

**FY 2017 Comprehensive  
Federal Annual Monitoring Evaluation (FAME) Report**

**State of Connecticut  
Division of Occupational Safety and Health  
(CONN-OSHA)**



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## I. Executive Summary

The purpose of this report is to assess the Connecticut Division of Occupational Safety and Health's (CONN-OSHA's) performance for Fiscal Year (FY) 2017 and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) Reports.

FY 2017 was a stable year for CONN-OSHA, but a few issues arose that had an impact on the program. For example, a compliance safety and health officer (CSHO) was on extended leave for at least a quarter of the year, and his absence made it difficult for CONN-OSHA to meet the annual target for inspections. However, the State Plan came close to doing so by achieving nearly 95 percent of its FY 2017 goal.

Also, the state had to grapple with a steep budgetary deficit. Consequently, CONN-OSHA had to deal with some travel restrictions, field staff and administrative personnel being furloughed for three days, and an administrative position that became vacant early in 2017 and has not yet been filled. Nonetheless, CONN-OSHA performed at a high level in many areas in FY 2017.

In the FY 2016 Follow-up FAME Report, CONN-OSHA had no findings, but there were two observations, one of which pertained to the State Plan's high average lapse time for health cases, and this observation has been continued in this report. The second of the two observations in the previous FAME Report was related to declining enrollment in the State Plan's outreach programs; this observation has been closed.

In this report, OSHA did not make any new findings but identified a few areas that need shoring up, and these have been listed as new observations. For example, with regard to the whistleblower protection program, OSHA made an observation related to a particular case that has been open for a prolonged period of time and another observation that pertains to CONN-OSHA's website not being user-friendly for workers who may wish to file workplace retaliation complaints. In the area of enforcement, there are three new observations; two pertain to case file documentation, and one is related to abatement verification.

However, these observations should not overshadow CONN-OSHA's performance in FY 2017, which was noteworthy on many fronts. The State Plan participated in a state initiative to provide OSHA 10-hour training to both staff and inmates at state correctional facilities. Also, there were no work-related fatalities at Connecticut's state and local government workplaces for the second consecutive year.

This report contains no new findings and six observations (five that are new and one that has been continued from the previous FAME Report). Appendix A, which describes the new and continued findings and recommendations, has been left blank. Appendix B describes the six observations subject to continued monitoring and the related federal monitoring plans. Appendix C, which describes the status of the findings in the previous year's FAME Report, is also blank because CONN-OSHA had no findings in FY 2016.

## **II. State Plan Background**

### **A. Background**

CONN-OSHA became operational on January 4, 1974, and covered both the private and state and local government sectors. It operated effectively in that manner until 1977, when the Connecticut State Labor Council sponsored a bill in the state legislature to restrict the enforcement of Connecticut's safety and health program to state and local government only. The bill was subsequently enacted with an effective date of June 30, 1978. Connecticut's previously existing approved 18(b) Plan, which covered both the private and state and local government sectors, was withdrawn on October 2, 1978, and was officially converted to a State and Local Government Only State Plan on November 3, 1978.

In August 1986, CONN-OSHA was officially recognized by the U.S. Department of Labor as having completed all structural and developmental aspects of its approved State and Local Government Only State Plan and has the distinction of being the first State and Local Government Only State Plan in the nation. CONN-OSHA is administered by the State of Connecticut, Department of Labor, under the leadership of the Commissioner of Labor. The State Plan's staff operates out of the state office building located in Wethersfield, Connecticut. CONN-OSHA enforces safety and health standards in state and local government workplaces, provides consultation services to these workplaces, adopts standards, and provides outreach services to the state and local government workforce. OSHA conducts private sector enforcement in Connecticut.

The Connecticut Department of Labor operates a workplace retaliation program pursuant to the Connecticut Occupational Safety and Health Act of 1973 (Chapter 571, Sections 31-367 through 31-385). The attorneys who administer the workplace retaliation program are employed by the Office of Program Policy (OPP), which is a separate division within the Connecticut Department of Labor. OPP has jurisdiction over workplace retaliation cases arising from state and local government workers in the State of Connecticut.

At full staffing, CONN-OSHA has two first-line supervisors (the director and the occupational safety and health program manager), five CSHOs, and three 23(g) consultants. CONN-OSHA also has two administrative support personnel and two compliance assistance specialists (CAS) who plan, develop, and implement training and education programs for the state and local government workforce.

### **B. Major New Issues**

In 2017, the State of Connecticut faced a substantial budgetary deficit and began a new fiscal year on July 1, 2017, with no budget in place. Consequently, the state worker bargaining unit that covers CONN-OSHA's field staff (i.e., CSHOs and 23(g) consultants) and administrative support personnel agreed to accept three unpaid furlough days per worker, as well as other cost-cutting measures, to help avoid layoffs. Out-of-state travel was curtailed in FY 2017, and the State Plan currently does not have approval to fill the administrative vacancy that occurred in February 2017. Although a budget agreement between the governor and legislature was finally

reached toward the end of 2017, many budgetary restrictions remain in place.

### **III. Assessment of State Plan Progress and Performance**

#### **A. Data and Methodology**

OSHA has established a two-year cycle for the FAME process. This is the comprehensive year, and as such, OSHA performed two on-site case file reviews—one which focused on evaluating the State Plan’s whistleblower protection program and the other which concentrated primarily on the enforcement program. Case files were reviewed to assess the overall effectiveness of each program and also to determine the status of the observations from the FY 2016 Follow-up FAME Report.

#### **Enforcement On-site Review**

From December 4-7, 2017, OSHA conducted an on-site evaluation of the Connecticut State Plan at its headquarters in Wethersfield, Connecticut. OSHA’s on-site team consisted of four personnel: a program analyst, a safety specialist, a CAS, and an audit program manager. The OSHA review team conducted an opening conference with the CONN-OSHA director and the program manager on December 4, 2017.

During this evaluation, the team reviewed 45 inspection case files; of this total, one file was related to a fatality inspection that was not work-related, and 44 case files were related to complaints, referrals, and programmed inspections. Case files were randomly selected from a universe of the 158 inspections that CONN-OSHA opened and closed in FY 2017. The universe of opened and closed cases was obtained from an OIS Scan Summary Report that was run by OSHA on November 15, 2017.

During the four-day on-site review, OSHA conducted interviews with CONN-OSHA staff, including the director, the occupational safety and health program manager, the associate research analyst, and two CSHOs, to discuss personnel, training, inspections, standard adoptions, the use of OIS, compliance assistance, and several other issues covered in this report.

The director and program manager attended the closing conference conducted by OSHA on December 7, 2017. During this meeting, OSHA discussed the issues that were identified during the case file review, and there was a friendly exchange of questions, information, and suggestions that benefited both OSHA and the State Plan.

In addition to the case file review, the analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures (SAMM) Report (Appendix D)
- Mandated Activities Report for Consultation (MARC)
- State OSHA Annual Report (SOAR) (Appendix E)
- State Plan Annual Performance Plan

- State Plan Grant Application
- OSHA Information System (OIS) Reports
- Quarterly monitoring meetings between OSHA and the State Plan

Each SAMM has an agreed-upon further review level (FRL) which can be either a single number or a range of numbers above and below the national average. This range of numbers is also known as the FRL range or the acceptable range. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2017 SAMM Report and includes the FRL for each measure.

### **Workplace Retaliation Program On-site Evaluation**

Two personnel from OSHA, the Regional Alternative Dispute Coordinator and the Regional Supervisory Investigator, conducted an on-site review of CONN-OSHA’s whistleblower protection program on February 5, 2018, at the State Plan’s headquarters in Wethersfield, Connecticut. During the evaluation, OSHA reviewed all cases (nine that were open and 16 that were closed) that were recorded on OSHA’s Whistleblower Application for the period October 1, 2015, through September 30, 2017. Cases were reviewed for completeness, legal sufficiency, and agreement with data contained in the national database. OSHA interviewed the two principal attorneys who handle CONN-OSHA’s workplace retaliation cases, as well as the CONN-OSHA director.

