality and/or catastrophe inspection is initiated within one day of the notification.	Supervisors were instructed on July 14, 2016 and October 15, 2016, of the requirement to ensure each fatality and/or catastrophe inspections are initiated within one (1) work day of notification. Fifteen fatality inspections were conducted in FY 2016 and each was initiated within one day. OSHA conducted a review of the actual number of fatalities and determined that the SAMM 10 data in Appendix D was incorrect. The reasons for the disparate metrics were due to miscoding. All required updates have been entered into OIS.	3/15/2017	Completed
FY 2015-02	The in-compliance rate for safety inspections was 35.9% which exceeded the national in-compliance rate of 28.5% per SAMM 9.	ADOSH should determine the cause of the high in-compliance rate, as indicated in SAMM 9, and implement corrective actions.	Monthly updates were provided to supervisors on the compliance officers' in-compliance rates to facilitate efforts to reduce rates toward the national standard. As a result, the in-compliance rate for safety inspections was 25.61%, which was below the national average of 28.85%; the in-compliance rate for health inspections was 25.5%, which was well below the national average of 35.68%.	3/15/2017	Completed

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 ADOSH Follow-up FAME Report

FY 2015-03	The average number of serious, willful or repeat violations per inspection was 1.26 which was below the national average of 1.92 as per SAMM 5.	ADOSH should determine the cause of the low rate of inspections with serious, willful or repeat violations and implement corrective actions.	Management conducted instructional meetings with both the Phoenix compliance and support staff on November 9, 2016 and with supervisory staff on November 15, 2016. Similar meetings were held with supervisors in Tucson on November 21, 2016 and with the Director on November 30, 2016. Earlier training had been conducted August 24, 2016 on FOM requirements for proper inspection planning and the effective use of resources. In addition, ADOSH has carefully reviewed its targeting system in some industries and noted that several high experience modification (EMod) industries did not result in the anticipated correlated number of serious, willful, or repeat violations. Based on these internal studies, the targeting was adjusted to include amputation hazards. In FY 2016, the percent of serious, willful, or repeat violations for FY 2016 was 1.29, which is lower than the further review level of 1.5 for SAMM 5 (-20% of national average, 1.87.)		Open 3/15/2017
FY 2015-04	ADOSH did not adopt the three new OSHA standards issued in FY 2015 by the adoption due date.	ADOSH should ensure that each standard be adopted by the due date.	A tracking spreadsheet was developed to oversee the timely notification of intent and adoption of standards. The adoption of two OSHA standards, the Improvement Tracking of Workplace Injuries and Illnesses (due September 2016) and the Occupational Exposure to Respirable Crystalline Silica (due November 2016), has not yet occurred.		Open 3/15/2017

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 ADOSH Follow-up FAME Report

FY 2015-05	A Final Investigative Report as required in Chapter 5 of the ADOSH Discrimination Manual and now renamed the Report of Investigation (ROI) in the OSHA Whistleblower Investigation Manual (WIM), was not completed for three of the twelve workplace retaliation case files reviewed.	ADOSH should ensure that a Final Investigative Report as required in Chapter 5 of the ADOSH Discrimination manual and now renamed the Report of Investigation in the OSHA Whistleblower Investigation Manual, be completed for all retaliation cases.	The ROI format is being used for all of its final investigative reports. Managers were briefed on November 1, 2016, to review all retaliation program case files to ensure either a ROI or a Web IMIS summary report is included indicating case file status.	3/15/2017	Awaiting Verification
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Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 ADOSH Follow-up FAME Report

FY 2015-06	Case disposition information entered into Web Integrated Management Information System (IMIS) for seven out of the twelve cases reviewed was not accurate or timely entered.	ADOSH should enter information into Web IMIS in a timely and accurate manner.	WebEx training sessions on IMIS entry were conducted on August 25, 2016 for its staff and supervisors. In addition, following the training session, a supervisor was assigned to oversee data entry into Web IMIS. Managers were instructed on August 24, 2016, to routinely review investigative case files as compared to Web IMIS reports to ensure the correct dates and information is being entered.	3/15/2017	Awaiting Verification
FY 2015-07	Personally identifiable information (PII) from case files, such as names of witnesses, was routinely divulged to the public.	ADOSH should protect from disclosure any and all personally identifiable information as well as witness names collected in case files.	ADOSH reviewed its redaction policy to ensure PII continues to be protected. Additionally, ADOSH strengthened its current policy on government informant and confidential interviews for non-management workers.	3/15/2017	Completed

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

FY 2016 ADOSH 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 ADOSH Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Arizona - ADOSH			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)	4.91	7	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.17	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)	2.29	3	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.57	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.

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5	Average number of violations per inspection with violations by violation type	SWRU: 1.29	+/- 20% of SWRU: 1.87	Further review level is based on a one-year national rate.
		Other: 1.27	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	14.98%	+/- 5% of 3.65%	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: 876	+/- 5% of S: 865	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 292	+/- 5% of H: 230	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,004.55	+/- 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)	\$727.46	+/- 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)	\$1,233.25	+/- 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)	\$1,710.35	+/- 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)	\$1,840.11	+/- 25% of \$4,436.04	Further review level is based on a one-year national rate.
9	Percent in compliance	S: 25.61%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.

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		H: 25.55%	+/- 20% of H: 35.68%	
10	Percent of work-related fatalities responded to in one workday	88.89%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 57.99	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 55.83	+/- 20% of H: 57.28	
12	Percent penalty retained	88.47%	+/-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	100%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	14%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	32%	+/- 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	236	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.13%	+/- 25% of 1.26%	Further review level is based on a one-year national rate.