

## Arizona Division of Occupational Safety & Health

### FY2009 Enhanced FAME Report - Corrective Action Plan Summary Sheet

Rec#	Findings	Recommendation	State Response / Corrective Action	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status (to be tracked and updated by Region)
1	The 15-day due date for contesting citations and requesting informal conferences were not always entered into the IMIS system.	Ensure that the 15 day due date is entered into IMIS for all cases where citations are issued.	Staff has been trained on the need to enter this data into IMIS.	Actions completed by the State on 03-Aug-2010			Ongoing	Subject to further Federal Monitoring
2	Information and OSHA forms documenting citations, inspection activity, and contact information were not complete in many cases	Ensure Compliance Officers understand the necessary documentation required for violations and completion of OSHA forms. Management should review case files on a regular basis to ensure documentation adequately supports violations and that forms are complete and up to date.	a. CSHO's are required to obtain OSHA 300 data for each inspection. b. Additional training provided to staff re: employer knowledge. c. Additional training provided to supervisors regarding complaint definitions	Actions completed by the State on a. 01-Jan-2010 b. 17-Mar-2010 c. 17-Mar-2010			Ongoing	Subject to further Federal Monitoring
3	Several fatality case file investigations contained limited information and did not appear to be thoroughly documented and investigated. Additionally, it was difficult to determine whether ADOSH communicated with the victim's family concerning the process and results of the investigations.	Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented.	a. Additional training provided to staff re: fatality investigations, interviews and case file documentation. b. Training provided regarding the obtaining of family contact information for fatality investigations. c. ADOSH will modify inspection narrative to document family contact.	Actions completed by the State on a. 03-Aug-2010 b. 03-Aug-2010 c. 10-Dec-2010	Documentation on the revised procedures and training due March 2011		Ongoing	Subject to further Federal monitoring. ADOSH should submit documentation on its revised procedures and training.
4	Employee representative participation in the inspection process was not adequately documented in several cases.	Ensure union representatives are presented the opportunity to participate in every aspect of the inspection and their involvement is adequately documented.	ADOSH does offer union representatives the opportunity to participate in inspections. We have amended our inspection narrative form to document this contact/opportunity.		Copy of revised inspection narrative form due by March 2011		2-Jan-2010	Subject to further Federal review and monitoring. ADOSH should submit its revised inspection narrative form for Regional review.
5	Interview statements were not documented in five fatality inspections.	Ensure employee interviews are obtained and documented in all fatality investigations	Employee interviews are obtained and documented in all investigations, including fatalities. However, additional instruction has been provided to staff.				3-Aug-2010	Subject to further Federal monitoring. .

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6	Inspection files did not contain documentation of the informal conference discussions. Similarly, a complaint case file did not contain documentation of the informal conference discussions and rationale involving a penalty adjustment from \$2,500 to \$75.	Ensure that discussions of the main issues and potential courses of action during the post-citation process are summarized, documented and included in the case file as referenced in Pages 23 and 24 of Chapter IV of the ADOSH FIRM.	Documentation has always been maintained, but in a separate file. We are now maintaining such documentation in the case file.	Actions completed by the State on 03 Aug-2010			Ongoing	Subject to further Federal monitoring.
7	Case file documentation in the majority of the files were not organized according to established case file set-up procedures and diary sheets or similar daily/chronological logs were not found in all of the case files reviewed.	Ensure consistent organization of inspection case files as referenced in ADOSH FIRM or Appendix C of OSHA's instruction ADM 03 01-005 (previously ADM 12-05.A), OSHA Compliance Records and that diary sheets or similar daily/chronological logs are maintained.	Although our case files are consistent in their organization, we have re-instructed staff on the proper order of documents within a file. We see no value to diary sheets and decline to implement that portion of the recommendation.	Pending Further Discussions			Ongoing	Pending further discussion.
8	The IMMLANG policy is not consistently followed.	Review current procedures for IMMLANG and make determination whether Arizona will adopt policy to ensure consistency if followed.	ADOSH receives no benefit from entering this information and since it is optional, we have discontinued the use of the IMMLANG code.	Actions completed by the State on 01 Dec-2010			Ongoing	OSHA continues to encourage ADOSH to utilize the IMMLANG code.
9	Citation penalties were not appropriate based on the hazard in three case files.	Ensure that citation penalties are assessed in accordance with Chapter IV in ADOSH FIRM	Our current review procedures include ensuring that penalties are assessed according to policy.	Pending Further Federal Monitoring			Ongoing	Pending formal direction from OSHA on revised Federal penalty policy implementation.
10	Two (2) cases files did not contain adequate abatement documentation to justify closing the case file.	Consider auditing closed fatality case files on occasion to ensure that appropriate documentation is included in the file. Ensure Supervisors utilize the IMIS Abatement Tracking report and send appropriate follow-up letters to employers.	ADOSH has instituted an annual audit program. We conducted an abatement audit January 2011 and will continue to do so in January of each year.	Actions completed by the State on 01 Jan-2011	Documentation on audit program due by April 2011		Ongoing	Subject to further Federal monitoring.

