

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL 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	Case files are not well organized. A case file summary sheet was included in the case files, but for the most part, was not consistently or completely used.	Use a diary sheet in each case file to provide a historical record of all activities done during the life of the file as stipulated in the FOM, Chapter 5, Section X. This would eliminate the need for multiple checklists. It is suggested the State consider using a consistent order with tabs, as well as color coding, for fatalities, safety and health files, and ensure there are no loose papers in the file.	Wyoming OSHA does have and use a diary sheet called a "casefile summary sheet". It is used to document important events or actions relating to the casefile. We will ensure it is in all casefiles when appropriate. All inspectors were briefed on this issue.	Train CSHOs in the use of case file summary sheet Completed 5/22/10	Casefile summary sheet	Completed casefile summary should be in all case files as needed.	11/23/10	Subject to further Federal review and monitoring.
2	Files lack critical documentation needed to uphold violations and should include documentation of employee interviews. Information specific to the hazard should be included in the AVD.	Employee exposure information, employer knowledge and employee interviews need to be documented and included in every case file.	Wyoming OSHA saw the issue relating to our documentation last year and have instituted documentation criteria over the last year that will ensure this documentation is included relating to employer knowledge and employee interviews are available in the case files. The case file narrative is now in a template format which includes and addresses employer knowledge, employee exposure, and an employee interview form is being formalized which will be included in the casefile.	Created Employee Interview form and Casefile Narrative Template Completed 5/22/10 CSHO training to insert documentation into the casefile narrative template and to document employee interviews onto employee interview form Completed 5/22/10 Transition to direct complete entry of violation information into the NCR	Employee interview form Casefile Narrative Template	Employee interviews must be attempted on all inspections. Employee exposure information and employer knowledge documentation must be inserted into all case files with citations.	03/15/11	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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3	The gravity designation of high severity was inappropriately used for most serious violations.	Follow the guidelines in Chapter 6, Section III (A)(1) of the FOM when assessing severity.	Wyoming OSHA does follow the guideline in Chapter 6, Section III (A)(1) and welcomes being provided examples of where we did not, so that we can recognize areas for improvement. We would like the audit sheets or written notes relating to this issue so that we can determine why you feel the severity was inappropriately used and what additional criteria Federal OSHA officers follow for determining a lower severity because the FOM does not give examples similar to the Probability section.	C SHO training on justifying low or medium severity versus high severity. Completed 05/22/10 Supervisor will monitor.		There will likely be some violations with low or medium severity during the next case file review..	11/22/10	Subject to further Federal review and monitoring.
4		Include information that specifically identifies the location, identity and an actual description of the hazard in the AVD. This information assists the employer at effectively abating the hazard.	In Wyoming we work very closely with the employer to ensure they understand what needs to be abated during the inspection and through follow-up phone calls. When asked, we provide a copy of the photo taken relating to the issue to assist with abatement concerns. Wyoming OSHA will improve in this area to document the location and actual description of the hazard in the AVD.	See Recommendation #2 Addressing use of the casefile narrative template.	Casefile narrative template	Specific information concerning violations will be on all citations in the case file.	11/22/10	Subject to further Federal review and monitoring.
5	The OSHA form 300 was not routinely collected and inserted into the case file and entered into the database.	Collect the OSHA 300 for the last three years, insert it in the case file and enter the information into the database.	Since the new FOM, we have been collecting the three years of data and entering it into the NCR.	C SHOs were instructed on the collection and entry into the system of the OSHA 300 form for the last three years.		OSHA 300 information for the past three years will be in all appropriate case files.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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6	The State does not include employee contact information in the case file.	Follow the FOM, Chapter 5, Sections B(5) and B(11) as well as Section C (2)(g) for requirements of contact information.	Wyoming OSHA collects contact information for each person interviewed relating to fatal accidents and catastrophes which is documented in the casefile. A form has been developed to seek personal information from employees during routine inspections. This document will be included in the casefile. Entering this information into the NCR is redundant.	See Recommendation #2 addressing use of the employee interview form	Employee interview form	Contact information collected will be in case files.	3/15/11	Subject to further Federal review and monitoring.
7	Eight percent of complainants were not notified of the results of an inspection within twenty days (when citations are issued).	Wyoming employees who file complaints need to be notified about the results of the complaint within 20 days of issuing the citations 100% of the time. (SAMM Indicator 3).	Wyoming OSHA has adjusted to this issue and the compliance supervisor makes a concerted effort to review and approve the case file narrative for release to the complainant after the certified mail receipt is returned to our office that shows the citations were delivered to the employer.	The State is evaluating this item using the SAMM exceptions report for SAMM #3.		100% for SAMM #3	02/28/11	Subject to further Federal review and monitoring.