## **B. Review of State Plan Performance**

### **1. PROGRAM ADMINISTRATION**

#### **a) Training**

CONN-OSHA’s director and occupational safety and health program manager, along with the program’s training coordinator, plan the training and education program for CONN-OSHA staff.<sup>1</sup> In 2014, CONN-OSHA adopted OSHA Instruction TED 01-00-019, Mandatory Training Program for OSHA Compliance Personnel, which prescribes the requirements for training compliance officers.

All of the State Plan’s CSHOs have completed the mandatory training track for compliance personnel, as prescribed by the directive. CONN-OSHA is also ensuring that each CSHO and 23(g) consultant completes the technical courses that are required once the initial training requirements have all been completed.<sup>2</sup> For example, all of the State Plan’s CSHOs and consultants completed at least one technical course in FY 2017, either at the OSHA Training

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<sup>1</sup> The occupational safety training specialist also functions as the State Plan’s training coordinator.

<sup>2</sup> The directive, TED 01-00-019, provides a two-phase approach to CSHO training. In Phase 1, each CSHO will be required to complete a minimum of eight initial courses offered by OTI during the first three years of his or her career as a CSHO. The order and sequence of these courses is prescribed in the directive. In Phase 2, each CSHO will be required to complete a minimum of six additional technical courses through Year 8 of his or her career. Beginning with Year 9, he or she must complete a minimum of one technical course every three years.

Institute (OTI) or at the Chicago Regional Council of Carpenters' Apprentice Training Program. Each CSHO and consultant also completed one course to enhance professional development; most of these courses were offered by the state. The SOAR (Appendix E) contains a list of courses completed by each CSHO.

#### b) OSHA Information System

CONN-OSHA has an associate research analyst who is knowledgeable of OIS; other State Plans have sought his guidance and expertise with regard to running OIS reports and using other functions of the system.

CONN-OSHA understands the usefulness of OIS reports in monitoring case files and program activity. On a weekly basis, the Open Inspection Report is run to track cases with citations pending; inspections that have a violation issued but no employer receipt date; and cases with open abatement. The State Plan runs the Debt Collection Report on a weekly basis to track penalty payments, and the SAMM Report is run quarterly.

CONN-OSHA also uses OIS reports to monitor each CSHO's monthly activity. The Inspection One-liner Report and the Violation Detail Data Report are run for each CSHO to show the number of inspections opened by the CSHO, as well as the number and type of violations cited. For the 23(g) consultation program, CONN-OSHA runs OIS reports, such as the Task List Report, the Uncorrected Hazards Report, the Written Reports Pending Report, and the MARC, on a weekly basis.

On a quarterly basis, CONN-OSHA provides OSHA with a detailed report of the State Plan's activities and progress toward meeting annual performance goals. The fact that CONN-OSHA closely monitors enforcement and consultation performance through OIS reports is evident in these quarterly progress reports.

#### c) State Internal Evaluation Program Report (SIEP)

Over the past few fiscal years, CONN-OSHA has monitored performance on SAMM #1 and SAMM #11 in its SIEP by running the SAMM Report and other OIS reports that monitor performance in these two areas each quarter. SAMM #1 calculates the average number of days to initiate complaint inspections while SAMM #11 measures average lapse time. CONN-OSHA identified the initiation of complaint inspections and lapse time as areas of concern because historically, SAMM data and other metrics have shown that the State Plan's performance in these two areas has not been up to par.

Recent data shows that CONN-OSHA's monitoring of these two areas has paid off substantially. For example, in FY 2015, CONN-OSHA's average lapse time of 85.79 days for safety inspections was far outside the FRL. However, by the end of FY 2017, this average had decreased by 42 percent to 50.18 days, which was within the FRL. For health cases, CONN-OSHA's average lapse time has decreased from FY 2015, but the drop was not as steep; the State Plan's average in FY 2017 was 72.76 days, compared to 74.12 days in FY 2015. Neither of these averages were within the FRL. However, looking back to FY 2012, CONN-OSHA's average lapse time for both safety and health was over 140 days, which indicates that the State

Plan has come a long way—not only in terms of reducing lapse time for safety inspections, but for health inspections, as well.

CONN-OSHA had similar results with regard to the initiation of complaint inspections. In FY 2015, the State Plan’s average number of days to initiate complaint inspections was 9.98 days compared to 3.44 days in FY 2017, which represents a decrease of nearly 70 percent. In terms of consultation, CONN-OSHA monitors the days lapsed between the opening conference and the written report (from the OIS Consultation Customer Service Report). CONN-OSHA’s managers closely monitor performance in these areas not only by running OIS reports, but also by meeting with staff to share and discuss these reports. Thus, CONN-OSHA’s SIEP has played an important role in helping the State Plan achieve success in areas that at one time were cause for concern.

#### d) Staffing

As noted earlier, one CSHO began taking extended leave during the fourth quarter of FY 2017. Otherwise, CONN-OSHA had a full complement of field staff for most of FY 2017. An administrative support person left the State Plan in February 2017, but due to budgetary constraints, CONN-OSHA has not yet received permission to hire a replacement.

In FY 2017, CONN-OSHA’s field staff, through their bargaining unit, agreed to take a total of three unpaid furlough days between July 1, 2017, and June 30, 2018. According to the program manager, most of the affected personnel took furlough days in late 2017; however, a few staff will take some of the days in 2018.

## 2. ENFORCEMENT

#### a) Complaints

CONN-OSHA’s procedures for handling complaints are detailed in the CONN-OSHA Field Operational Manual (FOM), which mirrors the OSHA FOM in this regard. SAMMs #1 through # 3 assess the program’s efficiency in handling complaint inspections. For SAMM #1, the negotiated FRL is five days. In FY 2016, CONN-OSHA’s average number of days to initiate a complaint inspection was 3.03 days, and in FY 2017, the average was 3.44 days, which is well within the FRL of 5 days. As discussed earlier with regard to the SIEP, CONN-OSHA closely monitors this SAMM and has met the negotiated FRL over the past two fiscal years.

SAMM #2 calculates the number of days from the date the complaint was received to the date the State Plan initiates the investigation by notifying the employer of the complaint. SAMM #2 pertains only to complaints that were handled by investigation and have no related inspection;<sup>3</sup> the negotiated FRL for this SAMM is one day. In FY 2016, CONN-OSHA did not conduct any investigations, but in FY 2017, the State Plan’s average was 1.50 days.

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<sup>3</sup> Source: OSHA’s SAMM Codebook



In SAMM #3, the percent of imminent danger complaints and referrals responded to in one day is calculated. CONN-OSHA did not receive any complaints of imminent danger over the past two fiscal years. Also, the State Plan had no denials of entry in either FY 2016 or FY 2017 and, therefore, met the FRL of zero for SAMM #4. OSHA identified no issues with CONN-OSHA's handling of complaints.

b) Fatalities

There were no work-related fatalities for CONN-OSHA to inspect in FY 2016 or FY 2017. During the case file review, OSHA reviewed one inspection of a fatality that was not work-related. No issues were identified with this inspection.

c) Targeting and Programmed Inspection

SAMM #7, which presents planned versus actual inspections conducted, for both safety and health. The FRLs are based on a number negotiated by the OSHA and the State Plan through the grant application. In FY 2016, the FRL range for safety inspections was from 142.50 inspections to 157.50 inspections, and the health inspections FRL range was from 76 inspections to 84 inspections; CONN-OSHA met both FRLs in FY 2016 by conducting 216 safety inspections and 79 health inspections. In FY 2017, the FRL range for safety inspections was from 166.25 inspections to 183.75 inspections, and the health inspections FRL range was again from 76 to 84; the State Plan was only slightly outside the FRL for safety inspections with 159 but met the health inspections FRL with 77. As stated earlier, the extended absence of a CSHO during FY 2017 affected the State Plan's ability to complete the projected number of safety inspections.

