

Puerto Rico
FY 2009 Enhanced FAME Report – Corrective Action Plan Summary

	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
Abatement of Violations								
1	PROSHA has a significant number of open cases with unsatisfied overdue abatement. (p.4)	Ensure abatement is assured in a timely manner by implementing improvements in management oversight including periodic review of management reports; provide training to compliance officers to better recognize serious hazards; improve case lapse time through expedited case file reviews and periodic review of management reports; provide training for compliance officers and 29(a) investigators to better recognize and document serious hazards.	Each Area Director was instructed to run weekly the standard reports and take the appropriate action.	On October 6, 2010 the Area Directors were instructed.	Letter certifying action taken	Area Directors will review cases corrected during inspection for documentation and return the cases for correction to the CSHOs. If cases are present with unsatisfied overdue abatement and the required information for a petition of PMA, the Area Director will be instructed to correct. An internal Audit will be performed for verification	10/06/2010	
	There was a lack of case file documentation in situations where CSHOs observed the abatement of cited hazard(s) during the inspection. (p.4)		Area Directors will be retrained in case file review, including the abatement of cited hazards during inspections and to request the necessary information that will allow them to grant a Petition for Modification of Abatement Date (PMA). This training will be conducted from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010.	Training participation lists		12/13/2010	
	Employers, who requested additional time to correct hazards after the citations were issued, did not provide the required information that will allow PR OSHA to correctly grant a Petition for Modification of Abatement Date (PMA). (p.4)		PR OSHA will audit adherence with this process by the end of the third quarterly of 2011.	Internal audit will be performed to by June 30, 2011.				

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Consultation (MARC Report)								
2	Forty-one of the 760 serious hazards issued, or 5.39%, were not verified corrected in a timely manner. (p.28)	Private Sector Consultation: Ensure timely hazard abatement by improvements in management oversight including periodic review of appropriate management reports. (Rec-2 move to place in order)	The Director and consultants of the Voluntary Programs Division were instructed to review the appropriate management reports to ensure the timely hazard abatement for each consultation visit, in both private and public sectors.	October 2010 the Voluntary Programs Director was instructed.	Letter certifying action taken	The Director of Voluntary Programs Division will verify the management reports and refer the case to the consultant for appropriate action.	10/31/2010	
			PR OSHA will audit adherence with this process by the end of the third quarterly of 2011.	Internal audit will be performed to by June 30, 2011		If cases with corrective action not verified within a timely manner the Director of Voluntary Programs Division will be instructed to follow-up in corrective actions. An internal Audit will be performed for verification Of corrective action in a timely manner.		

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3	<p>PROSHA conducted a total of 23 public-sector consultation visits in FY 2009. Three “initial” visits, or 13.04%, were coded as high hazards establishments. Goal was not met. Reference point is 100%. (p.28)</p>	<p>Public Sector Consultation: Improve inspection targeting mechanisms to ensure that high hazard worksites are inspected. Ensure timely hazard abatement by improvements in management oversight including periodic review of appropriate management reports. (Rec-3 move to place in order)</p>	<p>As established in the OSHA Instruction STP 2.22A CH-1, June 20, 1986, the following will not be considered for public sector: percent of initial consultation visits in high hazard establishments; and percent of initial consultation visits in smaller businesses. The reason being most government agencies and their services are not classified as high hazard and because Puerto Rico government is a large employer. Nevertheless, the Voluntary Programs Division Director was instructed to improve marketing targeting mechanisms for consultation visits in high hazard in the public sector. During the month of December, 2010 we will deliver letters to government with secondary high hazards NAICS promoting our consultation service.</p>	<p>During the Month of December, 2010 Voluntary Programs Division will commence sending letters to Puerto Rico Government Agencies. The letters will be sent to one agency at a time. If no request is received within a month period letters will be send to the next government agency.</p>	<p>Letter certifying action taken Example letter</p>	<p>If after all letters are sent and no o minimal consultation request are received, the Director of Voluntary Programs Division will consider a second round of letters or a new approach.</p>		

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Complaint Investigations								
4	<i>Complaint tracking (non formal complaints: This report is used to determine if complaints need to be closed that are still open.</i> Four (Mayaguez, Arecibo, Ponce and San Juan) of the 6 Area Office reports reflect several open non formal complaint investigations. These reports should be reviewed and those investigations that are still open where satisfactory responses were received should be marked closed. Additionally, in several instances there are a number of cases which are closed, but the days to satisfy are still running as the date the response letter was received was not entered into the IMIS. (p.66)	Implement internal controls such as supervisory review and final approval before complaint investigation (non-formal complaints) and complaint inspections are closed.	Area Directors were instructed to use the ACE and Standard reports to track all complaint investigations.	On October 6, 2010 the Area Directors were instructed.	Letter certifying action taken	If during the internal audit process formal and non-formal complaints open with satisfactory responses, the area director will be instructed to correct them.	10/06/2010	
			Each AD will be retrained in the compliance policies and procedures as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Training participation lists		12/13/2010	
			This will be audited by the end of the third quarterly 2011.	Internal audit will be performed to by June 30, 2011.				
5		In cases in which complaint inspections are not opened in a timely manner - make a notation in the file explaining the delay.	Area Directors were instructed to make the pertinent notations in the daily case diary. On October 6, 2010 the Assistant Secretary in a meeting with the Area Director and the sub director of the BI, gave clear instructions to comply with this recommendation.	On October 6, 2010 Area Directors were instructed.	Letter certifying action taken.	If during the internal audit complaint inspections not opened in a timely manner and have no notation explaining the delay in the case diary, the Area Director will be instructed to correct this.	10/06/2010	
			This will be audited by the end of the third quarterly 2011.	Internal audit will be performed to by June 30, 2011.				