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11	The CLAIMS Local Emphasis Program did not demonstrate successful targeting of high hazard, private sector, general industry employers.	Modify the scope and targeting mechanism of the CLAIMS LEP to ensure it is successful.	We have discontinued the use of this LEP				1-Dec-2010	No further action required.
12	The construction targeting plan resulted in only 25.4% of the inspections with citations issued and the programmed inspection system used resulted in high in-compliance rate of inspections.	Assess all programmed inspection systems and implement measures to improve in-compliance rates to ensure that the most hazardous industries and workplaces are being addressed.	Programmed inspection methods have been and will continue to be reviewed. Additional targeting methods have been implemented to focus resources on the most hazardous industries. We researched industries over the past few years that have a greater average of violations and have begun targeting in that industry.	Actions completed by the State on 03 Aug-2010	Documentation on the revised targeting methods due March 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH should submit documentation on any revisions to its targeting program for review.
13	Inspection goals for FY 2009 were not met.	Evaluate resources and schedule inspections to ensure inspection goals are met.	We regularly evaluate our resources. Achieving 94% of our inspection goal is worthy of acknowledgement, not criticism. We will set goals in line with yearly resources available and continue to focus resources toward meeting inspection goals.	Actions completed by the State on 14 Dec-2010			Ongoing	Subject to further Federal monitoring.
14	The rate of serious violations doe programmed planned inspections decreased and is the lowest in the previous five years. There were some cases where documentation in the case files appeared to support a Serious violation, however, Serious citations were not issued.	Ensure that the most hazardous industries and workplaces are being inspected in an effective manner to identify serious hazards and consider conducting training on hazard classification to ensure consistency with violation classification.	Programmed inspection methods have been and will continue to be reviewed. Additional targeting methods have been implemented to focus resources on the most hazardous industries. We researched industries over the past few years that have a greater average of violations and have begun targeting in that industry	Actions completed by the State on 03 Aug-2010	Documentation on the revised targeting program with proper classification due March 2011		Ongoing	Subject to further Federal monitoring and review. ADOSH should submit documentation on revisions to its targeting program.
15	The Commission's required review of all cases for proposed penalties in excess of \$1,000 has adversely affected the issuance of citations in a timely manner.	Continue to work closely with the Commission and staff to ensure that citations are issued in a timely manner.	We are now tracking individual CO citation lapse time. We have instituted a change in Commission procedure which will result in fewer case files in need of their approval.	Actions completed by the State on 03 Aug-2010	Documentation on revised Commission procedures due March 2011	Decrease in # of files requiring commission review resulting in decreased citation lapse time	Ongoing	Subject to further Federal review and monitoring. The change in Commission review procedures should be documented and submitted for review.

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16	Employers were not always notified of the Abatement Documentation requirements and abatement was not always adequately documented in case files.	Ensure that adequate documentation is obtained from the employer to appropriately address citations. Provide training to Compliance Officers regarding the requirement of abatement verification documentation as it relates to field 19 of the OSHA 1B form. Utilize the Default Violation Abatement Standard Report to identify and track cases with abatement outstanding and follow-up as directed under CPL 2-0.114.	We do obtain adequate abatement documentation from employers and we obtain that information in a timely manner in the large majority of cases. Nevertheless, we have implemented the use of the abatement tracking report, as well as additional abatement codes. We have also initiated an annual audit program. We conducted an abatement audit in January 2011 and will continue to do so in January of each year.	Actions completed by the State on 01 Jan-2011			03-Aug-10	Subject to further Federal monitoring.
16 cont.		Abatement Verification Regulation, which may include the issuance of additional citations for violations of 29 CFR 1903.19. When appropriate, the should also expand the use of abatement codes W (not completed, worksite changed) and E (not completed, employer out of business).						
17	A designated IT Backup System Administrator was not designated.	Retain an IT Backup System Administrator to prevent a breakdown in the system in the event the IT Administrator is unable to perform these functions. (OSHA ADM 1-1.30, Page II-1, paragraph B).	We have had an IT Backup System Administrator for many years. We currently have a Primary and two backup administrators on record with DIT.				25-Jan-2009	No further action required.