8	The reason for closing a case file with an unpaid penalty was not documented	Document in the case file the reasons for administratively closing the case.	Based on the information provided so far we are not sure this is an issue. We do make a concerted effort to document why we are administratively closing a case file. We would like the audit sheets and or notes relating to this issue so that we can determine how you came to this conclusion and make changes to our process if needed.	This recommendation was dropped.	The State provided case files that had been audited to demonstrate this information was in the files. The administrator includes a note to the case file.	Recommendation deleted.		No further action required.
9	The response time was erroneous due to a data entry issue	Using the complaint received date on the "Complaint Query Report along with the date of the original letter "D" from their case file, the State should calculate the SAMM 2 "Response Time to Initiate Complaint Investigations."	As discussed in this report, Wyoming OSHA has adjusted to this issue and is using the proper fields and codes in the NCR now.	This data entry issue was addressed with CSHOs at the 5/22/10 meeting to discuss the results of the special study. This issue will be reassessed at the end of the first quarter in FY 11		SAMM 2 - Response time for inquiries should be 1working day max.	02/28/11	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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10	There was no criteria to use when assessing the severity of amputations referred to by the Division of Worker Compensation. There was not documentation in the case file to show the severity of the amputation hazards was fully assessed.	Create a local policy or emphasis program with a written policy for addressing the amputation referrals from Worker Compensation. The criteria for this policy should be "at least as effective as" the federal national emphasis program and should include guidelines for tracking in the IMIS database. That policy should include a process to assess and document the severity of the hazard.	WY OSHA receives information directly from Claims Analysts (CA) as they become aware of accidents involving amputations with lost time. WY also reconcile the information in the claims system by running a monthly report to ensure accidents are not missed. The info collected from these accidents are handled as referrals. The CSHO collects info from CA to assess the severity and circumstances of the amputation. The Supervisor then reviews each event & makes a determination as to whether an inspection or inquiry is to be done. An inspection is to be done within 16 working days & an inquiry is handled within 1 working day. WY OSHA has a very active amputation targeting tool & has inspected a number of accidents over the previous year.	The State has decided to continue addressing amputations as referrals from the Worker Compensation Division.		Amputations will be responded to as quickly as possible.	12/02/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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11	Acceptable abatement was not documented in three of the four amputation referral inquiries.	The State must take follow up action to secure appropriate abatement for three inquiries involving amputations. The Region will identify the inquiries in question.	Wyoming OSHA has reviewed the three amputations referral inquiries and has found more than adequate acceptable abatement documentation.	CSHOs will be informed of problems with abatement and educated on more stringent abatement requirements.	One amputation case file reviewed did contain adequate abatement.	Adequate abatement for amputation referrals should be present in all case files.	01/31/11	Subject to further Federal review and monitoring.
12	Maximum response periods of five days were not consistently given for inquiries.	Follow the FOM, Chapter 9, Section I, for Inquiries and assign a five day maximum abatement period to each employer. An extension can be granted if necessary.	Wyoming OSHA is following the FOM on this issue as much as possible. Wyoming recently changed their abatement process whereby the inspector makes one call as a reminder to secure abatement. If abatement is not received within the next five day period, an inspection is scheduled if practical.	This process was changed shortly following the special study & CSHOs were informed on those changes in the spring of 2010.	The current policy is to give 5 days to respond, then call and give additional 5 days if necessary. If no response, inspect if practical.	Abatement for inquiries will be collected in a more timely manner following the WY process outlined.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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13	Five of the seven, tenth letter inspections were in-compliance during FY 2009.	The State should assess the productivity of doing 10th Letter Inspections. If the violations being periodically found are not related to the violations identified in the inquiry, the program should be considered for cancellation.	This is a deterrent program to support inquiry activity, and provides us with a reason to visit an employer at a later date. In the future we will review EMR and lost run data before making a decision to inspect. If the company has a negative EMR and there is no reason to suspect inadequate reporting we will not inspect. Wyoming OSHA still feels this is an important program and will continue with this program.	Wyoming will continue this program with more stringent criteria. Completed 7/1/10	If an employer selected is above the EMR for his industry, an inspection will take place.	Less 10th letter inspections will take place freeing up resources for more critical activities.	11/22/10	Subject to further Federal review and monitoring.
