

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

Iowa Workforce Development Iowa Division of Labor Iowa Occupational Safety and Health Administration



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this Follow-up Federal Annual Monitoring Evaluation (FAME) is to assess the Iowa Occupational Safety and Health Administration's (Iowa OSHA) performance during Fiscal Year (FY) 2016, and its progress in completing corrective actions that were developed as a result of the FY 2015 Comprehensive FAME Report and Corrective Action Plan (CAP).

Iowa OSHA remains committed to providing workplace environments that are safe, healthy, and productive and also allows businesses to grow and flourish as the state of Iowa supports state wide economic growth. Iowa OSHA's strategic performance plan endeavors to assure that businesses and employers maintain safe and healthful working conditions for all workers that are free of recognizable hazards and free of retaliation.

The long term trend has been a reduction of injuries and illnesses. As part of Iowa OSHA's review, the incidence rates for the state of Iowa continued to drop as shown in Section II Assessment of State Plan Performance.

During FY 2016, Iowa OSHA made progress in addressing the recommendations from the findings and observations in the FY 2015 Comprehensive FAME. As a result of the progress made, the three findings and two of the observations are completed. Four observations will continue to be monitored and reevaluated during the FY 2017 Comprehensive FAME.

B. State Plan Introduction

Iowa OSHA operates a program in accordance with Section 18(e) of the Occupational Safety and Health (OSH) Act of 1970, and remains an essential member of the Region VII team. Iowa OSHA is part of the Iowa Workforce Development, Labor Services Division and is administered by the Commissioner of Labor who was appointed in 2011. Managerial and supervisory staff at Iowa OSHA remained constant during this review period as the State Plan completed the second year of its strategic plan cycle that began in FY 2015.

Iowa OSHA's \$795,898 increase in appropriation funding from the state for state fiscal years (SFY) 2016 and 2017 allowed the program to fill most of its field and administrative support vacancies and helped provide for operating expense increases. Table 1 below shows Iowa OSHA's funding levels from FY 2012 through FY 2016.

Table 1 FY 2012-2016 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2016	2,000,600	2,000,600	795,898	4,797,098	58.0
2015	2,000,600	2,000,600	0	4,001,200	50.0
2014	1,991,600	1,991,600	0	3,983,200	50.0
2013	1,984,550	1,984,550	659,752	4,628,852	57.1
2012	2,078,000	2,078,000	468,770	4,624,770	55.1

The enforcement program is benchmarked for 16 safety compliance officers and 13 health compliance officers. During FY 2016, the program was staffed with 12 safety compliance officers, 11 health compliance officers and one whistleblower investigator. Iowa’s State Plan has allocated for a total of 45 full and part-time equivalents (FTE).

The enforcement program functions very similarly to OSHA's enforcement program. Most OSHA enforcement instructions are adopted identically as promulgated, including the adoption of National Emphasis Programs (NEP). Iowa OSHA conducts inspections in the same manner as OSHA. As noted in the Iowa State OSHA Annual Report (SOAR), there were 569 enforcement inspections (177 construction and 392 general industry) conducted during FY 2016 resulting in 1,104 violations (633 construction and 471 for general industry.) This number of inspections was a 6.4% decrease compared to FY 2015 with a 19% increase in the number of violations cited. Of the inspections conducted five were significant cases that contained willful and serious violations.

Additionally, Iowa OSHA received and addressed 11c whistleblower complaints. Of the whistleblower complaints received during FY 2016, 51 were docketed for investigation, 34 were recommended for dismissal, four were withdrawn, six were settled and seven were pending.

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 case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

The evaluation of Iowa OSHA covered the FY 2016 performance period between October 1, 2015 and September 30, 2016 and included the State Activity Mandated Measures (SAMM) Report. Data from the OSHA Information System (OIS) database reports were reviewed as well as four fatality files. In addition, the OSHA team reviewed 10 % of the open whistleblower protection files. All case files were randomly selected using Excel’s randbetween function.