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6		All non-formal complaints alleging potential imminent danger conditions such as trench hazards should be reviewed by a supervisor for evaluation, to determine if an inspection is warranted.	Each Area Director will be retrained in the complaints policies and procedures as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Training participation lists	If during the internal audit non-formal complaints with potential imminent danger conditions have no evaluation notation in the case dairy and an inspection is not conducted, the Area Director will be instructed to correct this.	12/13/2010	
Fatality Investigations								
7	A total of 16 fatality case files were reviewed by the OSHA BSE Team. There was no evidence of "next of kin" notification letters in 7 of the case files reviewed and, in 2 case files, notification of enforcement action could not be found either. (p.35)	Provide training to CSHOs and managers to reiterate the policies relating to fatality investigations including the proper procedures pertaining to making the appropriate communication to the family of victims (i.e. next of kin letters).	CSHOs and Area Directors were trained on the policies and procedures relating to fatality investigations, including making the appropriate communications to the family of victims.	On October 6, 2010 Area Directors were instructed to verify that next of kin notification letters are sent.	Letter certifying action taken	Area Directors will verify that in accident investigation cases all next of kin notifications are sent, If not the Area Director will return the case to the CSHO to correct this.	10/06/2010	
			This will be audited by the third quarterly 2011.	Internal audit will be performed to by June 30, 2011.		If during the internal udit accident investigation cases are found to not have sent the next of kin notifications the Area Director will be instructed to correct this.		
			Course 1230-Accident Investigation to be conducted in Puerto Rico from November 16 th to the 24 th , 2010 by OSHA Training Institute.	8 Directors, 1 Hearing Examiner and 30 Specialists were trained by November 24, 2010.	Training Certificates		11/24/2010	

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8	In another case file, there was no apparent attempt to document whether a fall protection violation of was willful when the contractor had been cited for the same violation approximately three years earlier. There were no notes in the case file indicating the employer was asked the basic questions that are asked when pursuing a willful violation. (p.35)	Provide training to all field staff, including supervisory staff, to ensure the application of PR OSHA's Field Operations Manual guidance and procedures whenever there is evidence that a willful violation may exist, and to counteract any potential employer affirmative defense.	Each Area Director will be retrained in the compliance policies and procedures relating to documenting willful violations as established in the new FOM from November 29 to December 3, 2010. This will be added to the regular audit process.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Training participation lists	Area Directors will review cases and willful violations evidence exist and the CSHO did not analyze for this or evidence of an affirmative defense exist and the CSHO did not document for this the Area Director will return the case to the CSHO for correction of this.	December 13 ,2010	
			The Area Directors will retrain CSHOs on this matter by January 31, 2011.	San Juan, Carolina, Caguas January 11,12,13, 2011 Mayaguez, Ponce. Arcibo January 19, 20, 21,2011	Training participation lists		If during the internal audit cases and willful violations evidence exist and the CSHO did not analyze for this or evidence of an affirmative defense exist and the CSHO did not document for this, the Area Director will be instructed to correct this.	January 31, 2011
			Course 1230-Accident Investigation to be conducted in Puerto Rico from November 16 th to the 24 th , 2010 by OSHA Training Institute.	8 Directors, 1 Hearing Examiner and 30 Specialists were trained by November 24, 2010.	Training Certificates			11/24/2010
9	Penalty reductions amounting to more than 50% of the total for all penalties initially proposed (after any deletions or any reclassification) must be approved by the PR OSHA's	Ensure that the PR OSHA policy of notifying the Bureau of Inspections before granting penalty reductions in excess of 50% is followed.	Each Area Director will be retrained in the compliance policies and procedures, relating to penalty reductions as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Training participation lists	If during the internal audit cases granting reductions in excess of 30% are found without the express approval of the Bureau of Inspections, the Area Director will be Instructed to correct	December 13, 2010	

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			Course 1230-Accident Investigation to be conducted in Puerto Rico from November 16 th to the 24 th , 2010 by OSHA Training Institute.	8 Directors, 1 Hearing Examiner and 30 Specialists were trained by November 24, 2010.	Training Certificates		11/24/2010	
10	<p><i>In reference to a specific case file review:</i> There was evidence in the case file that would indicate that no attempt was made to evaluate whether the violation was willful. This should have been explored, given the employer was cited for excavation hazards in early 2006. There is also no documentation in the file that indicates the employer was ever interviewed. In this case, the resulting serious citation was issued with a low severity designation for the possible resulting injury with a corresponding injury of death. The injury designation should have been High severity with the corresponding higher penalty. (p.36)</p>	<p>It also is recommended that training be provided to all field staff, including supervisory staff, to ensure proper violation classification.</p>	<p>Each Area Director will be retrained in the compliance policies and procedures as established in the new FOM from November 29 to December 3, 2010. The Area Directors will retrain CSHOs on this matter by January 31, 2011.</p> <p>This training will also address proper classification and gravity of the violations.</p>	<p>Training will take place on December 2, 3, 9, 10 and 13 of 2010</p>	<p>Training participation lists</p>	<p>The Area Director will review for proper violation classification in inspection cases and return the case to the CSHO for correction.</p> <p>If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.</p>	December 13, 2010.	
<p>San Juan, Carolina, Caguas January 11, 12, 13, 2011.</p> <p>Mayaguez, Ponce, Arecibo January 19, 20, 21, 2011</p>			<p>Training participation lists</p>	January 31, 2011				
<p>Course 1230-Accident Investigation to be conducted in Puerto Rico from November 16th to the 24th, 2010 by OSHA Training Institute.</p>			<p>8 Directors, 1 Hearing Examiner and 30 Specialists were trained by November 24, 2010.</p>	<p>Training Certificates</p>	11/24/2010			

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Employee and Union Involvement								
11	Eighty-two case files were reviewed consisting of 40 safety files and 42 health files. There was evidence in the majority of the files that employees were contacted/interviewed during inspections. However, the review revealed that union representatives were not involved in the inspection process at unionized worksites in 5 of 29 cases reviewed. In only one of the 29 union case files reviewed was there evidence the union was sent a copy of the citations. (p.49)	Provide training to all field staff regarding the agency's policy of Union/Employee Representative involvement during and after inspections and the requirement to properly document compliance with this policy in case files.	All field staff and Area Directors were trained and required to comply with the policy of union/employee representative involvement during and after inspections and to document properly each case file.	On October 6, 2010 Area Directors were instructed and they instructed their field personnel.	Letter certifying action taken	The Area Director will review for Union/Employee Representative involvement in inspection cases and return the case to the CSHO for correction. If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.	10/06/2010	
			Also, each Area Director will be retrained in the compliance policies and procedures as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list		December 13, 2010	
			This will be added to the audit process.	As of October 2010 this was added to our audit process.			10/31/2010	
			The Area Directors will retrain CSHOs in the compliance policies and procedures as established in the new FOM by January 31, 2011	San Juan, Carolina, Caguas January 11, 12, 13,2011. Mayaguez, Ponce. Arecibo January 19, 20, 21, 2011.	Participation training list		January 31, 2011	