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18	Appropriate and accurate information was not consistently entered into the IMIS system.	Ensure that staff is properly trained on entering appropriate information in IMIS while handling complaints, abatement and discrimination cases. Management should review case files and IMIS reports on a regular basis to ensure that data is being entered correctly into IMIS.	Staff has been trained on entering appropriate information in IMIS for all types of reports and forms. Additionally, we have started using many of the audit reports suggested, in addition to those already used.				3-Aug-2010	Subject to further Federal monitoring
19	New Federal OSHA standards were not adopted in a timely manner.	Ensure standard adoption is within 6 months of the Federal promulgation date.	ADOSH has adopted all appropriate standards and policy changes. Due to a state moratorium on rulemaking, there are additional steps required to implement any new rules, which adds additional time to an already time-consuming process. We make every effort to adopt within six months.	Pending Further Discussions. The State is required to seek an exemption from the moratorium or take other corrective action based on Federal requirements for continued plan approval.	Copy of adopted standards and policy changes in plan due by June 2011		Ongoing	OSHA regulations require adoption of standards within 6 months of Federal promulgation. ADOSH must take all necessary steps (administrative, regulatory, or legislative) to assure that this condition of plan approval is met.
20	An appropriate Plan Change Supplement has not been submitted for review for the formal training program for Compliance personnel and for their targeting system which differs from the Federal system.	Adopt a formal training program for Compliance personnel and submit a Plan Change Supplement for OSHA's review. Arizona must also submit a State Plan Change Supplement with a description of their targeting systems.	We have submitted a training plan to OSHA that we believe meets the intent of OSHA's training matrix and is in keeping with our available resources.	Actions completed by the State on 31 Jan-2011	SPC documentation for CSHO training program and Targeting due by April 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH will submit documentation on its targeting and CSHO training programs.
21	Discrimination investigations took an average of 190 days to complete. Only 56.6% of discrimination investigations were completed within the targeted 90 days.	Continue efforts to complete discrimination investigations within 90 days.	We will continue efforts to complete investigations within 90 days.				Ongoing	Subject to further Federal monitoring.

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22	Letters to Complainants and Respondents informing them that the investigation has been opened or closed as appropriate were not always sent.	Ensure policies and procedures are updated and Discrimination Investigators are appropriately trained and that files are reviewed on a regular basis to ensure that appropriate letters to Complainants and Respondents are sent informing them that the investigation has been opened, rather than providing this information by telephone as referenced in OSHA's whistleblower manual, DIS 0.0.9, Chapter 2, Section III (D, E) and to ensure that both parties receive a closing letter after the investigations closed as referenced in OSHA's whistleblower manual, DIS 0-0.9, Chapter 4, Section IV (B.2).	Our policies and procedures are reviewed and updated as necessary. Investigators have been trained by OSHA and others. We currently send closing letters to all parties, but do not believe opening letters are necessary. We will research and attempt to send one person to the OTI Whistleblower Course.	Actions completed by the State on 31 Jan-2011	Documentation on the current discrimination procedures due March 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH should submit documentation on its current discrimination procedures.
23	Orally filed discrimination complaints were not appropriately accepted and docketed in all instances.	Ensure policies and procedures are updated and Discrimination Investigators are trained to accept and docket orally filed complaints and not require a Complainant to submit a complaint in writing as referenced in OSHA's whistleblower manual, DIS 0-0.9, Chapter 2 and Chapter 7, Section V(A).	Arizona regulations require a complaint to be submitted in writing. We will consider changing our procedures so that orally filed complaints are docketed (but not investigated until followed up in writing).	Pending Further Discussions.	Copy of adopted policy on docketing oral complaints due by June 2011		Ongoing	Pending further discussions. ADOSH should adopt the Federal policy which requires docketing of oral complaints through written transcription.
24	All discrimination cases were not properly coded in IMIS.	Review discrimination cases on a regular basis to ensure that discrimination complaints are properly coded in IMIS.	We will implement a bi-annual review for this purpose				27-Oct-2010	Subject to further Federal monitoring

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25	Closing conferences were not documented in the case files.	Review case files on a regular basis to ensure that closing conferences are documented in the case files as referenced in ADOSH's discrimination manual, Chapter 3, Section E.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.J6.	We will implement a bi-annual review for this purpose	Actions completed by the State on 27 Oct-2010	Submit results of bi-annual review	Close conference information adequately documented in each case file.	Ongoing	Subject to further Federal monitoring
26	Interview statements or interview memos detailing the relevant information were not obtained during witness interviews.	Ensure required statements and information are obtained in interview statements as required by in ADOSH's discrimination manual, Chapter 3, Section C.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.G.	Interview statements are obtained in each investigation. Our new template was modified to include a table to list persons interviewed as well as a summary of the interview.	Actions completed by the State on 01 Dec-2010	Copy of revised procedures and new template due by March 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH should submit its revised procedures for review.
27	The majority of the case files reviewed were not organized in the manner prescribed in ADOSH's whistleblower manual, DIS 0-0.9, Chapter 5, Section III.	Ensure that the case files contain adequate documentation and the case files are properly organized, in line with the requirements outlined in ADOSH's discrimination manual, Chapter 3 and 5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 2 and 3.	We have trained and will continue to train to ensure case files are adequately documented and organized.	Actions completed by the State on 03 Aug-2010			Ongoing	Subject to further Federal monitoring.
28	The Final Investigative Report that were included in the case files did not follow the identical format prescribed in ADOSH's discrimination manual, Chapter 5, Section C, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section IV.	ADOSH's Final Investigative Report template must be amended to follow the identical format prescribed in ADOSH's discrimination manual, Chapter 5, Section C, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section IV. The reports must be dated and signed by the investigator and the approving supervisor for accountability.	Our investigative report template has been modified to better suit our needs. The modification includes a location for the investigator and supervisor to date and sign.	Actions completed by the State on 01 Dec-2010	Copy of revised procedures and investigative report template due by March 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH should submit its revised procedures for review.