D. Findings and Observations

This FY 2016 FAME Report discusses the progress in resolving the findings and observations from the FY 2015 Comprehensive FAME. There were three findings from FY 2015: Findings 2015-01

and 2015-02 were related to documentation and organization of whistleblower case files, and finding 2015-03 was related to enforcement case files lacking documentation of 300 injury/illness logs. OSHA determined there has been sufficient improvement on each of these three issues to consider them completed, as noted in Appendix C, Status of FY 2015 Corrective Action Plan. As reflected in Appendix A, there are no new or continued findings and recommendations.

There were six observations in the FY 2015 FAME report; four of these are continued in the FY 2016 FAME and OSHA determined that further monitoring of two FY 2015 observations is no longer necessary. Additional discussion of the status of each finding and observation is presented in Section III. Appendix B describes the two closed observations, the four continued observations and the two new observations. The new observations are Observation FY 2016-OB-01, which is related to completion of 75% of the projected inspections (discussed in Section II) and Observation FY 2016-OB-02, which is related to SAMM measure 14 where only 23% of Whistleblower investigations were completed within 90 days (discussed in Section III).

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.

On April 11, 2017, Iowa Legislature passed a bill to address the new penalty structure and the bill was signed by the Governor on April 12, 2017. The Act provides for conformity with federal law relating to civil penalties for violations of the state occupational safety and health laws. Iowa OSHA's effective date is November 1, 2017.

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

During FY-2016, Iowa OSHA's main goal was to reduce Iowa's incident rate of occupational injuries and illnesses to at least the national average.

Goal 1: Continually decrease incidences of fatalities, injuries, illnesses and amputations to meet or exceed the national average by the year 2019. Iowa OSHA planned to reach this main performance goal by breaking it down into two performance goals.

Goal 1.1: Improve workplace safety and health through compliance assistance and the enforcement of safety and health regulations and standards. Reduce occupational injury and illness rates and the number of fatalities by three percent (3%) over 5 years.

Iowa OSHA enforcement focused on injury, illness, and fatality reduction rates through intervention and inspection at work sites that experienced fatalities, severe injury incidents (SIR),

hospitalizations, amputations and complaints. In FY 2016, five significant enforcement inspections were conducted with violations classified from serious to willful and penalties ranging from \$40,750 to \$232,000. Some of the violations were from the new Confined Spaces Standard in Construction.

Iowa OSHA is on track in reducing the industry rates and used the US Department of Labor (DOL) Bureau of Labor Statistics (BLS) 2013 Table 6 “Incident Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Case Types” as a baseline to measure its impact on injury and illness rates. BLS groups the data by industry type and publishes it annually for the preceding calendar year. Table 3 shows the impact of Iowa OSHA on these incident rates.

BLS also reported that Iowa’s general industry rate decreased 9% from 5.4 in CY 2014 to 4.9 in CY 2015 and Iowa’s construction industry rate also declined 7% from 4.5 in CY 2014 to 4.2 in CY 2015.

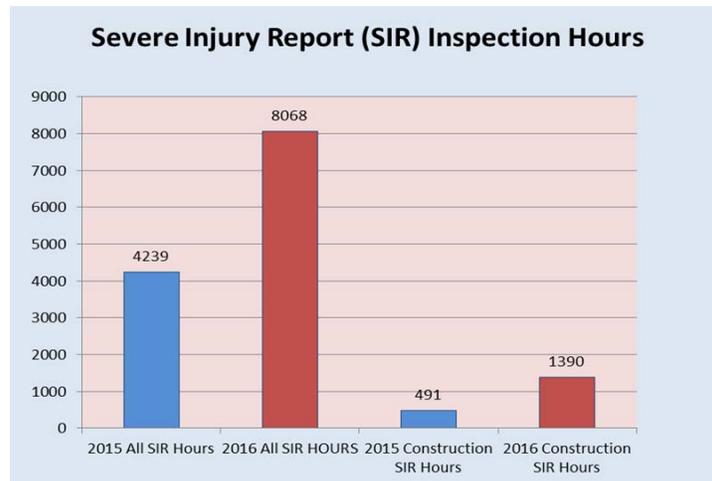
Table 3 USDOL BLS History		
Calendar Year	Injury and Illness Rate per 100 Full-time Workers	% Change Year Over Year
2015	3.9	11% reduction
2014	4.4	8.3% reduction
2013 (baseline)	4.8	