14	Personally identifiable information (PII) such as social security numbers and coroners reports were found in some case files. The State indicated they limit the release of personal information when appropriate.	Ensure a written process is in place to protect personally identifiable information.	Wyoming OSHA will develop a written process when resources allow. Administrative support has been briefed and understands that in the mean time no case file information is released until the Compliance Supervisor has reviewed the information and given approval for release. No personal information is released unless we are in the discovery process associated with a contested case or court order.	Wyoming will document their program. In the interim, no PII will be released except during discovery or contested case court orders. The supervisor and compliance administrative person will handle all cases. 5/22/10		A policy addressing the protection of personally identifiable information will be documented & used by Wyoming Worker Safety Division.	7/01/11	Subject to further Federal review and monitoring. Wyoming should document its process for protecting PII and submit it for Regional review.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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15	Compliance officers have access to worker compensation information about each employer, which can be reviewed prior to opening an inspection. This data can be used to better focus the inspection into the areas where accidents are occurring. There was very little documentation in the case files noting this information was being used.	It is recommended that compliance officers be required to review the worker compensation data prior to visiting a targeted company to better ensure the inspection is focused into areas where the accidents are occurring.	Compliance officers do review the workers compensation data prior to visiting the targeted company and during the inspection they educate the employer on their injuries. Training has been conducted on this issue and the Compliance officers are instructed to document in the casefile the hazards associated with this data (loss run).	CSHO training was conducted. 5/22/10		Documentation for the targeted inspections using worker compensation information will be included in the case files.	11/22/10	Subject to further Federal review and monitoring.
16	Wyoming had no inspections in the construction emphasis areas of silica and lead.	Wyoming historically conducts significantly less health inspections than the national average. Proactively train safety CSHOs to identify and refer health related construction and oil and gas hazards to the Wyoming health staff.	Wyoming OSHA only has two Compliance Health Officers when fully staffed. This office had a reduced health officer staff over the period assessed and is going to experience it again with the senior health person moving to consultation, leaving compliance with a vacancy that will need to be filled by the end of CY 2010. Also a PSM audit (one of the two Health Officers is the Team Leader) has been started this year resulting in a decrease in health inspections. Safety Offers have been trained and instructed to make health compliance referrals when needed. The health inspection numbers will increase when fully staffed and training has been completed on new hires.	Wyoming health inspectors will be more focused on health inspections, making increased referrals to safety. The health inspection percentage increased during FY 2010. In 2011, Wyoming has lost one health inspector, but will focus on the NEPs of diacetyl, primary metals and isocyanates. Wyoming hopes to be fully staffed midway into the fiscal year but new personnel will take some time to train.	Anticipated adoption of three health NEPs in 2011	Percentage of health activity in line with federal statistics taking into account any vacancies that occur.	10/01/11	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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17	No inspections were conducted in the two emphasis areas of Trucking & Warehousing and Lumber & Wood Products.	Since there were no inspections in two of the local emphasis areas, reassess these targeted areas for effectiveness. If the data supports continued targeting, resources should be redirected to these high hazard industries.	Wyoming OSHA has revised its local emphasis programs and identified new targeted inspection systems. These results will be impacted by the requirements of participating in National Emphasis Programs (NEP) mandated by Federal OSHA.	Wyoming revised their LEPs keeping oil & gas, nursing homes & personal care facilities and construction. They added a public sector LEP. Completed 7/15/10		LEPs will be assessed on a yearly basis for effectiveness.	10/01/10	Subject to further Federal review and monitoring.
18	Wyoming had not developed written instructions or criteria for any of their local emphasis programs describing the scope, procedures and coding to be used.	Document the current local emphasis programs, specifying criteria and procedures to be followed.	We will develop documents for current local emphasis programs as resources allow.	Wyoming will document LEPs as resources allow.	Four written LEP Programs.	Each LEP will have written criteria and be shared with the Regional Office.	7/01/11	Subject to further Federal review and monitoring. Wyoming should submit documentation on each of its LEPs for Regional review.
19	Employees are not consistently being interviewed during inspections.	Conduct employee interviews during inspections as dictated in Chapter 5, Section VII, A. of the FOM, "Interview statement of employees and other individuals shall be obtained to adequately document a potential violation."	This recommendation is very similar to Recommendation # 2 and seems redundant. This item has been address and corrected in Recommendation #2.	Combined with and addressed in Recommendation #2.			3/15/11	Subject to further Federal review and monitoring.