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Citations and Penalties								
12	In 10 of the 40 safety inspections case files evaluated, there was not enough evidence to support the violation. In addition, in 17 case files where various General Duty Clause citations were issued, the citation did not conform to the documentation requirements, as per the PROSHA Field Operations Manual. In 10 of the case files, the violations do not appear to have been classified appropriately. (p.50)	Provide training to all Supervisory and field staff regarding documentation on OSHA 1B forms, to ensure correct citing of standards and regulations, proper violation classification, correct use of the “in the alternative” citations, and General Duty Clause provisions, as well as proper documentation of General Duty Clause violations as described in PR OSHA’s FOM (OSHO Instruction CPL 2.45C, April 2000; Chapter IV).	Each Area Director will be retrained in the compliance policies and procedures relating to proper documentation and violation classification as established in the new FOM from December 2, 3, 9, 10, 13, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	The Area Director will review for documentation on OSHA 1B forms, to ensure correct citing of standards and regulations, proper violation classification, correct use of the “in the alternative” citations, and General Duty Clause provisions, as well as proper documentation of General Duty Clause violations in inspection cases and return the case to the CSHO for correction. If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.	December 13	
			The Area Directors will retrain CSHOs on this matter by January 31, 2011.	San Juan, Carolina, Caguas January 11, 12, 13, 2011. Mayaguez, Ponce. Arecibo January 19, 20, 21, 2011.	Participation training list		January 31, 2011.	
			This will be audited by the end of the fourth quarterly 2011 or on the first quarterly 2012.	It will be audited by October 31, 2011 or December 31, 2011.				
13		Implement internal controls to ensure that all cases are reviewed on a supervisory level and that all violations issued meet the prima facie requirements.	Each Area Director will be retrained in the compliance policies and procedures as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	The Area Director will review all violations issued meet the prima facie requirements in inspection cases and return the case to the CSHO for correction. If during the internal audit cases deficient in this are found the Area Director will be	December, 13, 2010.	
			Area Directors are required to ensure these policies are followed.	On October 6, 2010 Area Directors were instructed.	Letter certifying action taken		10/06/2010	

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			This will be added to the audit process.	As of October 2010 this was added to our audit process.			10/31/2010	
14		See Recommendations 9 and 10	See answer to recommendations 9 and 10 above.	See 9 and 10 above				
15	<i>In reference to a specific health case file reviewed:</i> In another case, there was evidence that there had been needle stick injuries at the location. The needlesticks were recorded on the OSHA 300 log, yet the inspection was not expanded to evaluate the employer's compliance with the Bloodborne Pathogen standard. (p.55)	On a case-by-case basis; CSHOs and supervisors should evaluate whether to expand un-programmed partial inspections to a comprehensive scope.	Each Area Director will be retrained in the compliance policies and procedures as established in the new FOM, including when it is appropriated to expand inspections, from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	The Area Director will review to determine if an un-programmed partial inspection should be expanded to a comprehensive scope in inspection cases and return the case to the CSHO for correction.	December 13, 2010.	
			Also the CSHOs will be retrained by January 31, 2011 by the Area Directors.	San Juan, Carolina, Caguas January 11, 12, 13, 2011. Mayaguez, Ponce. Arecibo January 19, 20, 21, 2011	Participation training list	If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.	January 31, 2011	
			This will be added to the audit process.	As of October 2010 this was added to our audit process.			10/31/2010	
16	Local IMIS reports from each PROSHA office were reviewed. The review of the Violation Abatement Report (a report that lists all cases with violations and the abatement dates) revealed that there	Provide additional training to all field staff, including supervisory staff, to ensure that abatement issues are handled in accordance with established policy including: <input type="checkbox"/> Ensure appropriate abatement	Each Area Director will be retrained in all abatement issues identified and handled in accordance with established policy as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	The Area Director will review to determine if abatement issues are handled in accordance with established policy in inspection cases and return the case to the CSHO for correction. If during the internal	December 13, 2010	

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			Also, the CSHOs will be retrained in this matter by the Area Directors, by January 31, 2011.	Carolina, Caguas January 11, 12, 13, 2011. Mayaguez, Ponce. Arecibo January 19, 20, 21, 2011	Participation training list		January 31, 2011.	
			This will be audited by the end of the fourth quarterly 2011 or on the first quarterly 2012.	As of October 2011 or December 2011 this was added to our audit process.				
17	There were three Safety Cases reviewed which contained PMA's. In 2 cases, PMAs were requested and granted, however, the PMA did not contain information required by the PROSHA's FOM. There were three Health cases reviewed with PMA requests letters. All	Implement internal controls to ensure that all Petitions for Modification of Abatement (PMA) Dates are reviewed on a supervisory level to ensure that all required information is contained in the request prior to granting the PMA.	Area Directors will be retrained in case file review, including the abatement of cited hazards during inspections and to request the necessary information that will allow them to grant a Petition for Modification of Abatement Date (PMA). This training will be conducted from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	If during internal audit missing information for the PMA persists the Area Director will be instructed to correct.	December 13, 2010.	

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18		PROSHA should train all appropriate personnel on the FOM requirements for PMAs and should implement internal controls, such as supervisory review and approval to ensure that PMA requirements are met before granting PMAs.	Area Directors will be retrained in case file review, including the abatement of cited hazards during inspections and to request the necessary information that will allow them to grant a Petition for Modification of Abatement Date (PMA). This training will be conducted from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	If during internal audit missing information for the PMA persists the Area Director will be instructed to correct.	December 13, 2010.	
19	The review of the Violation Abatement Report (a report that lists all cases with violations and the abatement dates) revealed that there were 283 cases with open cases with unabated items that are past due. These 283 cases represent a total of 1034 cited hazards of which 184 have been abated leaving 850 (or 82%) unabated. In addition, the study identified an additional 344 cases which have unabated violations prior to October 1, 2008. (p.55)	PR OSHA must conduct a thorough study of their cases with abatements due and develop and implement a plan to obtain abatement – especially for past due abatements.	Area Directors were instructed to use the Violation Abatement Report , verify each case file and using 1903 Regulation as well as the FOM, determine the action to be follow: 1. employer out of business – closed the case 2. cases in Legal Division – verify the cases status and follow Legal recommendations 3. cases under 6 month period – conduct a follow up inspection 4. cases over 6 month period – conduct an inspection.	On October 6, 2010 Area Directors were instructed.	Letter certifying action taken	The Subdirector of the Bureau of Inspections will review Violation Abatement Reports and follow-up with Area Directors. If during internal audit missing information for the PMA persists the Area Directors will be instructed to correct.	10/06/2010	
			The subdirector of BI will audit the Violation Abatement Report, to follow up on the Area Director’s actions.	On October 6, 2010 the Subdirector was instructed.	Letter certifying action taken		10/06/2010	