Iowa OSHA used the number of occupational fatality inspections in the FY 2014 FAME to measure its impact on fatalities. The SAMM metric shows 22 fatalities during FY 2016. Due to a coding issue related to the report, a review of the OIS fatality data indicated that there were 24 work-related fatality inspections. Although there was a 25% increase over the 18 fatalities in FY 2015, Iowa OSHA remains on track to meet the 3% 5-year reduction with an 11% decrease from the 27 fatalities in the FY 2014 baseline. The fatality numbers for general industry had a slight increase but the construction numbers were decreased by 40% from the FY 2014 baseline.

During FY 2016, Iowa OSHA enforcement completed 75% of the projected inspections. The lower number of actual inspections was a result of unfilled inspector positions, the learning curve of recently hired inspectors, and the increased hours spent on inspections associated with severe injury reporting (SIR). SIR incidents are defined under OSHA’s Final Rule, Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions, effective January 14, 2015 in Iowa. During FY 2015, 182 SIR incidents were received of which 147 resulted in inspection intervention. During FY 2016, 484 SIR incidents were received of which 172 resulted in inspection interventions. See Appendix B for a new observation FY 2016-OB-01 related to the projected inspections compared to completed inspections.

As noted, the impact of severe injury reporting (SIR) is exhibited by the marked increase in inspection hours from the previous year. The chart below shows the overall hours associated with SIR inspections. In FY 2016, approximately 8,068 hours were spent on these inspections compared to 4,239 hours in FY 2015. The average number of hours was a comparable 43% higher in FY 2016 than FY 2015. To address the demand associated with SIR inspections, Iowa OSHA moved FTE resources from programmed construction inspections, thereby impacting the projected number of inspections. As shown in the chart, the construction hours associated with

SIR inspections went from 491 in FY 2015 to 1390 in FY 2016. The increase in SIR construction hours caused an overall increase of 67% in all construction hours from 18 hours in FY 2015 to 30 hours in FY 2016, causing fewer construction inspections conducted in FY 2016.



The higher numbers of employer reporting severe injuries, both in construction and general industry combined, significantly impacted the hours available to reach the 750 projected inspections. Iowa OSHA should continue measuring the time applied to SIR inspections, as well as all categories of inspections against personnel resources to determine adjustments required to meet future inspection projections. In addition to on-site inspections, 662 enforcement interventions occurred through non-formal complaints.

In addition to the unprogrammed inspections driven by fatalities, severe injury incidents, hospitalizations, amputations and complaints, programmed inspections were performed under both local and national emphasis programs used to target high hazard industries to affect rate reduction.

Goal 1.2: Improve workplace safety and health through compliance assistance outreach programs.

Iowa Education staff continued to promote and educate employers on the use of safety and health management programs through direct contact as well as through training programs. The direct contact included encouraging participation of low-hazard work sites in recognition programs as demonstrated by the 43 VPP Star, eight (8) Partnership, and six (6) Safety and Health Achievement Recognition Program (SHARP) participants. Of the 43 VPP companies, two (2) were new additions during FY 2016.

The Iowa consultation staff continued its outreach effort through direct contact and training programs to improve employer safety and health programs to reduce injury, illness, and fatality rates. During FY 2016 Iowa OSHA met its goal of increasing its outreach programs. Outreach to establishments covered by local emphasis programs and national emphasis programs increased by 110. Also the number of participants in training sessions increased by at least 100 with a total of 4921, a 14% increase over its FY 2014 baseline of 4323. Highlights of outreach activity included the following:

- Engaging youth in safety at high schools and community colleges and a conference for

teachers in Des Moines

- Participating in the National Falls Stand Down
- Conducting monthly partnership visits
- Participating in quarterly meetings with members of the Iowa Renewable Fuels Association (IRFA) Alliance
- Visiting with contractors associated with the Master Builders of Iowa (MBI) Alliance
- Providing training to members of the Employers' Council of Iowa
- Staffing booths and providing presentations at the Governor's, Iowa Illinois Safety Council, and Master Builders of Iowa Safety Conferences.