20	Employee interviews are not in writing. Contact information for interviewed and exposed employee is not consistently collected and noted on the OSHA 1A.	Follow Chapter 5 of the FOM in regard to employee interviews during inspections. The form 1A should be filled out completely before submission to the host.	See recommendation #2. Wyoming OSHA has been developing a formalized interview form and will be included in the casefile. All compliance officers have been instructed and trained on this issue.	Combined with and addressed in Recommendation #2.			3/15/11	Subject to further Federal review and monitoring.
21	Union involvement was not consistently documented in the case file.	Follow Chapter 3, Section D of the FOM which dictates the involvement of the union in all phases of the inspection process.	Wyoming OSHA has always requested union involvement and does offer the union involvement in both the opening, walk around, and closing. The short coming was only that the union involvement was not always documented in the casefile. These issues have been reiterated and instructed to the compliance officers.	CSHOs were instructed to document all union involvement in the case file. Completed 5/22/10		Union involvement will be documented in case file.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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22	The OSHA 1B form was not completely and appropriately filled out. Information including employee exposure information, necessary measurements and employer knowledge were not consistently documented. This often made it difficult to retain a citation at settlement. On occasion, inappropriate use of grouping was used.	Completely fill in both pages of the OSHA 1B form for all violations. This form documents the conditions that support each violation. Follow the directions for grouping in Chapter 4, Section X, B of the FOM.	This recommendation is very similar to Recommendation # 2 and seems redundant. This item has been address and corrected in Recommendation #2. Wyoming OSHA still does not understand the recommendation on grouping violations. The examples provided did not justify the recommendation.	Combined with and addressed in Recommendation #2. The grouping issue was resolved while on-site.			3/15/11	Subject to further Federal review and monitoring.
23	Incorrect procedures were being followed for on-site abatement verified by a CSHO.	Code abatement observed and verified on-site by CSHOs in the IMIS with an "I". There is no need to enter the number of days for abatement as abatement has been verified. For CSHO Observed Abatement, follow the guidelines outlined in Chapter 7, Section VI, D, of the FOM.	This issue has been addressed already and you should find that to be the case in future audits.	Wyoming is correctly identifying on-site abatement in the IMIS. Staff informed on 5/22/10.		Case files will indicate onsite abatement correctly.	11/22/10	Subject to further Federal review and monitoring.
24	Thirty day abatement periods were being given with no regard to the gravity of the violation.	Ensure abatement periods reflect the gravity of the violation. If a violation is abated and observed by the CSHO onsite, no abatement date is necessary, but a notation should be made on the citation stating "Corrected during Inspection."	Wyoming OSHA has begun to address abatement issues more specifically with the employer during the inspection and closing conferences. We have started documenting what is planned to be done and when in the case file narrative. Consequently the abatement periods will be shorter.	This recommendation was addressed as described by state. CSHO training done on 5/22/10.		Abatement periods for violations in casefile will reflect the gravity of the violations.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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25	Abatement verification is not consistently in the case files.	Follow 29CFR 1903.19 and/or Chapter 7, Section V and VI of the federal FOM for abatement certification. Ensure there is abatement certification for all violations and include that information in case files.	As stated in the report, WY OSHA provides a document called "WY OSHA Citation Instruction Booklet For Employers – A Step by Step Guide" with all citation packages that are sent to an employer. This document provides specific instructions relating to what types of abatement documentation is needed from the employer. If the employer has provided the necessary documentation / certification to show the hazard has been abated (i.e. photos, training documentation, written verification, etc.), we do not require the employer to fill out the Abatement Certification form. This process meets the intent of abatement certification and WY OSHA will endeavor to ensure all hazards have some sort of abatement verification as always.	Wyoming will be more aggressive at collecting certification of violations both during abatement follow-up and at informal conferences. CSHO training will be conducted.		Certification for violations should be included in case files with violations.	01/31/11	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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26	Abatement was often untimely. Abatement extensions were not used. In four reviewed inspections, abatement was not documented.	The State needs to be more aggressive at collecting and tracking abatement. Abatement extensions need to be documented and must follow the guidelines of Chapter 7, Section V, C, of the FOM.	Collection abatement – WY OSHA has responded to this issue by taking steps to ensure abatement follow up occurs in a timely manner. The inspector who conducted the inspection gets the file back when the 15 day contest period ends if abatement is needed. The inspector calls the employer to remind them that abatement is needed and follows up with a certified letter. The employer has 10 days to provide the information. Abatement extensions – During our phone conversation with the employer, we establish a new abatement date or an understanding that they wish to contest the citation. If they intend to abate we enter the extension date into the NCR and make a note on the case file summary sheet relating to the abatement matter. If the employer does not comply, a follow-up inspection is scheduled if practical.	CSHO training on revised processes described in State response occurred on 5/22/10.		Abatement will be submitted in a timely manner. Extensions will be documented thru Petitions for Modification of Abatement in both the case file and the NCR.	11/22/10 11/22/10	Subject to further Federal review and monitoring.