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			PR OSHA will audit this by the end of the fourth quarterly 2011 or on the first quarterly 2012.	It will be audited by October 31, 2011, or December 31, 2011.				
20	Page 57 outlines some instances where Failure to Abate (FTA) violations may have been issued.	Ensure that Failure To Abate notices are issued where appropriate.	Each Area Director will be retrained in the compliance policies and procedures as established in the new FOM, relating to Failure to Abate (FTA) from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	The Area Director will review inspection cases to determine if Failure To Abate notices are issued where appropriate and return the case to the CSHO for correction.	December 13, 2010.	
			The Area Director will retrain all CSHO on this matter by January 31, 2011.	Carolina, Caguas January 11, 12, 13,2011. Mayagüez, Ponce. Arecibo January 19, 20, 21, 2011	Participation training list	If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.	January 31,2011.	
			This will be audited by the end of the fourth quarterly 2011 or on the first quarterly 2012.	It will be audited by October 31, 2011 or December 31 2011.				

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Contested Cases								
21	There were 11 health cases reviewed with informal conferences (IFC). In two cases there were no notes of the IFC. In 10 cases there was no evidence that either union or employee representatives were notified and afforded an opportunity to participate in the informal conference. (p.60)	Relating to informal conferences, PR OSHA representatives must thoroughly document the following in the case file: The fact that notification to the parties of the date, time and location of the informal conference was made; indicate the date the informal conference was held in the diary sheet; at the conclusion of the conference, all main issues and potential courses of action must be summarized and documented.	Area Director will be retrained in the compliance policies and procedures as established in the new FOM, including PR OSHA Instruction ADM 1.13B of April 16, 2010, Procedures to Prepare and Process Informal Settlement Agreements from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	If during the internal audit cases deficient in this are found the Area Director will be instructed to correct this.	December 13, 2010.	
			Area Directors were instructed to follow these instructions in April, 2010.	On October 6, 2010 Area Directors were instructed.			10/06/2010	
			This will be audited by the end of the fourth quarterly 2011 or on the first quarterly 2012	It will be audited by October 31, 2011 or December 31, 2011.				
22	In the event that a case is contested PROSHA area offices forward the cases directly to the "legal division" rather than trying to settle post contest. PR OSHA's FOM allows that formal settlements can occur at the area office level. (p.61)	PR OSHA Area Offices should be allowed to attempt to settle cases, including those which would result in formal settlement agreements, before sending contested cases to PR OSHA's in house Counsel for settlement.	As established in the new FOM, Area Directors are authorized to conduct informal conference and to attempt and make all effort to settle cases before sending them to PR OSHA's Legal Division. Area Directors are not allowed to conduct post contest settlement agreements.	N/A				

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			Also, each Area Director will be retrained in the compliance policies and procedures as established in the new FOM from November 29 to December 3, 2010.	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list		December 13, 2010.	

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Debt Collection								
23	During the special study it was determined that there are a significant number of open inspections (344) that are in the debt collection process at the Legal Division. In addition, through analysis of PR OSHA's debt collection report, there are currently 107 cases at PR OSHA offices that are overdue for debt collection action. (p.62)	PR OSHA must review its debt collection process procedures and institute changes necessary to ensure timely resolution of debt collection cases and to ensure timely processing of such cases at the Area Office level.	The Government of Puerto Rico is going through one of the biggest economic crises in its history. There have been massive layoffs from all across the board, from the public and private sectors. Almost 100,000 jobs were lost during the period of 2009 through 2010, and still counting. The majority of all our cases are from public agencies, especially the Puerto Rico Department of Education. This public agency has gone through a lot of turmoil since last year. The Secretary of Education position was filled just one week ago and the fiscal autonomy of the agency is under syndication which makes matters worse. The Department of Education is under a lot of scrutiny from the Federal Government because of questionable mismanagement of federal funds.	N/A				PROSHA may want to consider modifying its public sector penalty policy to waive penalty/ close cases for abatement or other equivalent expenditures.

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			<p>PR OSHA's Legal Division has done everything within its power to collect unpaid penalties, from sending and mailing collection letters, soliciting informal conferences with the top brass (legal representatives) of the agency, and up to appearing before a judge. But up to this day there hasn't been any progress whatsoever. PR OSHA's Legal Division is probing for a way to use its legal power to force the Department of Education to produce abatement and payment of all the unpaid penalties. The only recourse left would be to shut down and seize the Puerto Rico Department of Education, close all its facilities and sell them in a public auction in order to carry out the payments due. But there is no local law or federal law that will allow to accomplish that goal. Nevertheless, PR OSHA is open to any suggestions from Federal OSHA on this matter.</p>					