Additionally, the duty officer provided compliance assistance through answering numerous questions in response to the OSHA E-Correspondence System as well as in response to phone calls from employers and workers.

Goal 2: Iowa OSHA strives to ensure that no person discharged or in any manner discriminated against any employee because the employee exercised their rights under the Act. Iowa OSHA's five year outcome for this goal is to increase the timeliness in handling whistleblower investigations by increasing the percent completed within 90 days.

Goal 2.1: Protect employees' rights to file health and safety complaints and prevent retaliation against workers who report hazards.

Of the Section 11(c) whistleblower complaints received during FY 2016, 51 were docketed for anti-retaliation investigation, 34 were recommended for dismissal, four (4) were withdrawn, six (6) were settled and seven (7) were pending. Using the FY 2014 as a baseline, the SAMM report indicated the percent completed within 90 days was 34% compared to 23% completed within 90 days in FY 2016. On average it took 140 days to complete the 11(c) investigations. Iowa OSHA should review its internal policies and procedures to identify any efficiencies or resources that would aid in increasing the percent of whistleblower investigations completed within 90 days. Table 4 below shows Iowa's progress towards its Outcome Goal 2. A new observation to track the trend of the outcome for this goal has been added as noted in Section C.4.

Table 4 Whistleblower SAMM (14, 15, 16)						
Fiscal Year	Percent Completed within 90 Days (SAMM 14)	% Change of 90 Day Completion to Baseline (SAMM 14)	Percent Meritorious for Iowa (SAMM 15)	Percent Meritorious for All State Plans (SAMM 15)	Average # of Days to Complete for Iowa (SAMM 16)	Average # Days to Complete for All State Plans (SAMM 16)
2016	23%	-32%	14%	17%	140	214
2015	41%	+21%	32%	19%	131	139
2014 (baseline)	34%					

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

In most cases, Iowa OSHA met or exceeded either the negotiated reference standards or national metrics derived from OIS data for FY 2016 as noted in Appendix D of this report. The following indicators where Iowa was outside the further review levels, were discussed during quarterly review meetings. They are highlighted below due to significant differences between the State Plan's performance measures and the negotiated reference standards and or year-over-year trending.

1. Complaints

The SAMM data from FY 2016 showed an average number of work days to initiate complaint inspections and complaint investigations to be 8.24 (SAMM 1A) and 5.04 (SAMM 2A) respectively. These values continue outside the further review level of five days for complaint inspections and the further review level of one day for complaint investigations and warrants continued observation.

Based on the data trend **Observation FY 2015-OB-02** associated with this SAMM will continue as **Observation FY 2016-OB-03**. Further evaluation will be conducted in FY 2017 and during the FY 2017 comprehensive FAME case file reviews.

2. Fatalities

The FY 2016 SAMM Report indicated that 86% of fatalities warranting an inspection were responded to within one workday (SAMM 10). A local review of precise data processing related to fatalities indicated that 91% of fatalities warranting an inspection were responded to within one workday. Work on this measure will continue at each FY 2017 quarterly review and will remain part of each comprehensive FAME fatality case file review.

3. Citations and Penalties

Iowa OSHA's average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$1,496.03 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.

Although the FY 2016 SAMM report indicated the average current penalties to private sector employers had increased from the FY 2015 SAMM, the penalties continue below the further review level by \$213.24 (an average of 12.5% for overall total penalty (SAMM 8)).

4. Whistleblower 11(c) Investigations

The FY 2016 SAMM Report indicated that 23% of the 11(c) investigations were completed within 90 days (SAMM 14). Fourteen percent of Iowa OSHA's 11(c) complaints were meritorious (SAMM15). On average, 11(c) investigations were completed in 140 days (SAMM 16). The average completion of 11(c) investigations for all state plans was 214 days. Based on these

measures and the discussion under Section II.B Performance Goal 2.1, a new observation **FY 2016-OB-02** is being added related to only 23% of whistleblower investigations being completed within 90 days.