According to Chapter 1 of the CONN-OSHA FOM, State Plans must have formal written policies and procedures on all aspects of their compliance program, including targeting. As part of its targeting program, CONN-OSHA evaluates National Emphasis Programs and adopts them if they are applicable to state and local government workplaces.

CONN-OSHA also targets workplaces that fall under one or more of the four most hazardous industries in either state or local government. In the Five-Year Strategic Plan, CONN-OSHA has identified these industries using the U.S. Department of Labor, Bureau of Labor Statistics (BLS) days away, restrictions, and transfers (DART) rates. For the state government, the most hazardous industries are hospitals, nursing and residential care facilities, and highway maintenance and repair operations. Among the local governments, the most hazardous industries are public works (streets and highways), water sewage and other systems, and municipal waste management and remediation services.

In the FY 2017 Annual Performance Plan, CONN-OSHA planned to conduct a total of 60 inspections in the targeted industries (10 in state government and 50 in local government). According to the FY 2017 SOAR, CONN-OSHA conducted 12 inspections in the targeted state government industries and 57 inspections in the targeted local government industries. CONN-OSHA counts both programmed and unprogrammed inspections as "targeted" inspections, as long as the inspection is conducted in one or more of the high-hazard industries.

For local government establishments, programmed inspections are assigned to CSHOs based on a list of 169 cities and towns in the state. CONN-OSHA cycles through the list so that the next local governmental entity assigned for an inspection is the one where the most time has elapsed since the last time it received a programmed inspection. According to the CONN-OSHA director, each local government has at least one department (e.g., public works, water, municipal wastewater, etc.) that falls under one of the program's targeted high-hazard industries, and CSHOs focus part of their inspections on inspecting these targeted industries.

For state government, CONN-OSHA uses a system to randomly select workplaces for programmed inspections, and the State Plan prioritizes inspections of the various departments within state government entities based on whether they fall under one or more of the targeted industries.

A few years ago, OSHA made an observation that CONN-OSHA was conducting very few programmed inspections in state government workplaces. Over time, the number of programmed inspections in state government workplaces increased from two in FY 2013 to 18 in FY 2016 (based on data in the FY 2015 Comprehensive FAME Report and an OIS Scan Summary Report). However, in FY 2017, the total number of programmed inspections in state government workplaces decreased to only five inspections.

According to CONN-OSHA, the State Plan had to devote more time to unprogrammed inspections than in the previous year, and this made it difficult to achieve the same level of programmed activity in state government as in the past couple of years. The State Plan also noted that according to Chapter 2 of the CONN-OSHA FOM, complaints and referrals take priority over programmed inspections when assigning staff resources for inspections.

Based on data from OIS Inspection Summary Reports, the total number of unprogrammed inspections in state and local government workplaces rose from 56 in FY 2016 to 74 in FY 2017, an increase of 32 percent. While the number of complaints and accident inspections were about the same, the number of referrals more than tripled, from six in FY 2016 to 23 in FY 2017. CONN-OSHA attributes some of this increase in referrals to a rise in severe injury reports.<sup>4</sup> The OIS Inspection Summary Reports also show that programmed activity in state and local government combined decreased by 49 percent from FY 2016 to FY 2017.

Since CONN-OSHA met the annual performance goal for targeted inspections in state government workplaces in FY 2017, OSHA does not believe the decrease in programmed inspections at the state level warrants further monitoring. However, the State Plan should work to avoid the situation that arose a few years ago when there was almost no programmed activity in state government.

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<sup>4</sup>Under OSHA's updated reporting requirements, employers must report any worker fatality within eight hours and any amputation, loss of an eye, or hospitalization of a worker within 24 hours. Previously, employers had to report all work-related fatalities and all hospitalizations of three or more workers. Although CONN-OSHA adopted these updated reporting requirements in 2015, it appears that awareness of these requirements has increased over the past year.

In addition to the BLS data discussed earlier, OSHA uses two SAMMs to analyze the effectiveness of State Plans' targeting programs. First, SAMM #9 calculates the program's in-compliance rates (i.e., the percentage of inspections that have been closed with no violations). High in-compliance rates may indicate that the State Plan is not targeting worksites that are highly hazardous and prone to having serious violations. Over the past two fiscal years, CONN-OSHA has met the FRL for both safety and health. In FY 2016, the FRL range for the percent of safety inspections in compliance was from 23.08 percent to 34.62 percent; the FRL range for the percent of health inspections in compliance was from 28.54 percent to 42.82 percent. CONN-OSHA had a 17.21 percent in-compliance rate for safety inspections and a 34.33 percent in-compliance rate for health inspections. For FY 2017, the FRL range was from 23.62 percent to 35.44 percent for safety inspections; the FRL range for health inspections in compliance was from 28.62 percent to 42.94 percent. CONN-OSHA had a 25.00 percent in-compliance rate for safety inspections and a 35.21 percent in-compliance rate for health inspections in FY 2017.

Next, SAMM #5 calculates the average number of serious, willful, repeat, or unclassified (SWRU) violations per not-in-compliance inspection. Not meeting the FRL for SWRU violations may also indicate that the State Plan is not targeting the most hazardous worksites. In FY 2016, the FRL range was from 1.50 to 2.24, and in FY 2017, the FRL range was from 1.46 to 2.20. In FY 2016, CONN-OSHA was at the lower end of the FRL range with an average of 1.56, but in FY 2017, the State Plan's average of 1.76 was well within the FRL range. Overall, CONN-OSHA appears to be targeting the most hazardous worksites for inspections.

#### d) Citations and Penalties

### **Citations**

In both FY 2016 and FY 2017, CONN-OSHA met the safety FRL for SAMM #11, which as stated earlier, calculates the average lapse time. However, in the FY 2016 Follow-up FAME Report, OSHA made an observation that CONN-OSHA did not meet the SAMM #11 FRL for health cases. CONN-OSHA's average lapse time for health cases continued to be outside the FRL range in FY 2017. CONN-OSHA has been monitoring lapse time in the SIEP and frequently runs the OIS Open Inspections Report, which lists cases with citations that are pending. The program manager also pays close attention to cases that have been open for more than 20 days. Despite these efforts, the State Plan's average lapse time for health cases increased slightly in FY 2017. In FY 2016, CONN-OSHA's average safety lapse time was 51.32 days while the acceptable range was from 36.13 days to 54.19 days. Meanwhile, the average health lapse time was 72.00 days, and the acceptable range was from 45.82 days to 68.74 days. In FY 2017, the average safety lapse time was 50.18 days while the acceptable range was from 36.23 days to 54.35 days. With an average lapse time of 72.76 days (an increase of less than one day compared to the previous fiscal year), the State Plan was again outside the acceptable range of 44.82 days to 67.24 days for health cases in FY 2017. Since this increase was by no means dramatic, OSHA will continue to monitor CONN-OSHA's progress in meeting the FRL in SAMM #11 for health cases.

**Observation FY 2017-OB-01 (formerly Observation FY 2016-OB-01):** CONN-OSHA’s average lapse time of 72.76 days for health cases did not meet the FRL of +/- 20 % of 56.03 days.

**Federal Monitoring Plan FY 2017-OB-01:** During quarterly meetings, OSHA will monitor CONN-OSHA’s lapse time for health cases to ensure that the FRL is consistently met.