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Also, each Area Director will be retrained to ensure the timely processing of debt collection at the Area Offices as established in the new FOM from November 29 to December 3, 2010	Training will take place on December 2, 3, 9, 10 and 13 of 2010	Participation training list	December 13, 2010.		
Information Management								
24	<i>Pages 63 through 66 detail specific data management issues that should be addressed.</i>	PR OSHA must ensure that the IMIS management reports identified with potential vulnerabilities are accurately and timely updated in order to improve the integrity of OSHA data and transparency to the public. PROSHA must improve its performance with IMIS data management. Additionally, PROSHA Management must use IMIS reports as a tool to effectively manage both the program and the work product of its staff.	Three IMIS Clerk positions were filled (Arecibo and Mayaguez Area Offices, and one for Voluntary Programs Division). The person recruited for the Ponce Area Office declined. A training orientation for IMIS Clerk was conducted on September 23, 2010.	In September 2010 two IMIS Clerk were recruited and trained.	Letter certifying action taken Participation training list	If during the internal audit deficiency in this are found the Area Director will be instructed to correct this.	09/23/2010	
			Area Directors and IMIS Clerk will be required to use IMIS reports as a tool to manage both the program and the staff performance.	Since September 2010 Area Directors and IMIS Clerks were instructed to use the IMIS reports.	Letter certifying action taken		09/23/2010	
			This will be audited by the end of the fourth quarterly 2011 or on the first quarterly 2012.	It will be audited by October 31, 2011 or December 31, 2011.				
25	A total of 31 rejected IMIS forms were found at the time of the evaluation. Some of these date back to	Area Offices must correct rejected forms promptly and if they experience problems and cannot correct the	Area Directors were instructed to correct rejected forms promptly or to contact OMDS for assistance.	On October 6, 2010 Area Directors were instructed.	Letter certifying action taken	If during the internal audit rejects are found and the Area Director has not attempted correction and/or	10/06/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Bureau of Inspections Sub director is responsible to run the appropriate reports and follow up on Area Directors.	On October 6, 2010 the Subdirector was instructed.	Letter certifying action taken		10/06/2010	
			This report will be run weekly, beginning on October 29, 2010 and will be added to the Area Director regular audit process. Bureau of Inspections Sub director is responsible to follow up on Area Directors.	Since October 2010 the reports are run on a weekly basis.	Letter certifying action taken		10/29/2010	
26	A total of 476 draft forms were found for five offices. Although the majority are recent, there are a few deficiencies in saving forms to final. (p.64)	Area Offices must review and update draft forms on a periodic basis.	Area Directors were instructed to review and update draft forms weekly, beginning on October 29, 2010 and will be added to the Area Director regular audit process.	On October 6, 2010 Area Directors were instructed. Since October 2010 the reports are run on a weekly basis.	Letter certifying action taken	If during the internal audit draft forms that should have been saved final are found, the Area Director will be instructed to correct them.	10/29/2010	
			The Bureau of Inspections Sub director is responsible to run the appropriate reports, monthly, and follow up on Area Directors.	On October 6, 2010 the Subdirector was instructed.	Letter certifying action taken		10/06/2010	
27	A review of the OSHA 31 (Program Activity) report in the NCR indicated that there are multiple	Area Offices must track and ensure OSHA 31 Forms are being completed in a timely manner.	Area Directors were instructed on October 6, 2010 to track and ensure OSHA 31 forms are being completed weekly.	Area Directors were instructed on October 6, 2010.	Letter certifying action taken	The Area Director verify that each CSHO has forwarded a hard copy each week and verify the form on the	10/06/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Beginning on October 29, 2010 the Area Director will require CSHOs submit 31 forms, signed, by the morning of each Friday to ensure they are completed in a timely manner.	Since October 29, 2010 CSHOs are required to sign 31 forms on a weekly basis.	Letter certifying action taken		10/29/2010	
			The Bureau of Inspections Sub director is responsible to run the appropriate reports every two weeks and follow up on Area Directors.	The Subdirector was instructed on October 6, 2010.	Letter certifying action taken		10/06/2010	
28	There are a total of 1472 open inspections for all Area Offices. There are 627 open cases with abatement dates over two weeks past due, which represent 44% of the total open cases. Three hundred thirty nine (23%) of the open cases involve debt collection processes. Two hundred fifty eight (18%) of the open cases are contested. There are a number of open inspections where abatement is complete but still remain open. (p.65)	The Area Offices must run case audit reports on inspections to ascertain whether or not the penalty was paid, and if so these cases should be closed.	Area Directors were instructed by October 6, 2010 to run case audit reports every two weeks and to take the appropriate action. Correction: Area Directors will run a case audit report for each case initially and analyze the case status and take the appropriate action. Area Directors will run Open cases reports bi-weekly, between Mondays to Wednesdays. And run case audits reports on suspect cases to determine the case status and take the appropriate actions to correct them.	Area Directors were instructed by October 6, 2010.	Letter certifying action taken	The Subdirector of the Bureau of Inspections will run open cases reports monthly and for suspect cases a case audit report and instruct the Area Director to correct them. If during the internal audit cases with unpaid penalties and no action was taken or cases should be closed and are not, the Area Director will be instructed to correct them.	10/06/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Bureau of Inspections Sub director is responsible to run the appropriate reports monthly and follow up on Area Directors.	The Subdirector was instructed by October 6, 2010.	Letter certifying action taken		10/06/2010	
29	<i>Debt Collection Report:</i> A total of 108 cases for all Area Offices are listed on the report for the time period 10/1/2008 to 4/30/2010. 107 require further collection activities. These reports are not reflective of cases dated before 10/1/2008 where penalties may not have been collected. PROSHA management indicated that the majority of these cases were already acted upon and transferred to the Legal Division for debt collection; however the information was not entered in the IMIS.	The Area Offices should contact their Legal Division to ascertain whether or not the older of the contested cases have become final orders, and if they have, these cases also should be closed.	Area Directors were instructed to comply with this recommendation by October 6, 2010.	On October 6, 2010 Area Directors were instructed.	Letter certifying action taken	If the Subdirector of the Bureau of Inspections determines that the Area Directors have not contact the Legal Division she will instruct them to do so. If during the internal audit that contested cases have a final order and are still open, the Area Directors will be instructed to correct them.	10/06/2010	
			Bureau Inspections Subdirector will verify Area Directors follow this instruction.	On October 6, 2010, the Subdirector was instructed.	Letter certifying action taken		10/06/2010	
			The Area Directors were notified on the 28 of October, 2010, to contact the Legal Division at least every 6 months	On October 28, 2010 Area Directors were instructed.	Letter certifying action taken		10/28/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
Consultation Program								
30	In ten (10) of eleven (11) cases, the employer requested an extension but does not give the reasons why nor do they describe interim protective measures. (p.71)	PR OSHA must meet the requirements of CSP 02-00-002 when granting extensions of correction due dates and ensure that employers provide the required information and implement appropriate interim protective measures.	The personnel of the Voluntary Programs Division was instructed in June 2010 to follow the requirements established in the Consultation Policies and Procedures Manual for granting extensions of correction due dates.	The personnel were instructed in June 2010.	Letter certifying action taken	The Director of Voluntary Programs Division will review cases prior to granting extensions of correction due dates, to ensure required information and interim protective measures exist if not the case will be returned to the Consultant for correction. If during the internal audit extension of correction due date were granted missing required information or no appropriate interim protective measures, the Director will be instructed to correct them.	06/30/2010	
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	
31	Overall, only 5% of employees were interviewed (114 interviewed out of 2,187 employees covered in the cases reviewed for the audit). Where visits were conducted at worksites with labor representation, there is no evidence in the case files that labor	Efforts should be made to increase the number of employees interviewed during Consultation visits and to ensure that employee representatives are offered the option to participate during the on-site visit.	Consultants were instructed in June 2010 to increase the number of employees interviewed in each area of the site during consultation visits. Also, the consultants were reminded to provide the employee representatives the opportunity to participate during the consultation visit.	Consultants were instructed in June 2010.	Letter certifying action taken	The Director of Voluntary Programs Division will review the cases and ensure a proper number of employees are interviewed and that an employee representative is offered the opportunity to participate of the on-site visit , if not, the consultant will be	06/30/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	
32	Only one health file in audit sample had industrial hygiene sampling conducted (The Audit included: 11 Health, 8 visits coded as "Both" which means that both Safety and Health issues were addressed). In the one case in audit sample where sampling was done, pre/post calibration of audio-dosimeters and the sound level meter was not accomplished. (p.72)	Health consultants should be reminded of the importance of evaluating health hazards found in the workplace. PR OSHA must also ensure that ALL consultants conducting health visits have the required competencies, meeting the intent of Appendix K of CSP 02-00-002.	The Director of the Voluntary Programs Division and each health consultant were instructed in June 2010 about the importance of evaluating health hazards in the workplace and the compliance with the pre and post calibration of the equipment, including the required documentation in the casefile.	Consultants were instructed in June 2010.	Letter certifying action taken	The Director will review health on-site visit cases and determine if any health issues were left with out evaluation and if all pre/post calibration were performed. If not the Director will return the case to the Consultant for correction.	06/30/2010	
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided on October 2010.	Participation training list	If during internal audit cases were monitoring equipment were not pre/post calibrations were not performed, the Director will be instructed to correct this.	10/29/2010	
33	Proper documentation was not found in case files where formal training was done during a visit or as part of a separate Training/Assistance Visit. Approximately 77% of the case files reviewed did not have complete OSHA 300 log records included. (p.72)	It is highly recommended that a tracking form be utilized to ensure that all required documentation is included in each case file and to facilitate supervisory review of the files.	The Director of Voluntary Programs Division was instructed in June 2010 to make a full revision of each casefile and to require each consultant to include the proper and necessary documentation. A tracking form was developed and its use was required by all the consultants in the Division.	Consultants were instructed in June 2010.	Letter certifying action taken	The Director will review each case for proper required documentation and if not present return the case to the consultant for correction.	06/30/2010	
						If during the internal audit cases missing required documentation the Director will be instructed to correct		