III. Assessment of State Plan Corrective Actions

The FAME team conducted research on issues surrounding the findings of the previous FY 2015 FAME using OIS report data, SAMM data, fatality next of kin letters, and review of six whistleblower case files. Below is a discussion of the FY 2015 FAME findings and observations.

Completed FY 2015 Findings/Recommendations (Appendix C)

Finding FY 2015-01 was related to administratively closing whistleblower complaints, and failing to include documentation of a letter to the complainant explaining the discussion and the reasons why the case was not appropriate for investigation. In all five FY 2016 case files reviewed, the Whistleblower Investigator placed a letter in the file documenting the discussion and the reasons why the case is not appropriate for investigation in accordance with the Iowa Whistleblower Manual. Therefore this finding has been completed.

Finding FY 2015-02 was related to docketed whistleblower cases being organized improperly, contrary to the Iowa Whistleblower Manual. All three of the FY 2016 case files reviewed was properly organized, with Tables of Contents, Reports of Investigation, and settlement materials in accordance with the Iowa Whistleblower Manual. Therefore this finding has been completed.

Finding FY 2015-03 was related to OSHA-300 injury/illness records not being requested by Iowa CSHOs in accordance with the Iowa Field Operations Manual (FOM). Iowa OSHA staff was retrained on Chapter 3 of Iowa's FOM covering this topic. A review of 108 inspections from the OIS OSHA 300 log data, found that there are 78 inspections that should contain 300 log data entered into OIS. The OIS data indicated that 66 of the 78 inspections have injury illness information recorded which reflects sufficient enough improvement over the data from FY 2015; therefore, this finding has been completed.

Closed FY 2015 Observations (Appendix B)

Observation FY 2015-OB-01 was related to contact with next of kin in conjunction with fatality inspections where letters were to be sent regarding status of the inspection. Four case files of fatality inspections from FY 2016 were reviewed. All of the files contained letters in accordance with the Iowa FOM; therefore this observation is closed.

Observation FY 2015-OB-06 was related to improper verbiage, implying that the investigator was withdrawing the complaint for the complainant, in lieu of the complainant withdrawing their complaint. A review of one (1) of the four (4) withdrawn cases for follow up revealed that Iowa ensured proper emphasis on correct verbiage on all official documentation relating to the proper withdrawal of a complaint in accordance with the Whistleblower Manual, CPL 02-03-005. Therefore this observation is closed.

New FY 2016 Observations (Appendix B)

Observation FY 2016-OB-01 is related to Iowa OSHA's Performance Goal 1.1 and the completion of projected number of inspections. As stated in Section II, in FY 2016, Iowa OSHA completed 569 or 75% of the 750 projected inspections. OSHA will continue to monitor this issue.

Observation FY 2016-OB-02 is related to the decline in percentage of completed whistleblower complaints within 90 days as discussed in Section II. A review of Iowa OSHA's internal policies and procedures may identify any efficiencies or resources that would aid in increasing the percent of whistleblower investigations completed within 90 days.

Continued FY 2015 Observations (Appendix B)

Observation FY 2015-OB-02 is related to SAMM measures one (1) and two (2). As discussed in Section II.C, the values for these measures were outside the further review level. During FY 2015 FAME case file review, the measures were within the further review level compared to FY 2015 SAMM measures that showed that the data outside the further review level. Based on the difference between these data measures, Observation 2015-OB-02 is continued as Observation 2016-OB-03 until further comprehensive review is conducted during the FY 2017 FAME.