**Status FY 2017-OB-01:** This observation is continued.

Next, during the case file review, OSHA determined that 17 (38 percent) of the 45 inspection case files reviewed were missing documentation that the CSHO reviewed the employer’s OSHA 300 Logs. Chapter 3 of the CONN-OSHA FOM states that “at the start of each inspection, the CSHO shall review the employer’s injury and illness records for five prior calendar years ....”

The CONN-OSHA FOM does not state that a copy of the OSHA 300 Log must always be included in the case file; however, if the log can be used to support violations, OSHA maintains that a copy of the log should be included in the case file, as should any other type of documentation of violations. According to Chapter 5 of the CONN-OSHA FOM, “All necessary information relative to documentation of violations shall be obtained during the inspection (including but not limited to notes, audio/videotapes, photographs, employer and employee interviews and employer maintained records).” To help ensure that CONN-OSHA includes copies of the employer’s OSHA 300 Log in the case file when necessary or at least documents the fact that the CSHO reviewed the OSHA 300 Log, OSHA will monitor this issue in FY 2018.

**Observation FY 2017-OB-02:** In 17 (38 percent) of the 45 case files that were reviewed, there was no documentation that the CSHO had either requested or reviewed the OSHA 300 Log.

**Federal Monitoring Plan FY 2017-OB-02:** During quarterly meetings, OSHA will assess the measures taken by CONN-OSHA to ensure that the case file contains documentation that the CSHO requested and reviewed the OSHA 300 Log.

**Status FY 2017-OB-02:** This observation is new.

## **Penalties**

CONN-OSHA’s penalties are established in the state’s Occupational Safety and Health Act, Section 31-382. Willful violations may incur a penalty of up to \$10,000 for each violation, and serious and other-than-serious violations may incur a penalty of not more than \$1,000 for each violation. The State Plan’s penalty structure and penalty amounts are based on those contained in the OSHA FOM that was issued in December 1990.

With regard to penalties, OSHA has identified no issues that warrant corrective action by CONN-OSHA or monitoring by OSHA. Severity and probability assessments, as well as penalty calculations, were all performed properly. OSHA identified a few issues related to violation classification but not enough to warrant concern. In all but a few instances, violations were properly documented, and the case file diary sheet was properly completed.

### e) Abatement

During the on-site review, OSHA reviewed 33 cases for abatement. No issues were identified with regard to appropriate abatement periods, adequate verification or evidence of abatement,

and follow-up inspections.

However, the OIS Abatement Tracking Report that was run February 23, 2018, showed one employer having 54 citations (14 serious and 40 other-than-serious) that had abatement due since either July or August of 2017. The employer did not contest these citations and paid the penalties in full, and no informal conference was held to discuss the citations. CONN-OSHA contacted the employer several times after the abatement due date was not met, but the State Plan did not conduct a follow-up inspection at the workplace until February 2018.

According to Chapter 7 of the CONN-OSHA FOM, “[t]he primary purpose of a follow-up inspection is to determine if the previously cited violations have been corrected.” Although this chapter also states that a follow-up inspection is “discretionary,” given the fact that the inspection was opened in March 2017, OSHA is concerned that the workers at this particular establishment may have been exposed to the unabated hazards for a considerable length of time. Thus, CONN-OSHA should have conducted a follow-up inspection at this workplace well before February 2018.

During the follow-up inspection, CONN-OSHA verified that all 54 violations had been abated, and the case was closed shortly thereafter. Nonetheless, OSHA will monitor the extent to which CONN-OSHA is following the procedures in Chapter 7 of the CONN-OSHA FOM to conduct follow-up inspections to verify abatement.

**Observation FY 2017-OB-03:** For one employer that had 54 citations (14 serious and 40 other-than-serious) long overdue for abatement, CONN-OSHA did not conduct a follow-up inspection at the workplace until 11 months after the date of the opening conference and about six months after the abatement due date.

**Federal Monitoring Plan FY 2017-OB-03:** On a quarterly basis, OSHA will monitor the extent to which CONN-OSHA is following the guidance in Chapter 7 of the CONN-OSHA FOM to conduct follow-up inspections to verify abatement.

**Status FY 2017-OB-03:** This observation is new.

#### f) Worker and Union Involvement

The SAMM Report in Appendix D of this report was run in November 2017 and shows that CONN-OSHA had a percentage of 97.88 for SAMM #13, percent of initial inspections with worker walk-around representation or worker interviews. The FRL of 100 percent for this SAMM is fixed for all State Plans. CONN-OSHA indicated that a coding error was responsible for the State Plan having a percentage below the FRL. Coding corrections have been made since the initial SAMM Report was run. According to the SAMM Report that was run by OSHA on February 21, 2018, CONN-OSHA actually met the FRL of 100 percent in FY 2017. The State Plan met the FRL for SAMM #13 in FY 2016, as well.

The case file review verified that CONN-OSHA has adequate policies and procedures addressing worker involvement during the inspection process and that most inspections had adequate union and/or worker representation. However, OSHA determined that in 20 (47 percent) of the 43 cases where the CSHO indicated that worker interviews were held, there were no notes or

documentation of the interviews. As noted earlier, Chapter 5 of the CONN-OSHA FOM states that the case file should include “all necessary information relative to documentation of violations,” such as notes and employer and worker interviews.

According to the managers, the substance of worker interviews is captured by the CSHO in the OIS Violation Form, which is used to describe and document the hazardous condition, worker exposure, employer knowledge, and several other important facts and observations related to the investigation. In the vast majority of the cases reviewed during the on-site evaluation, the violations cited were well documented, and the information in the OIS Violation was thorough and complete. Nonetheless, the State Plan’s practice of not including notes on worker interviews is not in keeping with the guidance in Chapter 5 of the CONN-OSHA FOM.

**Observation FY 2017-OB-04:** In 20 (47 percent) of the 43 cases where the CSHO indicated that worker interviews were held, there were no notes or documentation of the interview.

**Federal Monitoring Plan FY 2017-OB-04:** On a quarterly basis, OSHA will monitor the extent to which CONN-OSHA is following the guidance in Chapter 5 of the CONN-OSHA FOM and including worker interview notes in the case file.

**Status FY 2017-OB-04:** This observation is new.

### 3. REVIEW PROCEDURES

#### a) Informal Conferences

CONN-OSHA’s Occupational Safety and Health Act mirrors Chapter 7 of OSHA’s FOM with respect to contesting citations and notifying employers of penalty or abatement dates. In 22 inspection files that were reviewed during the on-site case file review, no issues were identified with the timeliness of the informal conference or with high numbers of violations being reclassified or vacated.

CONN-OSHA does not have penalty reduction programs, such as expedited informal settlement agreements. However, CONN-OSHA has implemented an internal policy of not granting penalty reductions higher than 50 percent, and data from SAMM #12, which calculates the State Plan’s penalty retention percentage, indicates that CONN-OSHA is following this guideline. In both FY 2016 and FY 2017, CONN-OSHA met the FRL for this SAMM, which is based on a two-year national average. The FRL range was from 59.38 percent to 80.34 percent in FY 2016, and CONN-OSHA had a penalty retention rate of 62.34 percent. In FY 2017, the FRL range was from 57.32 percent to 77.56 percent, and the State Plan retained 68.36 percent of its penalties.

#### b) Formal Review of Citations

The State of Connecticut’s Occupational Safety and Health Review Commission consists of five members appointed by the governor “from among persons who by reason of training, education or experienced are qualified to carry out the functions of the commission....”<sup>5</sup> In FY 2016 and

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<sup>5</sup> Sec. 31-376, General Statutes of Connecticut

in FY 2017, no decisions were issued by the review commission. In fact, the last decision issued by the commission was several years ago.

#### **4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION**

##### **a) Standards Adoption**

In 1972, Connecticut enacted a uniform state law known as the Uniform Administrative Procedure Act (UAPA). This law is codified in the General Statutes of Connecticut (CGS) as Chapter 54, Section 4-166, *et. seq.*<sup>6</sup> Connecticut's UAPA contains the provisions governing the rulemaking process that all agencies must follow. A standing committee of the General Assembly, the Regulations Review Committee must ultimately approve a regulation before it becomes law. Regulations are given the same weight as statutes once the regulations have been properly enacted.