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29	The Complainants and all relevant witnesses were not interviewed and statements were not documented in the investigative files.	Instruct investigators and review case files on a regular basis to ensure that the Complainants in all cases are interviewed, as well as all relevant witnesses, including management and third parties, as referenced in OSHA's whistleblower manual, DIS 0-09, Chapter 3, Section D, E and G.	We have restructured investigators regarding the need to interview each complainant and relevant witness. Files are reviewed regularly to ensure this occurs.	Actions completed by the State on 03 Aug-2010	Copy of guidance provided to investigators due by March 2011		Ongoing	Subject to further Federal monitoring.
30	In two (2) cases discrimination investigators did not sufficiently analyze and document factors relating to the final disposition of the case, such as work refusals and nexus.	Provide additional guidance to discrimination investigators on analyzing and documenting pertinent factors relating to discrimination cases, including work refusals and nexus.	We have updated our final investigative report template to prompt investigators for the required information and report elements.	Actions completed by the State on 01 Dec-2010	Copy of revised procedures and investigative report template due by March 2011		Ongoing	Subject to further Federal review and monitoring. ADOSH should submit its revised procedures for review.
31	Of the five worksites reviewed, Medical Access Orders (MAOs) were not provided prior to the onsite visit as required under OSHA's CPL 02-02-072 and ADOSH's policy 2007-1, Access to Employee Medical Records.	Implement a system to ensure that Medical Access Orders are obtained prior to the VPP onsite visit.	ADOSH uses OSHA's MAO procedures	Actions completed by the State on 03 Aug-2010	Copy of documented procedures for obtaining MAOs due by March 2011		Ongoing	Subject to further Federal monitoring. ADOSH should document its procedures for obtaining MAOs and submit them for review.
32	When 23(g) grant funds were lapsed timely notification to Federal OSHA was not made.	Ensure funds that will not be spent by September 30 are appropriately returned to Federal OSHA with adequate time to allocate.	We have made and will continue to make every effort to return unspent funds in a timely manner. We have hired a new accounting representative who will monitor grant due dates.	Actions completed by the State on 01 Dec-2010			Ongoing	Subject to further discussion. Arizona again returned unspent funds at the end of FY 2010.
33	A fully staffed program was not maintained in that up to 7 safety and 2 health vacancies were not filled.	Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel.	We are currently working on a plan that will help reduce staff turnover. We are working on a Hiring Plan to be presented to the State Personnel Office that will address employee pay issues.	1-Jul-2011			Ongoing	Subject to further Federal review and monitoring.

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34	Several members of the compliance staff have not received all the required classes.	Ensure that Compliance staff receives at least the basic required courses as required by Federal OSHA's Directive TED 01-00-018, Initial Training Program for OSHA Compliance Personnel.	We have submitted a training plan to OSHA that we believe meets the intent of OSHA's training matrix and is in keeping with our available resources	Actions completed by the State on 02 Jan-2010	Copy of training matrix plan for CSHO due by March 2011		Ongoing	Subject to further Federal review and monitoring.
35	Only 50 inspections of framing contractors were conducted, which was below the goal of 150. The inspections resulted in the identification of 88 hazards, which was also below the goal of 300.	Evaluate this goal to ensure that resources are available to meet the targeted number of inspections.	We will continue to evaluate our efforts with respect to this goal. Resources will be directed toward the goal to the extent they are available.	Actions completed by the State on 01 Oct-2010			Ongoing	Subject to further Federal monitoring.
36	The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five Year Strategic Plan goal.	Re-evaluate efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.	We will continue to evaluate our efforts with respect to this goal. Resources will be directed toward the goal to the extent they are available.	Actions completed by the State on 01 Oct-2010			Ongoing	Subject to further Federal monitoring.
37	Citation lapse time for safety citations remains above the FY 2007 baseline.	Develop a plan to reduce safety citation lapse time.	We are working with individual supervisors and compliance officers to reduce citation lapse time. See also item 15 above.	Actions completed by the State on 03 Aug-2010			Ongoing	Subject to further Federal monitoring.