Observation FY 2015-OB-03 is related to the application of severity assessment and violation classification in accordance with the Iowa FOM Chapter 6 affecting the penalty assessment system. A review of 23 not in compliance (NIC) inspections for FY 2016 was conducted to evaluate the severity assessment and violation classification. Of the 23 NIC inspections, five (5) did not meet the criteria outlined in the Iowa FOM, in comparison to 13 of 78 not meeting the criteria in FY 2015. Based on this data, Observation FY 2015-OB-03 is continued as Observation FY 2016-OB-04 until further comprehensive review is conducted during the FY 2017 FAME.

Observation FY 2015-OB-04 is related to ensuring VPP applicants or participants provided a letter outlining interim protections from uncontrolled hazards that must be corrected before the final onsite evaluation report is processed. This observation is being carried over as there were no new certifications or renewals after notification of this observation. Observation FY 2015-OB-04 will continue as Observation FY 2016-OB-05.

Observation FY 2015-OB-05 is related to Iowa OSHA Whistleblower Protection Program (WPP) not having a back-up to investigate whistleblower complaints in the event the only trained investigator becomes unavailable or vacates the position. The lack of trained back-up personnel may impact the length of time for completing investigations as reflected in SAMM 14. Observation FY 2015-OB-05 will continue as Observation FY 2016-OB-06.

Appendix A – New and Continued Findings and Recommendations

FY 2016 Iowa Follow-up FAME Report

FY 2016-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
	None		

Appendix B – Observations Subject to New and Continued Monitoring

FY 2016 Iowa Follow-up FAME Report

Observation # FY 2016-OB-#	Observation# FY 2015-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01		Iowa OSHA projected 750 inspections to be conducted in FY 2016. The actual versus projected inspections conducted were 569.	Region VII will monitor actual versus projected inspections quarterly for the first two quarters of the fiscal year and monthly thereafter to apprise Iowa OSHA of any perceived projection shortfalls.	New
FY 2016-OB-02		The SAMM report shows the percent of whistleblower complaints completed within 90 days was 34% in FY 2014, increased to 41% in FY 2015, and decreased to 23% in FY 2016.	Region VII will continue monitoring the percent completed within 90 days and engage Iowa OSHA in ideas on increasing the percent completed within 90 days.	New
FY 2016-OB-03	FY 2015-OB-02	The SAMM data shows average number of work days to initiate complaint inspections and complaint investigations to be 8.93 and 4.21 respectively. The case file review noted the average number of days to initiate a complaint inspection was 4.29 days and the average number of workdays to initiate a complaint investigation was 0.05 for the sample set. (See discussion under Section II.C.)	As part of the FY 2017 FAME, a random selection of case files will be reviewed to determine if this continues to reflect the data trend.	Continued
FY 2016-OB-04	FY 2015-OB-03	While Iowa OSHA had a penalty assessment system equivalent to OSHA, they did not follow it in all cases. It appeared that in 13 of the 78 not in-compliance case files, the severity assessment and violation classification was not applied in accordance with the Iowa FOM Chapter 6. (See discussion under Section III.)	As part of the FY 2017 FAME, a random selection of case files will be reviewed to determine if this continues to reflect the data trend.	Continued
FY 2016-OB-05	FY 2015-OB-04	A VPP applicant or participant may be given a maximum of 90 days to correct uncontrolled hazards, as long as interim protection is provided, and must be corrected before the final onsite evaluation report can be processed. Iowa OSHA does not require a letter from management stating the interim protection methods nor how and when the correction will be made. Instead, Iowa OSHA relies on the applicant or participant to submit the corrections within 90 days. (See discussion under Section III.)	As part of the FY 2017 FAME, a random selection of VPP files will be reviewed to determine if management is submitting letters to the VPP team leader stating the interim protection(s), and how and when the correction(s) will be made.	Continued
FY 2016-OB-06	FY 2015-OB-05	The Iowa OSHA Whistleblower Protection Program (WPP) does not have any personnel available to investigate whistleblower complaints in case the only trained Investigator departs or is removed from the WPP	Region VII will monitor the staffing of the investigator position and training status of any back-up investigators to ensure the departure of one investigator does not result in Iowa's inability to	Continued