CONN-OSHA has adopted all of OSHA's standards for general industry and construction. CONN-OSHA incorporates federal standards by reference. Therefore, the state and federal standards are identical with the exception of Table Z-1, Limits for Air Contaminants, in 29 CFR 1910.1000, 29 CFR 1904.1, 29 CFR 1904.2, note to Subpart B and non-mandatory Appendix A to Subpart B of 29 CFR 1904.<sup>7</sup>

Although CONN-OSHA undertakes all rulemaking with the intention of meeting the six-month deadline, adoption of OSHA's standards is controlled by the Regulations Review Committee. Thus, delays may occur during the process that the State Plan has no power to prevent. The state attorney who handles CONN-OSHA's standard adoptions also notes that Connecticut's electronic system for creating and updating regulations—which was implemented a few years ago—has also contributed to some of the delays in adopting OSHA's standards.

The table below summarizes the status of CONN-OSHA's standard adoptions in FY 2016 and FY 2017 and is followed by a brief discussion of these adoptions.

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<sup>6</sup> [CGS Section 4-167 through 4-174](#). These statutes do not reflect the Executive Mandate to seek pre-approval of all regulations by the Governor's Office and Office of Policy and Management prior to initiating the statutory process.

<sup>7</sup> CFR 1904.1 provides a partial exemption to employers with 10 or fewer workers and business establishments in certain industry classifications from keeping OSHA injury and illness records. Under 29 CFR 1904.2, business establishments in certain industry classifications (that are listed in Appendix A of Subpart B) are partially exempt from keeping OSHA injury and illness records. CONN-OSHA does not have jurisdiction over such establishments because they are classified under North American Industry Classification System (NAICS) codes for private sector entities.

Standard Adoptions FY 2016 – FY 2017 Source: State Plan Automated Tracking Application					
Standard	<i>Federal Register</i> Date	Response Due Date	Date State E- mailed Response	Adoption Due Date	Effective Date
Final Rule on the Implementation of the 2017 Annual Adjustment to Civil Penalties for Inflation 1903.2560.2575	1/18/2017	3/18/2017	2/28/2017	CONN-OSHA did not adopt this rule.	Not applicable
Final Rule on Occupational Exposure to Beryllium 1910.1915.1926	1/9/2017	3/9/2017	2/28/2017	7/9/2017 (CONN-OSHA adopted this rule for general industry only.)	11/7/2017
Final Rule on Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) 29 CFR PART-1910	11/18/2016	1/18/2017	1/11/2017	5/18/2017	11/9/2017
Interim Final Rule on Maximum Penalty Increases Standard Number: 1902,1903	7/1/2016	9/1/2016	8/31/2016	CONN-OSHA did not adopt this rule.	Not applicable
Final Rule to Improve Tracking of Workplace Injuries and Illnesses 29 CFR PART-1902,1904	5/12/2016	7/12/2016	8/28/2016	11/14/2016	1/1/2017
Final Rule for Occupational Exposure to Respirable Crystalline Silica 1910,1915,1926	3/25/2016	5/25/2016	5/23/2016	9/26/2016	4/4/2017

### **Maximum Penalty Increase and Final Rule on the Implementation of the 2017 Annual Adjustment to Civil Penalties for Inflation**

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, and January 1, 2018, according to the consumer price index. State and Local Government Only State Plans were not required to adopt either the initial increase or subsequent annual increases, and CONN-OSHA did not do so.

### **Silica Standard**

On March 25, 2016, OSHA published a *Federal Register* Notice on the Final Rule for Occupational Exposure to Respirable Crystalline Silica. OSHA's silica standard consists of two separate standards, one for general industry and maritime and one for construction, to tailor the



standards to the circumstances in these sectors. The construction standard went into effect on September 23, 2017. The general industry/maritime standard is still expected to have an enforcement date of June 23, 2018. OSHA rolled out the construction standard with a 30-day compliance assistance initiative and then on October 23, 2017, began enforcing fully under the Interim Enforcement Guidance Memo for the Respirable Crystalline Silica in Construction Standard.

State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by September 26, 2016. State Plans were also required to have an effective date by the date of state promulgation or the federal effective date, whichever is later. On April 4, 2017, CONN-OSHA adopted OSHA’s silica standard. Similar to OSHA, CONN-OSHA began full enforcement of the construction standard on October 23, 2017, and is expected to have an enforcement date of June 23, 2018, for the general industry standard.

### **Beryllium Standard**

On January 9, 2017, OSHA adopted new standards addressing occupational beryllium exposure in general industry, construction, and shipyards. State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by July 9, 2017. However, on June 27, 2017, OSHA published a notice of proposed rulemaking to eliminate all of the new provisions for construction and shipyard industries, except for the new permissible exposure limits. In addition, OSHA asked for comment on extending the current compliance dates for construction and shipyards for an additional year. OSHA will not enforce the provisions of the January 9, 2017, construction and shipyard standards that it has proposed to revoke while the current rulemaking is underway. CONN-OSHA adopted the beryllium standard on November 7, 2017, for general industry only.

### **Walking - Working Surfaces and Personal Protective Equipment Standard**

On November 18, 2016, OSHA adopted the Final Rule on Walking -Working Surfaces and Personal Protective Equipment (Fall Protection Systems). State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by May 18, 2017. CONN-OSHA adopted this standard on November 9, 2017, which was about five months later than the adoption due date.

### **Electronic Reporting Rule**

On May 12, 2016, OSHA published the Final Rule to Improve Tracking of Workplace Injuries and Illnesses, effective January 1, 2017. The rule required all affected employers to submit 300A log summaries in OSHA’s Injury Tracking Application by the specified due date of July 1, 2017. This deadline was subsequently pushed back to December 15, 2017.

In its Fall 2017 Regulatory Agenda, OSHA announced that it intends to issue a proposal to reconsider, revise, or remove provisions of the Improve Tracking of Workplace Injuries and Illnesses Final Rule, 81 FR 29624 (May 12, 2016). State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by November 14, 2016. CONN-OSHA adopted this rule identically on January 1, 2017, the same date that the federal rule

became effective.

b) Federal Program Change (FPC) Adoption

The table below summarizes the status of CONN-OSHA's FPC adoptions in FY 2016 and in FY 2017.

<b>FPC Adoptions FY 2016 – FY 2017</b> <b>Source: State Plan Automated Tracking Application</b>					
Directive	<i>Federal Register</i> Date	Response Due Date	Date State E-mailed Response	Adopt Identical	Adoption Date
CPL 02-01-058: Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence	1/10/2017	3/10/2017	2/28/2017	YES	3/31/2017
CPL-02-00-160: OSHA Field Operations Manual Directive	8/2/2016	10/1/2016	9/30/2016	NO	10/31/2016
CPL 03-00-020: National Emphasis Program on Shipbreaking	3/7/2016	5/6/2016	5/3/2016	YES	6/1/2016
CPL 02-03-007: Whistleblower Investigations Manual	1/28/2016	4/27/2016	4/27/2016	NO	5/2/2016
CSP-02-00-00: Consultation Policies and Procedures Manual Directive	11/19/2015	1/19/2016	2/18/2016	YES	4/1/2016
CPL-02-00-159: Field Operations Manual Directive	10/1/2015	12/1/2015	12/4/2015	NO	4/1/2016
TED-01-00-020: Mandatory Training Program for OSHA Whistleblower Investigators Directive	10/8/2015	12/8/2015	12/4/2015	NO	1/15/2016
CPL-02-03-006: Alternative Dispute Resolution Process for Whistleblower Protection Program Directive	8/18/2015	12/7/2015	12/4/2015	NO	1/15/2016

As shown in the table above, CONN-OSHA adopted all of the FPCs timely. The State Plan was only a few days late in responding to CPL-02-00-159: Field Operations Manual Directive and one month late in responding to CSP-02-00-00: Consultation Policies and Procedures Manual Directive.<sup>8</sup>

For several years, CONN-OSHA's penalty policy has been based on the FOM that was issued by OSHA in 1990. Therefore, CONN-OSHA did not adopt OSHA's most recent FOMs identically because the State Plan's penalty structure and penalty amounts in Chapter 6 differ from those in OSHA's 1990 FOM. CONN-OSHA was timely in adopting alternative policies and procedures related to the whistleblower protection program directives (CPL 02-03-007, CPL 02-03-006, and TED 01-00-020).