27	Follow-up inspections were not scheduled when abatement was not received.	Initiate a follow-up inspection protocol for those employers who do not submit timely abatement.	If the employer does not respond to our reminder call and letter, a follow-up inspection is scheduled if practical.	Combined with Recommendation #20.			11/22/10	Subject to further Federal review and monitoring.
28	The complete criteria for this program are not in writing.	Document the criteria of the 75/25 program and insert it into the State Internal Evaluation Program.	Wyoming OSHA still intends to offer this program when appropriate and will document the criteria as resources allow.	This issue has not been resolved. The region has two concerns: multiple participation by an employer during one year and the percent reduction simply to participate. The State is considering these concerns.	Written documentation including the criteria of this program.	Documentation of the program.	Pending	Subject to further Federal review and monitoring. Wyoming must document its 75/25 Penalty Reduction program and submit it for Regional review.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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29	Employers are being allowed to participate in this penalty reduction program multiple times each year.	Change the parameters of the 75/25 program so that an employer is not able to participate multiple times. An employer should be completely out of the program before being considered for entry. Add criteria to the program to address repeat and regular participants.	Wyoming OSHA is currently reviewing this program and will take appropriate steps once these reviews are completed.	See Recommendation #28.			Pending	Subject to further Federal review and monitoring. Wyoming must document its 75/25 Penalty Reduction program and submit it for Regional review.
30	Quick Fix was not being used as described in Chapter 6, Section IV of the FOM.	If Quick Fix is used, follow the guidelines described in Chapter 6, Section IV of the FOM.	As stated in the report, WY never applied the Quick-Fix guidelines to the initial proposed penalty in the NCR. The reduction to the penalty was initiated at the informal conference for good faith efforts for abating the hazard quickly. If and when Wyoming OSHA adopts the new increase penalty policy, this Quick Fix guideline will be followed.	The Wyoming version of Quick Fix was cancelled. Staff informed on 5/22/10.		This program will no longer be found in case files.	11/22/10	Subject to further Federal review and monitoring.
31		If the State chooses to use an alternate penalty reduction program for onsite abatement to continue their practice of encouraging prompt abatement, the State should write a complete program which includes: the criteria of the program, the penalty structure, how the program will be tracked, and how the program will be coded in the database. This penalty reduction program will need to be as effective as the guidelines in Chapter 6, Section IV of the federal FOM, "Effect of Penalties if the Employer Immediately Corrects." This program should be submitted to the Regional Office for concurrence.	There is no alternate penalty reduction program to discontinue because the reduction was applied at the informal conference. See Recommendation #30.	See Recommendation #23.			11/22/10	Subject to further Federal review and monitoring. Wyoming must document <u>all</u> of its Penalty Reduction policies, at whatever stage in the process, and submit them for Regional review.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL 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)
32	A notice of contest was not always filed within 15 working days after the receipt of the Notification of Penalty.	The State should follow Chapter 7, Section I of the ROPP in reference to notice of contest. This process gives employers the right to appeal the final order.	Chapter 7, Section I of the ROPP deals with when a complaint of discrimination should be considered for investigation. Wyoming OSHA assumes the recommendation relates to Chapter 6, Section 2 through 4, in which Wyoming OSHA will encourage the employer to submit written notice to contest within the 15 working days.	The process was initiated on 5/22/10 when the staff was informed.		A notice of contest will be in all case files not settled within 15 working days.	11/22/10	Subject to further Federal review and monitoring. Statutory timeframes for submission of written Notices of Contest should be enforced.
33	Conditions for settlement were not indicated in the informal settlement notes. These notes were not consistently included in the case files.	Adopt a format to be used for note taking during settlements that includes: why the case is being settled, why citations are being reclassified, why penalties are being reduced and why items are being grouped. It is suggested, the notes should also indicate if the settlement is informal or formal and whether the meeting was face-to-face or by phone.	Wyoming OSHA has already begun to improve on this issue. Documentation during the informal conference will be improved on by the Compliance Supervisor taking the time to better document the conferences.	Wyoming created a informal conference sheet to be used for documentation during the informal conference. This process was initiated in May of 2010	Informal Conference Sheet	The informal conference sheet should be in all case files where an informal conference was held.	11/22/10	Subject to further Federal review and monitoring.
