

Appendix A
FY 2009 Michigan State Plan (MIOSHA) Enhanced FAME Report prepared by Region V
Summary of Findings and Recommendations

	Findings	Recommendations
State Activity Mandated Measures (SAMMs) (p. 14-15)		
1	MIOSHA did not enter abatement verification into the IMIS System. Instead it is entered into an Excel spreadsheet. (See also Abatement p. 24-26 and Information Management 29-30)	MIOSHA should enter abatement verification into the IMIS system as this is a Mandated Measure.
2	MIOSHA penalty calculation policy has resulted in low average penalty assessments. MIOSHA's initial penalty per serious violation is \$692.37, which is below the national reference data by 51.9%.	MIOSHA should follow their penalty calculation policy.
Complaints (p. 15-17)		
3	The complaint files, formal and nonformal, did not include a mechanism to track actions taken while handling the file.	Ensure a tracking mechanism, such as a Diary Sheet, is put in place and used effectively.
4	MIOSHA did not always follow their policy and procedure manual. In one case, a complaint inspection was not conducted at a facility employing less than 10 employees.	Provide refresher inspection training to include small employer exemptions/nonexemptions.
Fatalities (p. 17-18)		
5	MIOSHA maintained the initial letters to the next of kin in a separate binder.	MIOSHA should maintain the next of kin letters in the case file.
Targeting and Inspection Statistics (p. 18-23)		
6	While MIOSHA recognized hazards and issued citations, not all of the hazards were appropriately classified per their FOM.	Ensure all staff is retrained on hazard classification and penalty assessment guidelines.
Employee and Union Involvement (p. 23-24)		
7	Documentation was not found in the file that copies of citations and/or ISAs were sent to the unions.	Ensure that all inspection actions are documented and included in the case file.
Citations and Penalties (p. 24-26)		
8	While MIOSHA had a hazard classification and penalty assessment system that was similar to Federal OSHA, they did not follow it in all cases. Hazard classification did not follow the guidelines established in MIOSHA's FOM. Penalty assessment, severity/probability and adjustment factors did not follow established MIOSHA guidance documents in all cases.	Ensure all staff is retrained on hazard classification and penalty assessment guidelines.
Review Process (p. 27-29)		
9	There was a lack of documentation that noted that the employee or employee representative had been contacted regarding the final Informal Settlement Agreement.	MIOSHA should note within the case file when an employee or employee representative has been contacted.
10	There was no documentation to support or explain why changes were made to the violations and penalties in some case files.	Changes that are made to violations and penalties through the first appeal level should be documented in the case file.
Public Employee Programs (p. 29)		
11	While MIOSHA had a hazard classification and penalty assessment system that was similar to Federal OSHA, they did not follow it. Hazard classification did not follow the guidelines established in MIOSHA's FOM in all cases. Penalty assessment, severity/probability and adjustment factors did not follow established MIOSHA guidance documents in some case files.	Ensure all staff is retrained on hazard classification and penalty assessment guidelines.

	Findings	Recommendations
Information Management (p. 29-30)		
12	MIOSHA does not use IMIS management reports.	To prevent duplicative work, MIOSHA should use IMIS management reports.
Discrimination (p. 35-39)		
13	Review of the cases revealed that MIOSHA's Employee Discrimination Section has adopted their own forms, letters, and Final Investigative Report (FIR) rather than using the forms provided by the OSHA Whistleblower Program. Case file organization does not follow DIS 0-0.9. However, the outcomes of the cases reviewed were appropriate.	Follow DIS 0-0.9 to ensure consistency with case file organization and contents, including forms, letters and Final Investigative Reports (FIRs).
14	While MIOSHA has improved in timely completion of 11(c) investigations, they completed only 68% in 90 days.	MIOSHA should continue to improve case management to ensure completion of all cases in a timely manner.
Voluntary Compliance Program (p. 39-40)		
15	MIOSHA's current policy recognizes the need to obtain medical information during VPP evaluations. However, it did not include procedures for obtaining a WAO.	Continue revision to VPPPPM that will address WAO order procedures. Train staff on procedures and ensure WAOs are obtained.
16	In 35% of the MVPP files, it was noted that the MVPP team observed an excessively high number of 90 day items.	Review with the MVPP Team Leader the need to assess those sites with a high number of 90 day items to ensure that all MVPP principles are in place.
17	Approval letters to the unions, as appropriate, were not consistently sent in all cases.	Provide refresher training to ensure that approval letters are sent to the union as appropriate and a copy is included in the file.
Benchmarks/Furloughs/Funding (p. 41-42)		
18	MIOSHA's staffing levels are below the currently approved benchmarks. MIOSHA has considered recalculation to lower its benchmark levels as part of the SIEP in each of the past three years.	The State should continue to work with OSHA, regarding benchmarks, and continue to increase staffing levels to the extent feasible.