<sup>8</sup> OSHA requires State Plans to respond with a notice of intent within 60 days of the *Federal Register* publication date. State Plans must also complete adoption of the FPC within six months of the same date.

## **5. VARIANCES**

CONN-OSHA had no activity with respect to variances in FY 2016 or in FY 2017. CONN-OSHA has acceptable procedures for evaluating and issuing variances.

## **6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM**

CONN-OSHA is a State and Local Government Only State Plan.

## **7. WHISTLEBLOWER PROGRAM**

The Connecticut Department of Labor operates the state's whistleblower protection program through OPP. The major difference between OSHA's whistleblower protection program and CONN-OSHA's is that OPP immediately sends parties who file workplace retaliation complaints to the mediation process (assuming threshold and jurisdiction issues are supported). However, parties may opt to skip mediation, at which time the case is referred to a hearing officer. Either a settlement is reached in mediation, or the hearing officer issues a decision, which can be appealed to the Commissioner of Labor. The final level of appeal is State Superior Court. OSHA does not immediately send parties to the mediation process. Parties who bring a case to OSHA either go through the investigative process or choose to enter into the Voluntary Mediation Program.

Over the past few years, OPP has improved in terms of entering data into WebIMIS correctly. In the past, OPP was not docketing every case upon receipt. Specifically, OPP would first investigate jurisdictional issues before docketing the case in WebIMIS. OSHA explained that OPP should docket each case in WebIMIS upon receipt and that to do otherwise would skew the data in WebIMIS. OPP has rectified this issue and is docketing cases in WebIMIS immediately upon receipt.

OSHA uses three SAMMs to evaluate the performance of State Plan's whistleblower protection program. With regard to SAMM #14, which calculates the percent of 11(c) investigations completed within 90 days, OPP completed zero percent of its 11(c) investigations within 90 days of receipt in FY 2016 and in FY 2017. The FRL of 100 percent is fixed for all State Plans. OSHA is not concerned with OPP's performance on this measure because OPP completed one only case during FY 2017, so the sample size is too small to make a determination that is reflective of its overall program.

Next, SAMM #15 calculates the percent of 11(c) complaints that are meritorious. The FRL is based on a three-year national average. In FY 2016, when the acceptable range was from 19 percent to 29 percent, 50 percent of the program's complaints were found to have merit, which is a significant increase from zero in FY 2015. In FY 2017, the acceptable range was from 20 percent to 30 percent, and no complaints were found to have merit. However, SAMM #15 is not

instructive and not indicative of OPP's overall performance due to the small sample size (only one case was completed, which resulted in a dismissal).

Finally, based on the SAMM in Appendix D of the FY 2016 Follow-up FAME Report, OPP's result for SAMM #16, which calculates the average number of calendar days to complete an investigation, was 1,583 calendar days. The SAMM Report in Appendix D of this report shows an average of zero calendar days for FY 2017. Due to data entry errors in WebIMIS that were made by OPP, and which were later identified by OSHA, these averages are incorrect. In FY 2016, OPP's average was actually 664 calendar days, and in FY 2017 the average was 1,788 calendar days. The FRL of 90 calendar days is fixed for all State Plans. OSHA is not concerned with OPP's averages in SAMM #16; although they are well outside the FRL of 90 days, they are comparable to OSHA's averages for the same metric. Given the fact that OPP's whistleblower protection program consists of two attorneys whose combined allocation of time to this program is only .60 FTE, the averages are acceptable.

During the on-site review, OSHA identified a case that has been embroiled in litigation for more than five years and still remains open. OSHA's concern with this case is that parties outside of OPP have caused delays that have resulted in the case remaining open for a prolonged period of time.

**Observation FY 2017-OB-05:** OPP has a workplace retaliation case that has been open for more than five years. The case has been delayed due to years of litigation and OPP's extensions.

**Federal Monitoring Plan FY 2017-OB-05:** OSHA will contact OPP on a quarterly basis to ensure that all open cases are scheduled for the next step in OPP's process without unnecessary delays.

**Status FY 2017-OB-05:** This observation is new.

OSHA is also concerned that it is difficult for state and local government workers to file workplace retaliation complaints through the CONN-OSHA website. Although there is a link to information on workers' rights and employers' responsibilities on the main page of the site, the link is not easy for the user to locate. Also, there is no access to an on-line complaint form as there is for enforcement-related complaints.

The CONN-OSHA director has already taken steps to increase the visibility of CONN-OSHA's whistleblower protection program on the website and to make it easier for workers to file complaints through the website. Nonetheless, OSHA will monitor the State Plan's progress in making the website more user-friendly.

**Observation FY 2017-OB-06:** It is difficult for state and local government workers to use the CONN-OSHA website to file workplace retaliation complaints.

**Federal Monitoring Plan FY 2017-OB-06:** On a quarterly basis, OSHA will monitor CONN-OSHA's progress in making it easier for workers to use the website to file workplace retaliation complaints.

**Status FY 2017-OB-06:** This observation is new.

## 8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

CONN-OSHA had no CASPAs in either FY 2016 or FY 2017.

## 9. VOLUNTARY COMPLIANCE PROGRAM

OSHA has determined that CONN-OSHA has adequate written policies and procedures for voluntary and cooperative programs. For example, CONN-OSHA adopted OSHA's Alliance Program directive (CSP-04-01-002, July 29, 2015) on October 1, 2015. In compliance with this instruction and previous OSHA directives for the Alliance Program, CONN-OSHA's Alliances conduct the following core activities: training and education; outreach and communication; and promoting the national dialogue on workplace safety and health.

One of the Alliances is maintained by an OSHA Area Office; the other six Alliances were renewed by CONN-OSHA in FY 2016 and still remain active. In FY 2017, CONN-OSHA participated in one or more activities with each of its seven Alliance partners.

In the FY 2016 Follow-up FAME Report, OSHA made an observation that the State Plan did not meet the annual performance plan goal for the number of training courses provided to local government participants. In response, CONN-OSHA explained that many local government agencies were opting to take the occupational safety and health training provided by a risk management organization which services more than 75 percent of Connecticut's cities and towns.<sup>9</sup> Also, OSHA no longer evaluates annual performance goals in FAME Reports. For these reasons, OSHA will not continue to monitor this observation.

**Observation FY 2016-OB-02:** The number of local government participants in CONN-OSHA's outreach program has been trending downward since FY 2013.

**Federal Monitoring Plan FY 2016-OB-02:** OSHA will monitor CONN-OSHA's efforts to increase the number of local government workers who participate in its training courses.

**Status FY 2016-OB-02:** This observation is closed.

In terms of state government outreach, the State Plan provided training on lockout/tagout and material handling and ergonomics. In addition, CONN-OSHA provided OSHA 10-hour training to staff at some of the state's correctional facilities and also offered the same training to short-term inmates as part of the Connecticut Department of Correction's Second Chance Society Initiative.<sup>10</sup>

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<sup>9</sup> This particular agency provides insurance, workers' compensation, loss control products, and several training programs that are free of charge to its membership.