34	The State appears to have unlimited time to settle a case at the informal level.	Review the State policy for post-contest informal settlements. Contact the State SOL and Hearing Officer to determine if timelines exist and who has ownership of the case after contest.	Wyoming OSHA operates under the belief of the employer's good faith. Once there is a lack of good faith from the employer, Wyoming OSHA will start the process for a contest hearing.	According to the Wyoming Rules of Practice & Procedure, Wyoming OSHA can conduct an informal conference at any time prior to a formal hearing.		The hearing should be held as soon as practical after the contest is filed as stipulated in Chapter 6, Section 3, B, II of the ROPP.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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35	Multiple penalty reduction programs were being used for settlements, resulting in larger than average penalty reductions. Settlements made after the 15 days deadline for filing a notice of contest were considered informal settlements. The term "formal settlement" was reserved for use with court decisions or decisions of the commission.	In order to maintain a deterrent effect, discontinue the use of multiple penalty reduction programs for settlement of a case, or create written criteria to address the problem of large penalty reductions using the average federal penalty reduction percent.	Wyoming OSHA began to minimize multiple penalty reduction to no more than 50% of the original proposed penalty about a year ago.	The State will grant maximum penalty reductions not to exceed 50% until further guidelines are provided on this issue. This change started in June of 2010.		The percentage of penalty reductions used by the state should be comparable to the percentage of federal penalty reductions.	Pending	Subject to further Federal review and monitoring. Wyoming must document all of its Penalty Reduction policies, at whatever stage in the process, and submit them for Regional review.
36	Only 2.35% of inspections were conducted in the public sector.	Increase programmed inspection activity in the public sector by devising an appropriate emphasis program.	For FY2011, Wyoming OSHA has developed a local emphasis program for employers in the public sector with a positive EMR.	Addressed in Recommendation #17.			10/01/10	Subject to further Federal review and monitoring.
37	The abatement tracking process is not working well.	The State needs to revise their abatement tracking process and place an emphasis on prompt abatement and abatement verification. The abatement tracking report should be run and checked weekly.	Abatement verification – The inspector who conducted the inspection gets the case file back when the 15 day contest period ends if abatement is needed and no contest was requested. The inspector calls the employer to remind them that abatement is needed and follows up with a certified letter. The employer is given 10 days to provide the requested information. Abatement tracking report – The report is being run weekly and given to the inspector as a reminder for what cases still need abatement information.	Combined in the discussion for #26. #27.			11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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38	Numerous data entry issues were identified during the onsite visit.	The State will coordinate with the Region to set up an onsite visit with a data entry person supplied by the Region to educate the staff and resolve entry issues in preparation for the new data system.	Wyoming OSHA is always interested in providing its staff any helpful training and guidance to the data entry system. Please let us know when your trainer is available to travel and present their training.	It was decided to conduct this training after the OIS is deployed.		All required data will be correctly input into the federal data system.	6/30/11	Subject to further Federal review and monitoring.
39	BLS data supports the areas being targeting by the program. There were no inspections in wood and lumber or trucking and warehousing during the 2009 fiscal year.	Based on the number of inspections in these areas, continue focusing resources in the emphasis areas of residential construction and nursing and personal care facilities. Increase the focus in the areas of trucking and warehousing and lumber and wood products, paying extra attention to worker compensation information and OSHA 300 logs to focus attention into the areas where the accidents are occurring.	Wyoming OSHA has and always will strive to improve on using the workers compensation data to help target employers where accidents are occurring.	Combined and addressed in Recommendation #17.			10/01/10	Subject to further Federal review and monitoring.