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	
34	The appropriate documentation was not found for follow-up visits and this absence was verified by the Director of Voluntary Programs. (p.73)	PR OSHA must document ALL visits in writing as required by the CSP 02-00-002.	The Director of Voluntary Programs Division was instructed in June 2010 to make a full revision of each casefile and to require each consultant to include the proper and necessary documentation. A tracking form was developed by June 2010 and its use was required by all the consultants in the Division.	Consultants were instructed in June 2010.	Letter certifying action taken	The Director will review each case for this and if not present return the case to the consultant for correction. If during the internal audit cases are missing required documentation the Director will be instructed to correct this.	06/30/2010	
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	
35	Two of the four SHARP files reviewed indicated that these employers were not eligible to be SHARP participants because their Form 33 scores did not meet the criteria set forth in CSP-02-00-002. Additionally, a comprehensive safety	PR OSHA should review all their SHARP cases to ensure that only eligible employers are in the program. Additionally, efforts should be made to increase the number of employees interviewed during Consultation visits.	The consultants and the Director of the Voluntary Programs Division were instructed in June 2010 to follow this recommendation.	Consultants were instructed in June 2010.	Letter certifying action taken	The Director will review SHARP participation request cases for all eligibility requirements and return the case to the consultant for any corrections.	06/30/2010	
			Refresher training on the requirements relating to SHARP was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
36		Form 33 refresher training should be provided for existing staff and full Form 33 training provided for new staff members.	PR OSHA will take the steps necessary to comply with this recommendation.	We have two consultants that will be taking the initial training in Region II by March 2011. Interim: In January 2011 they will be provided with interim training by other consultants.	Training Certificate Letter certifying training was provided.	The Director of the Bureau of Technical Assistance will verify that all Consultants have the Form 33 training, if not, instruct the Director of Voluntary Programs to ensure all Consultants have been trained in the Form 33 training.		
			Form 33 refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	Refresher training was provided in October 2010.	Participation training list		10/29/2010	
Discrimination Program								
37	Pages 75 through 76 outline a number of case file documentation and organization issues.	PROSHA needs to implement the case organization standards as outlined in the Federal Manual that PROSHA adopted in February 2007. All investigators need to follow this format. Actual tabs should be used to organize all case files with a streamlined standard for all documents. Investigators should be trained to adhere to these new standards. This will also be of great assistance to supervisors, the Program Manager and the Counsel.	All discrimination investigators were instructed in September, 2010 to implement the case organization standards outlined in the Discrimination Manual.	All discrimination investigators were instructed in September, 2010.	Letter certifying action taken	The Bureau of Inspections will verify that the discrimination cases follow the established case organization, if not, return the case to the investigator for correction. If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.	09/30/2010	
			A retraining was provided on October 15, 2010, which included the case file organization.	A retraining was provided on October 15, 2010.	Participation training list		10/15/2010	
			The Subdirector of BI will audit this when the cases are received in the Central Office.	The Subdirector of BI will audit the cases. October, 2010	Letter certifying action taken		10/31/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
38	Interviews of investigators and supervisors revealed a lack of understanding and confusion and the appeals process, and the procedures for merit cases. (p.76)	PR OSHA needs to train all investigators and staff of the legal process for merit and non-merit cases, as well as cases that are appealed. The appeals process should be outlined in the directive so that all Investigators are familiar with the appeals process and can explain it to Complainants. The directive should mandate that the closing letters for Non-Merit cases contain an advisement of the Complainant's appeal rights. At a minimum, the Complainant should be advised of where the appeal is filed and the timeframe.	All discrimination investigators were retrained by the Legal Division on October 15, 2010, so that they fully understand the appeals process related to discrimination cases and the complainant rights.	All discrimination investigators were retrained by the Legal Division on October 15, 2010.	Participation training list	The Bureau of Inspections will review cases for merit procedures, and return the cases to the investigator for corrections.	10/15/2010	
			By January 2011, PR OSHA will amend the appeal process in the Discrimination Manual, DIS 0-0.9.	January 2011: Amend the appeals process in the manual.	Amended Discrimination Manual DIS 0-0.9 for PR OSHA.	If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.		
39	The reviewers found numerous formats, styles, and organization of the Final Investigative Reports. (p.76)	A tab should be added to case file organization for investigator's notes. This will aid in the organization of the case file, and make any FOIA requests more manageable.	All discrimination investigators were instructed in September 2010 to use tabs in the case file organization.	September 2010: Investigators were instructed to use tabs.	Letter certifying action taken	The Bureau of Inspections will review cases for this and return the cases to the investigator for corrections.	09/30/2010	
			A retraining was given on October 15, 2010, which included the case file organization.	October 15, 2010: Investigators were retrained.	Participation training list	If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correc	10/15/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
40	Interviews of investigators showed that no investigators have access to the Whistleblower IMIS section. The secretary is the only person with access to Whistleblower IMIS. (p.76)	Investigators should be granted access to Whistleblower IMIS so that they may better track their cases.	All investigators have full access to Whistleblower IMIS on August 2010.	Access was granted in August 2010.	Letter certifying action taken	Investigators were granted access.	08/31/2010	
			On August 18, 2010 investigators were trained to track their cases.	August 18, 2010: Investigators were trained.	Participation training list		08/18/2010	
41	Interviews revealed that several investigators wanted a team leader or another contact who investigators may ask legal, procedural, or substantive questions. (p.76)	It is suggested that PROSHA assign a team leader or contact who investigators may ask legal, procedural, or substantive questions.	At this moment, the Bureau of Inspections Sub director will answer legal, procedural or substantive investigators questions or referred them to our Legal Division. The paralegal position, which is the one dealing with these functions, is not currently filled. We hope that we are given permission from the Management and Budget Office to fill the position once again.	August 2010: The Subdirector will review and/or answer investigators questions or refer them to our Legal Division.	Letter certifying action taken	N/A	08/31/2010	
42	The interviews of investigators showed that many would prefer to have full-time investigators as it is difficult to adhere to the timelines with their other CSHO cases. (p.76)	It is suggested that PR OSHA managers look in to the plausibility of having two (2) full-time 29(a) investigators, instead of spreading the work among CSHOs. This would allow for efficiency, timeliness, depth of understanding, and morale among CSHOs.	That would be the best scenario. However, there is not enough caseload that would justify having two full-time 29(a) investigators.	N/A				