Appendix B – Observations Subject to New and Continued Monitoring

FY 2016 Iowa Follow-up FAME Report

		Investigator position.	investigate WPP Complaints.	
	FY 2015-OB-01	Although Iowa OSHA sent a letter to ten (71%) families, only six 6 (60%) families received all letters. The compliance directive discusses the types of contact with next of kin, including letters to be sent within 5 working days of determining the next of kin’s identity and upon issuance of any citations provide family members or their legal representatives with a copy of all citations and subsequent settlement agreements.		Closed
	FY 2015-OB-06	One withdrawal utilized improper verbiage, implying that the investigator was withdrawing the complaint for the complainant, in lieu of the complainant withdrawing their complaint. This complaint also lacked a Report of Investigation, whereas the IMIS entry indicated a report was completed.		Closed

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 Iowa Follow-up FAME Report

FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-1	For administratively closed whistleblower complaints, a letter to the complainant documenting the discussion and the reasons why the case is not appropriate for investigation was not sent in nine cases reviewed (17%), contrary to the Iowa Whistleblower Manual.	Iowa OSHA should ensure that administrative closure letters are sent to the complainant for each complaint administratively closed, and preserve a copy of the letter with proof of receipt, along with any related documents, for five years in accordance with Chapter V, Section II of the Whistleblower Manual. CPL 02-03-005.	IOSHA will ensure that administrative closure letters are sent to the complainant for each complaint administratively closed. A copy of the letter will be included in the file in accordance with chapter V of the Iowa Whistleblower Discrimination Manual.	August 1, 2016	Completed 02/13/2017
FY 2015-2	All of the 16 (100%) docketed whistleblower cases reviewed were organized improperly, contrary to the Iowa Whistleblower Manual. For example, Reports of Investigation and settlement materials were placed on top of the Tables of Contents, often with its own separate Table of Contents.	Iowa OSHA should ensure that each case file is organized in accordance with Chapter V, Section III of the Whistleblower Manual. CPL 02-03-005.	IOSHA will ensure that each case file is organized in accordance with Chapter V Section III of the Iowa Whistleblower Discrimination Manual.	August 1, 2016	Completed 02/13/2017
FY 2015-3	In accordance with Iowa FOM, OSHA-300 injury/illness records shall be requested. A total of 43 (30.3%) case files of 142 reviewed had no record of 300 logs in the file or in OIS.	Iowa OSHA should provide additional training to CSHOs to ensure that CSHOs are requesting the injury/illness logs during inspections and inputted into OIS. Supervisors should ensure that case files are reviewed more carefully to ensure the logs are collected and inputted into OIS.	IOSHA will ensure that OSHA 300 Injury and Illness logs are requested during inspections when appropriate, i.e. not all employers are required to establish and keep the records. Information obtained will be entered into the OIS. This will be completed in accordance with Chapter 3 of Iowa's Field Operations Manual. IOSHA staff will be retrained on this matter.	Training Completed August 25, 2016	Completed 02/13/2017

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

FY 2016 IOSH 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 IOSH Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Iowa - IOSH			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)	8.24	5	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	7.26	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)	5.04	1	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	2.74	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)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2016. 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: 2.24	+/- 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 IOSH Follow-up FAME Report

	with violations by violation type	Other: 0.52	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	4.97%	+/- 5% of 2.64%	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: 365	+/- 5% of S: 506	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 198	+/- 5% of H: 251	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,496.03	+/- 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)	\$637.24	+/- 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)	\$1,015.11	+/- 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)	\$1,303.17	+/- 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)	\$3,501.26	+/- 25% of \$4,436.04	Further review level is based on a one-year national rate.
9	Percent in compliance	S: 32.46%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.
		H: 29.79%	+/- 20% of H: 35.68%	

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

FY 2016 IOSH Follow-up FAME Report

10	Percent of work-related fatalities responded to in one workday	86.36%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 37.69	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 46.58	+/- 20% of H: 57.28	
12	Percent penalty retained	68.08%	+/- 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	98.22%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	23%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	14%	+/- 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	140	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.86%	+/- 25% of 1.26%	Further review level is based on a one-year national rate.