40	Employees may not know who to call in the case of unsafe conditions. This statement is supported by the low number of complaints.	Find ways to market the Wyoming State Plan Program to employees. This outreach should include how to file a complaint with OSHA in the event of unsafe working conditions.	Wyoming OSHA feels this recommendation is not valid. Over the last five years, Wyoming OSHA has had a safety awareness campaign including a annual safety and health conference, increased training in all areas of Wyoming's industries (oil & gas, construction, general industry), very active in the Governor's Fatality Taskforce, and has developed an alliance with the Oil & Gas Industry called WOGISA (Wyoming Oil and Gas Industry Safety Alliance).	The new Oil & Gas alliance includes employee involvement. Crane training was conducted through Steel Workers Union. An extra hour is dedicated to address employee rights during the 10 hour OSHA construction training course. WY will continue to look for opportunities to work with employees & unions.		Continuing education to employees on their rights and how to file a safety and health complaint.	11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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41	There are insufficient employee interviews being done to support the determination of the case.	Conduct increased employee interviews in each case in order to support the determination.	Wyoming OSHA does interview as many persons/employees that we deem necessary to determine the merit of the case and would like more specific examples and reasons for increased employee interviews from the casefiles that were reviewed.	This discrimination item was combined and addressed in Recommendation #2.			3/15/11	Subject to further Federal review and monitoring.
42	One case did not address "disparate treatment."	Address "disparate treatment" in all cases.	Please provide specific example of where we did not address disparate treatment.	Discussion will be held with staff on the specifics of documenting disparate treatment.		Discrimination casefiles will address disparate treatment.	1/31/10	Subject to further Federal review and monitoring.
43	Post settlement data was not correctly entered into the Whistleblower database.	Input all post agency settlement actions into the Whistleblower database. The State was instructed on how to enter the post agency settlement actions by the Whistleblower investigator during the review.	Wyoming OSHA will ensure that the Compliance Supervisor and Administrative Support staff enters the post agency settlement actions into the Whistleblower data base.	Instructions were provided to Wyoming following a discussion on this issue. Wyoming will address.		Whistleblower database will correctly reflect post settlement data.	2/28/11	Subject to further Federal review and monitoring.
44	One case remained on the pending list for several months without being assigned.	Use an adequate tracking system to insure cases are assigned in a timely manner.	Please provide a more specific example of this recommendation.	This issue was dropped due to lack of detail.		Recommendation deleted		No further action required.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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45	Wyoming has implemented a "two-part" application process. The first part of the process includes general information and the injury and illness rate information. This option can be used by the employer and is used by the program as a "gatekeeper" to assess eligibility before spending time completing the entire application only to discover the rates do not meet the criteria.	Adopt an assurances template consistent with the assurances in the VPP Policies and Procedures Manual.	Wyoming OSHA feels that our assurance template is meeting all of the program requirements for application to CVPP. A more detailed example of what is missing would be helpful in identifying this recommendation and provide to us Federal OSHA's electronic application format so that it can be reviewed to meet the VPP Directive.	A copy of the regional template was provided to Wyoming.		The WY Cowboy VPP procedures will be as effective as the federal procedures. This outcome applies to recommendations #46 - 55.	3/01/11	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
46	Wyoming has developed "The Historical Status" report which is a well designed tracking tool for VPP activity. The spread sheet identifies the company, the application date, the survey date(s) and comments.	Follow the document maintenance requirements of the VPP Directive in that all applications and assurances materials must be maintained by the State. To accomplish this, it is suggested that the State should consider reducing their VPP materials into electronic format to save space and provide easy storage.	Wyoming OSHA will follow and maintain all application and assurance material required in the VPP Directive for maintenance of participants files. The materials will be stored in archives.	Recommendations #46 - 55 concern VPP. All recommendations are being implemented into the Wyoming Cowboy VPP.			11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
47		Align the Wyoming CVPP with the federal VPP application requirements. In many cases, not all applications contain the necessary information to justify acceptance.	Wyoming OSHA will follow Procedures for Receipt and Review of Applications in the VPP Directive.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
48		Review applications prior to the site visit in order to provide enough time to conduct a thorough review of the application details.	Wyoming OSHA does provide ample time to conduct a thorough review of the application details before doing an on-site review.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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49		Record the application acceptance date in order to more effectively track that onsite audits are scheduled within six months of the acceptance date. It is suggested this information is added to the History Status report.	Wyoming OSHA will add an "Application Acceptance Date" column to our History Status report to justify the problem with an employer's application between the application received date and the acceptance date due to problems with the initial application. This will correct the out-lier for not being onsite within 6 months.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
50		Re-evaluations need to be scheduled inside the designated time frames as stipulated by the VPP Policies and Procedures manual.	See Recommendation #49.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
51		Use the Supplement B report to provide a standardized documentation of the PSM program evaluation.	Wyoming OSHA will use Supplement B for employers that have a PSM program for their annual self-evaluation.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
52		Create a database to indicate who conducted and assisted on each VPP. This will assist at tracking the criteria for back-up and team leader.	OSHA will create a database to indicate who has conducted and assisted on each VPP audits.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy VPP procedures to address this issue for Regional review.