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
43	Of the reviewed files, only two case files contained a Complainant Questionnaire (p.76)	It is suggested that PR OSHA investigators use a Complainant Questionnaire which would allow pertinent information to be filled in by the Complainant for easy access and reference for the investigator.	By January 2011, PR OSHA will amend the Discrimination Manual; DIS 0-0.9 to include a revised Complaint Questionnaire.	January 2011: Review the Discrimination Manual to include a revised Complaint Questionnaire.	Amended Discrimination Manual DIS 0-0.9 for PR OSHA.	The Bureau of Inspections will review cases for the new Complaint Questionnaire and return the cases to the investigator for corrections. If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.	January 2011	
			The Complainant Questionnaire was revised on September 2010.	September 2010: Complaint Questionnaire revised	Letter certifying action taken Revised Complaint Questionnaire		09/31/2010	
			Investigators were retrained by October 15, 2010 and required to use and include it in the case file for the FY 2011.	October 15, 2010: investigators trained.	Participation training list		10/15/2010	
44	Several investigators during interviews stated that they used screening checklists that help to identify all elements, timeliness, and jurisdiction. Several of these were located in case files and were a great resource for the investigators to timely and efficiently screen complaints. (p.76)	It is suggested that all investigators adopt the screening checklist used by some investigators to help identify all elements, timeliness, and jurisdiction.	By January 2011, PR OSHA will amend the Discrimination Manual, DIS 0-0.9 to include a revised screening checklist.	January 2011: PR OSHA will amend the Discrimination Manual	Amended Discrimination Manual DIS 0-0.9 for PR OSHA.	The Bureau of Inspections will review case files for the screening checklist and return the cases to the investigator for corrections. If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.	January 2011	
			Investigators were trained by October 15, 2010 and required to use it.	Investigators were trained by October 15, 2010	Participation training list		10/15/2010	
			Also, they were trained on the new complaint intake process on the web IMIS that started on October 18, 2010.	October 18, 2010: Investigators were trained on the complaint intake process.	Participation training list		10/18/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
45	The reviewers found numerous formats, styles, and organization of the Final Investigative Reports. (p.76)	PROSHA should follow the Federal Manual's template for Final Investigative Reports.	The Federal Manual's template for Final Investigative Reports is already adopted. Investigators were instructed and required to use it by October 15, 2010.	October 15, 2010: Investigators were instructed to use the Federal Manual's template for Final Investigative Reports	Amended Discrimination Manual DIS 0-0.9 for PR OSHA.	The Bureau of Inspections will review cases for this and return the cases to the investigator for corrections. If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.	10/15/2010	
46	The Secretary's Findings were form letters that only stated the element that was missing and gave appeal rights. Basic information was missing such as the allegation, defense, timeliness, jurisdiction, and all elements. (p.76)	PROSHA should adopt the Federal Manual's template for Secretary's Findings, which would include adding a brief explanation of the allegation, defense, timeliness, jurisdiction, and elements. This letter should also contain appeal rights.	The Federal Manual's template for Secretary's Findings is already adopted. Investigators were instructed and required to use it by October 15, 2010.	October 15, 2010: Investigators were instructed to use the Federal Manual's template for Final Investigative Reports	Letter certifying action taken	The Bureau of Inspections will review cases for this and return the cases to the investigator for corrections. If during an internal audit cases with this condition are found the Bureau of Inspection will be instructed to correct.	10/15/2010	
47	Of the reviewed twenty-six cases, twenty-two of the OSHA-87 forms were signed by the CSHO, one was unsigned,	The supervisor should sign off on all OSHA-87 forms.	The Bureau of Inspections Sub director was instructed to sign all OSHA 87 forms on October 1, 2010.	October 1, 2010: BI Subdirector instructed to sign off on OSHA 87 forms.	Letter certifying action taken.	If during an internal audit case files with the OSHA-87 not signed off by the Sub-director the Bureau of Inspection will be	10/01/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
			This will be added to the audit process.	October 2010: Review of BI Subdirector sign off on OSHA 87 forms added to audit process.	Letter certifying action taken		10/31/2010	
Voluntary Protection Program								
48	PR OSHA has not required current VPP participants (covered by the Process Safety Management Standard) to submit the annual self evaluation PSM Questionnaire. The PSM Application Supplement has not been required for applicants until very recently (i.e. during FY 2010) (p.79)	Ensure all applications covered by 29 CFR 1910.119 contain the PSM Application Supplement. Require all PSM covered VPP participants to submit the annual PSM questionnaire with their annual self evaluation.	PR OSHA instructed the consultants and the Voluntary Programs Director on June 2010 to comply with this requirement as established in the new VPP Regulation approved in July 2009 and the new VPP Policies and Procedures Manual approved in March 2010.	June 2010: Voluntary Programs Director was instructed to follow the new VPP Regulations and Policies and Procedures Manual.	Letter certifying action taken	The Director of Voluntary Programs Division will review cases for the PSM Application Supplement were applicable and return the cases to the evaluation Team Leader for corrections.	06/30/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
49	The VPP team leader must have a Medical Access Order (MAO) that can be used to review employee medical records and to verify the accuracy of the employer's OSHA logs and for determine eligibility for VPP participation. No Medical Access Order provision and/or other device is available for PR OSHA staff to allow access to confidential employee medical records to ensure that recordkeeping is accurate. (p.80)	PR OSHA must ensure that the Puerto Rico regulation equivalent to 29 CFR 1913.10, "Rules of agency practice and procedure concerning OSHA access to employee medical records" and OSHA Directive CPL 02-02-072, "Rules of agency practice and procedure concerning OSHA access to employee medical records" (which was adopted by Puerto Rico on October 24, 2007) is utilized to both obtain this information and to protect employee privacy. Additionally, it is strongly recommended that Puerto Rico modify TED 8.1 to require a detailed and thorough evaluation of VPP employers' recordkeeping records to ensure that VPP eligibility requirements are met.	PR OSHA personnel, CSHOs and consultants, were instructed on June 2010 to follow the Regulation Number 15, Part 1913 – Rules of Agency Practice and Procedures Concerning OSHO Access to Employee Medical Records and PR OSHA Instruction CPL 02-02-072, Rules of agency practice and procedure concerning OSHA access to employee medical records, in their inspections and consultation visits.	June 2010: Personnel, CSHOs and Consultants were instructed to follow Regulation #15, Part 1913.	Letter certifying action taken	The Area Directors and Director of Voluntary Programs Division will review their case files for Medical Access Order Requests when applicable and instruct the CSHOs and Consultants that they must use them applicable.	06/30/2010	
			Beginning October 1, 2010 the VPP evaluation team are required to make a detailed and thorough recordkeeping records evaluation to all VPP applicants and participants using the Medical Access Order.	October 1, 2010: VPP evaluation team instructed to use the Medical Access Order recordkeeping evaluations.	Letter certifying action taken		10/01/2010	
			Refresher training was given on October 4, 5, 7 and the last one will be on October 29, 2010.	October 2010: Refresher training was provided to VPP evaluation team.	Participation training list		10/29/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
50	<p>There were two VPP participants that were approved in 2004 and 2005 respectively that did not have their first re-approval visits within the required 42 month period. Additionally, there are three existing VPP sites, initially approved in 1998, where the interval between the date of their penultimate and their last VPP re-approval evaluation exceeded 60 months. (p.80)</p>	<p>Implement internal controls to assure that time intervals for re-approval evaluations, as outlined in OSHO Instruction TED 8.1, must be adhered to.</p>	<p>Since October 22, 2010 the Voluntary Program Division implemented a database with due dates for VPP participants, first and subsequent re-evaluations to comply with established time frames for each level of participation as outlined in Instruction TED 8.1.</p>	<p>October 22, 2010: Voluntary Programs Division implemented database with due dates for VPP participants.</p>	<p>Letter certifying action taken</p>	<p>The Director of the Bureau of Technical Assistance will review participants re-evaluations time tables to ensure they are carried out correctly, if not the Director of the Bureau of Technical Assistance will instruct the Director of Voluntary Programs to correct this.</p>	10/22/2010	
			<p>On October 22, 2010 instructions were given to the Voluntary Program Director to use it.</p>	<p>October 22, 2010: Voluntary Program Director instructed to use the database.</p>	<p>Letter certifying action taken</p>		10/22/2010	
			<p>The Bureau of Technical Assistance will verify and follow up with the VPD.</p>	<p>October 2010: Bureau of Technical Assistance will verify and follow up.</p>	<p>Letter certifying action taken</p>		10/31/2010	