<sup>10</sup> In 2015, Connecticut passed legislation, [House Bill 7104](#), which helps to ensure nonviolent offenders are successfully reintegrated into society and become productive workers in Connecticut's economy, by emphasizing treatment and rehabilitation over punishment for small non-violent drug crimes.

## **10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM**

According to the MARC, CONN-OSHA's 23(g) Consultation Project opened 145 visits in state and local government workplaces in FY 2016.<sup>11</sup> This total exceeded the FY 2016 projection of 130 consultation visits. However, CONN-OSHA did not meet the reference/standard for MARC 1, which measures the percent of initial visits in high-hazard establishments. The reference/standard for MARC 1 is not less than 90 percent, but in FY 2016, the State Plan opened 108 of 126 initial visits (85.71 percent) in high-hazard establishments. In FY 2017, the State Plan opened 161 visits. Of 134 initial visits, 113 (84.33 percent) were conducted in high-hazard establishments, which was again outside the reference/standard of not less than 90 percent.

CONN-OSHA also did not meet the reference/standard of 100 percent for MARC 4A, percent of serious hazards corrected in a timely manner, in either FY 2016 or FY 2017. In FY 2016, CONN-OSHA corrected 97 percent of serious hazards in a timely manner; the State Plan had a percentage of 93 in FY 2017. However, CONN-OSHA's performance on MARC 1 and MARC 4A is not so far off the mark that it warrants formal monitoring by OSHA.

Next, MARC 4D shows the percent of serious hazards corrected in original time or onsite. The reference/standard for this MARC is 65 percent. In FY 2016, CONN-OSHA met the reference/standard of 65 percent for MARC 4D with a percentage of 80. However, the State Plan was slightly short of the reference/standard in FY 2017 at 64 percent.

Moreover, the OIS End-of-Year Consultation (CNS) Metrics Report shows that in FY 2017, CONN-OSHA removed 2,602 workers from risk.<sup>12</sup> The average number of serious hazards identified per initial visit was 1.46, which was 68 percent below the national average of 4.56. Of the grand total of 195 serious hazards identified in Connecticut's state and local government workplaces in FY 2017, 116 (59 percent) were in state and local government establishments with 25 workers or less, and the remaining 79 hazards (41 percent) were in state and local government establishments of 26 -100 workers.

OSHA has not identified any major concerns with regard to CONN-OSHA's 23(g) on-site consultation program although based on the MARC, the number of serious hazards identified in FY 2017 (138) decreased by about nine percent from the FY 2016 total of 152. Additionally, the

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<sup>11</sup> Consultation mandated activities are tracked via the MARC. The MARC consists of performance indicators; expected performance standard, where applicable; and the Project's performance data. A Project's performance is compared to criteria established by regulation or policy. These criteria are listed in the "Reference/ Standard" column in the MARC. The MARC is run by quarter for a Project or multiple Projects and includes data for the most recent quarter and for the fiscal-year-to-date. All MARC measures include draft and final visits with the exceptions of Measures 3 and 4. (Source: OIS Purpose and Description of Reports)

<sup>12</sup> There is a discrepancy between the data in MARC 4 and the End-of-Year Consultation Report for the total number of serious hazards. Whereas MARC 4 only captures the hazards that were identified in visits that have been finalized, the End-of-Year Consultation Report includes the hazards that were identified in visits that are in draft, as well as those that have been finalized. (Source: OIS Purpose and Description of Reports)

State Plan should work to ensure that the average number of serious hazards identified per initial visit is more in line with the national average in the End-of-Year CNS Report.

**Appendix A – New and Continued Findings and Recommendations**  
FY 2017 CONN-OSHA Comprehensive FAME Report

<b>FY 2017-#</b>	<b>Finding</b>	<b>Recommendation</b>	<b>FY 2016-# or FY 2016-OB-#</b>



## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2017 CONN-OSHA Comprehensive FAME Report

Observation # FY 2017-OB-#	Observation# FY 2016-OB-# or FY 2016-#	Observation	Federal Monitoring Plan	Current Status
FY 2017-OB-01	FY 2016-OB-01	CONN-OSHA's average lapse time of 72.76 days for health cases did not meet the further level of +/- 20 % of 56.03 days.	During quarterly meetings, OSHA will monitor CONN-OSHA's lapse time for health cases to ensure that the FRL is consistently met.	Continued
FY 2017-OB-02		In 17 (38 percent) of the 45 case files that were reviewed, there was no documentation that the CSHO had either requested or reviewed the OSHA 300 Log.	During quarterly meetings, OSHA will assess the measures taken by CONN-OSHA to ensure that the case file contains documentation that the CSHO requested and reviewed the OSHA 300 Log.	New
FY 2017-OB-03		For one employer that had 54 citations (14 serious and 40 other-than-serious) long overdue for abatement, CONN-OSHA did not conduct a follow-up inspection at the workplace until 11 months after the date of the opening conference and about 6 months after the abatement due date.	On a quarterly basis, OSHA will monitor the extent to which CONN-OSHA is following the guidance in the CONN-OSHA FOM, Chapter 7, for conducting follow-up inspections to verify abatement.	New
FY 2017-OB-04		In 20 (47 percent) of the 43 cases where the CSHO indicated that worker interviews were held, there were no notes or documentation of the interview.	Follow the guidance in the CONN-OSHA FOM, Chapter 5, for including notes on worker interviews in the case file.	New
	FY 2016-OB-02	The number of local government participants in CONN-OSHA's outreach program has been trending downward since FY 2013.		Closed
FY 2017-OB-05		OPP has a workplace retaliation case that has been open for more than five years. The case was delayed due to years of litigation and OPP's extensions.	OSHA will contact OPP on a quarterly basis to ensure that all open cases are scheduled for the next step in OPP's process without unnecessary delays.	New
FY 2017-OB-06		It is difficult for state and local government workers to use the CONN-OSHA website to file workplace retaliation complaints.	On a quarterly basis, OSHA will monitor the State Plan's progress in making it easier for workers to use the website to file workplace retaliation complaints.	New

## Appendix C - Status of FY 2016 Findings and Recommendations

FY 2017 CONN-OSHA Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

### FY 2017 CONN-OSHA Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Connecticut – CONN-OSHA			FY 2017	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	3.44	5	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	2.79	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	1.50	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	1.00	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.76	+/- 20% of SWRU: 1.83	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.20 for SWRU and from 0.79 to 1.19 for OTS.

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

### FY 2017 CONN-OSHA Comprehensive FAME Report

		Other: 1.76	+/- 20% of Other: 0.99	
<b>6</b>	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
<b>7</b>	Planned v. actual inspections – safety/health	S: 159	+/- 5% of S: 175	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 166.25 to 183.75 for safety and from 76 to 84 for health.
		H: 77	+/- 5% of H: 80	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,516.80	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,706.10	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$2,867.94	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$3,952.26	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,063.48	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
<b>9</b>	Percent in compliance	S: 25.00%	+/- 20% of S: 29.53%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 23.62% to 35.44% for safety and from 28.62% to 42.94% for health.
		H: 35.21%	+/- 20% of H: 35.78%	

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

### FY 2017 CONN-OSHA Comprehensive FAME Report

<b>10</b>	Percent of work-related fatalities responded to in one workday	N/A	100%	The further review level is fixed for all State Plans.  N/A – The State Plan did not have any work-related fatalities in FY 2017.
<b>11</b>	Average lapse time	S: 50.18	+/- 20% of S: 45.29	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 36.23 to 54.35 for safety and from 44.82 to 67.24 for health.
		H: 72.76	+/- 20% of H: 56.03	
<b>12</b>	Percent penalty retained	68.36%	+/- 15% of 67.44%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 57.32% to 77.56%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	97.88%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 25%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 20% to 30%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	N/A	+/- 25% of 1.26%	N/A – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a two-year national average.