53		Adopt the use of the standardized VPP report template and forms. The use of the Form -33 is inappropriate for VPP audits.	Wyoming OSHA will use the standardized VPP report template format.				11/22/10	Subject to further Federal review and monitoring. Wyoming should submit revised Cowboy Vpp procedures to address this issue for Regional review.
54		Ensure all action items are complete before a site is approved as a CVPP participant. Limit timelines for outstanding items to 90 days.	Wyoming OSHA will ensure all action items are completed before a site is approved as a CVPP participant.				11/22/10	Subject to further Federal review and monitoring.
55		Maintain CVPP reports and action items separately. Ensure annual self-evaluation reports from CVPP sites are complete before being accepted by the State.	Wyoming OSHA will maintain a public file on all approved participants in accordance with the VPP Directive.				11/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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56	A check for competency was not being used in all parts of the new hire training.	Expand the use of a "check for competency" as used in the health section to the rest of the initial training program.	Wyoming OSHA does not agree with this recommendation in that the findings are contradictory to this recommendation. In the report on page 8, it is stated that "No problems were noted with the competency of the inspectors' field work. Inspectors exhibited good hazard recognition and appeared to be technically competent. A wide range of hazards were effectively recognized and cited in the case files. For the most part, the standards were cited and the initial penalties were calculated correctly 100% of the time." Also on page 34, it states "The on-site review did not reveal any problems with the technical expertise of the compliance staff."	This issue was dropped based on Wyoming feedback.		Recommendation deleted.		No further action required.
57	There were numerous data entry problems throughout the program, particularly in post citation issuance processes, such as abatement verification and contested cases.	Expand data entry instruction to the Wyoming initial training and conduct periodic training to address data entry problems.	Wyoming OSHA will enhance training through classroom instruction for data entry into the NCR and into the new OIS system when it is deployed in February 2011.	See Recommendation #38. IMIS training is on-going as issues arise.		All required data will be correctly input into the federal system.	06/30/11	Subject to further Federal review and monitoring.
58	There were numerous problems with directives such as abatement verification as well as issues with the policies in the FOM, such as employee interviews and documentation of case files.	Include clarification of procedures identified as problematic during the audit into the 2010 summer training session.	Wyoming OSHA has always and will continue to share any helpful and positive constructive recommendations with its staff to ensure they are following the proper procedures according to their job duties.	These issues were resolved during the 5/22/10 meeting and address various recommendations..			5/22/10	Subject to further Federal review and monitoring.

Wyoming State Plan

FY2009 Enhanced FAME Report - FINAL Corrective Action Plan Summary Sheet

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59	References to the FOM are not made in the ROPP.	References should be made between the ROPP and the FOM to clarify what procedures are being followed for the Wyoming state plan staff.	Wyoming OSHA is currently reviewing this program and will take appropriate steps once these reviews are completed.	Work on referencing the ROPP to the FOM continues.	ROPP will be documented with references to FOM	Clearly referenced standard operating procedures	9/30/2011	Subject to further Federal review and monitoring. Wyoming will submit a revised ROPP to address this issue for Regional review.
60	State unique processes and Procedures are not documented in writing.	As part of the State Internal Evaluation Process (SIEP), processes and procedures need to be in writing.	Wyoming OSHA is in the process of developing a SIEP and will submit the written procedure to the Region when completed.	In the process of development (references other recommendations)	SIEP (consists of all written programs & internal evaluation process)	Conduct an internal evaluation of a process each FY.	9/30/2011	Subject to further Federal review and monitoring. Wyoming will submit an SIEP for Regional review.
61	Internal evaluations are not done in the State.	Document and evaluate a minimum of one internal process each year.	Wyoming OSHA will ensure one internal process is evaluated each year in the SIEP.	See Recommendation #60.			09/30/11	Subject to further Federal review and monitoring. Wyoming will submit an SIEP for Regional review.
62		The Region recommends the State of Wyoming allow WSCD to "adopt standards by reference" in order to meet the adoption timelines stipulated in the State Plan agreement.	Wyoming OSHA will review this issue with the Attorney General.	Wyoming reviewed this issued with the AG's office and the state will not allow adoption by reference, but requires all state agencies to use the "strike and underline" method of adoption.			Ongoing	Subject to further federal review and monitoring. The State will continue to pursue other options as they may become available to assure Wyoming is able to meet the 6 months requirement for adoption of equivalent State standards. There has been only one instance of late adoption in ten years and it was due to a weather delay.