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
51	There are no written acknowledgments sent to employers regarding receipt of the application and/or acceptance of the application. There is no tracking mechanism to track these dates to ensure that all VPP applications were acknowledged within the 5 day period and that VPP on-sites were scheduled within 6 months of application acceptance. (p.81)	PROSHA should create a system that includes written acknowledgements and ensures that VPP on-sites are scheduled within six (6) months of application acceptance.	The Director of the Voluntary Programs Division was instructed on June 2010 about the procedures to send a written acknowledgement to the employer. However all VPP applications were delivered in person by representatives of each company. A copy of the company's introduction letter are dated and sealed by our office and given to the employer representative as an acknowledgement of receipt.	June 2010: Director of Voluntary Program Division instructed to send written acknowledgement.	Letter certifying action taken	The Director of the Bureau of Technical Assistance will review VPP Cases to determine that Acknowledgment letters are sent, if not, The Director of the Bureau of Technical Assistance will instruct the Director of Voluntary Programs Division to correct this.	06/30/2010	
			PR OSHA uses the VPP Log to track all activities for each applicant or participant.	N/A				

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	Findings	Recommendations	PR OSHA Response	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status ¹
CSHO Training								
52	This study has identified the gap between existing training status and the requirements of the TED. (p.82)	Develop and implement a comprehensive training plan to provide mandatory training for CSHOs to bring them up to the minimum training standards established in OSHA Instruction TED-01-00-018 "Initial Training Program for OSHA Compliance Personnel".	OSHA Instruction TED-01-00-018, 10/21/2008, is followed with all new hired CSHOs (3 safety officers that began working between February and June 2008; 2 health officers - one who began in June 2008 and the other one who had been working as a safety officer since April 2002, but was changed to IHs in February 2009 to replace one vacancy left by end early retirement). These five CSHOs are the ones that must be evaluated at the end of the three-year period that ends on 2011 and for which PR OSHA must provide the minimum eight-course requirement. The other CSHOS, who have been working for years with PR OSHA, most of them were trained by federal OSHA personnel at our facilities. In order to comply with this new training requirement, PR OSHA will continue to train our personnel at OTI pursuant to the recommended training paths for compliance personnel, and any other applicable recommendations.	N/A				Completed. Pending further federal monitoring.

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