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**STATE OF CONNECTICUT**  
**STATE OSHA ANNUAL REPORT**  
**(SOAR)**

**October 1, 2016 through September 30, 2017**



**Prepared By:**

**State of Connecticut**  
**Department of Labor**  
**Division of Occupational Safety and Health**

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**STATE OF CONNECTICUT  
DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

**STATE OSHA ANNUAL REPORT  
(SOAR)  
FISCAL YEAR 2017**

### EXECUTIVE SUMMARY

The State of Connecticut Department of Labor, Division of Occupational Safety and Health State and Local Government Only State Plan (CONN-OSHA), submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the State Plan program.

The SOAR covers the time period October 1, 2016 through September 30, 2017. This submission is in accordance with the State Plan Policies and Procedures Manual (Directive Number: CSP 01-00-004, effective September 22, 2015).

This SOAR contains the following sections:

- Executive Summary
- State Results Summary Chart
- Evaluation of Strategic Plan Accomplishment
- State Internal Evaluation Program (SIEP) Report

CONN-OSHA's five-year strategic plan began in fiscal year 2015 (FY 2015). This report covers the Annual Performance Plan from October 1, 2016 through September 30, 2017 (FY 2017), the third year of that plan.

In FY 2017, CONN-OSHA achieved 93% percent of the goal for inspections, by opening 236 of 255 inspections that were planned for the year. In terms of meeting the goals for safety and health inspections, CONN-OSHA achieved 91% of the goal for safety inspections and 96% percent of the goal for health inspections, as shown in the table below. One safety compliance officer was on extended medical leave for much of the fourth quarter of FY 2017, which impacted the program's ability to meet the goal for safety inspections.

FY 2017 Inspections Projected v. Actual			
	Projected	Actual	Percent of Annual Performance Goal Achieved



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Safety	175	159	91
Health	80	77	96
Total	255	236	93

In terms of consultation visits, CONN-OSHA conducted 161 of the 130 visits that were projected for the year, or 124% of the year-end goal. The table below provides a comparison of the projected number of consultation visits to the actual number of visits conducted in FY 2017.

FY 2017 Consultation Visits Projected v. Actual			
	Projected	Actual	Percent of Annual Performance Goal Achieved
Safety	50	55	110
Health	80	106	132
Total	130	161	124

During FY 2017 CONN-OSHA responded to one fatality/catastrophe event. An employee collapsed and died while at work but CONN-OSHA determined that the cause of this event was non-work related.

In FY 2017 no willful violations were issued. However, CONN-OSHA issued three repeat violations. Two were repeat serious violations, and one was another-than-serious repeat violation.

A review of FY 2017 shows a total penalty collection of \$ 97,350 compared to the FY 2016 total of \$ 131,933, and the FY 2015 total of \$36,035.

There were no new alliances signed during FY 2017; seven Alliances remain active.

Municipal outreach continues to be lower than projected, and may be due to the training and outreach performed by an organization that provides insurance, workers compensation and loss control services to approximately 80% of the state's municipalities. Many of the municipalities are opting to take the safety and health training offered by this organization; this has reduced the demand for the training offered by CONN-OSHA. CONN-OSHA is planning to provide training to local governments for FY 2018 to assist them with the new requirements for electronic recordkeeping. This office will host training activities regionally as well as centrally as part of our outreach.

Beginning in FY 2017 CONN-OSHA's training specialists provided OSHA 10-hour training classes to short term incarcerated men and women as part of a second chance initiative which was co-sponsored by the State of Connecticut Department of Corrections. The training

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specialists also provided OSHA 10-hour training to the corrections facility staff this year.

There were two new standards adopted by CONN-OSHA during FY 2017: the Final Rule for Occupational Exposure to Respirable Crystalline Silica (effective 4/4/17) and the Final Rule to Improve Tracking of Workplace Injuries and Illnesses (effective 1/1/17).

This fiscal year was also punctuated with the State of Connecticut responding to continuing budget deficits. Unionized state employees accepted a concession package by vote in lieu of layoffs. Within the concession package were healthcare concessions, furlough days, and other cost cutting measures to help stem the state deficit. During this fiscal year, the Administrative Assistant left state service and the position could not be refilled. Managerial staff received notice that travel may be impacted for the near future, both due to the budget deficit.

Overall, the CONN-OSHA Division noticed an increase in unprogrammed inspections primarily from activity required by 29CFR 1904.39 Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA. In FY 2016, 21% of inspections were unprogrammed and in FY 2017, the percentage of unprogrammed inspections rose to 40%. As a result, programmed inspections in FY 2017 were reduced compared to FY 2016.

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The following is a summary of the Annual Performance Goals in CONN-OSHA’s FY 2017 Annual Performance Plan, as well as the strategies used to accomplish these goals and FY 2017 results.

<b>Strategic Goal #1: Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures to hazards, injuries, illnesses, and fatalities.</b>														
Performance Goal #1.1	Reduce the number of worker injuries, illnesses and fatalities by focusing CONN-OSHA resources on the most hazardous workplaces.													
Annual Performance Goal #1.1a	Reduce the 2013 baseline Bureau of Labor Statistics’ (BLS) days away from work, job transfer or restriction (DART) rate by 3% in the following state government industries: state hospitals, state residential development disability homes and state highway maintenance & repair operations.													
Strategy	Conduct inspections and consultations in the identified high hazard industries.													
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct at least 10 inspections and 10 consultations in the identified high hazard industries. Reduce the 2013 baseline DART rates by 3% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.													
FY 2017 Results	The Plan conducted 12 inspections and 18 consultations in the identified high hazard state government industries. 2016 DART rates: state hospitals – 6.2; state nursing & residential care facilities – N/A; and state highway maintenance & repair operations – 9.6.													
Conclusion	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">2013 DART rate</th> <th style="width: 25%;">2016 DART rate</th> </tr> </thead> <tbody> <tr> <td>State hospitals</td> <td style="text-align: center;">5.7</td> <td style="text-align: center;">6.2</td> </tr> <tr> <td>State nursing &amp; residential care facilities</td> <td style="text-align: center;">16.0</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td>State highway maintenance &amp; repair operations</td> <td style="text-align: center;">11.1</td> <td style="text-align: center;">9.6</td> </tr> </tbody> </table> <p>The Plan met the goal of providing inspections and consultations in identified high hazard industries. The DART rate for state nursing &amp; residential care facilities failed to meet BLS publication guidelines. The DART rate for state highway maintenance &amp; repair operations decreased from the baseline; while the rate for state hospitals increased slightly.</p>			2013 DART rate	2016 DART rate	State hospitals	5.7	6.2	State nursing & residential care facilities	16.0	N/A	State highway maintenance & repair operations	11.1	9.6
	2013 DART rate	2016 DART rate												
State hospitals	5.7	6.2												
State nursing & residential care facilities	16.0	N/A												
State highway maintenance & repair operations	11.1	9.6												

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Annual Performance Goal #1.1b	Reduce the 2013 baseline DART rates by 3% in the following municipal operations: municipal public works - street & highway, municipal utilities and municipal waste management & remediation services.		
Strategy	Conduct inspections and consultations in the identified high hazard industries.		
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct at least 50 inspections and 10 consultations in the identified high hazard industries. Reduce the 2013 baseline DART rates by 3% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.		
FY 2016 Results	The Plan conducted 57 inspections and 49 consultations in the identified high hazard municipal operations. 2016 DART rates: municipal public works - street & highway – 9.6; municipal water, sewage & other systems – 4.7; and municipal waste management & remediation services – N/A.		
Conclusion		2013 DART rate	2016DART rate
	Municipal public works – street & highway	11.1	9.6
	Municipal water, sewage & other systems	8.5	4.7
	Municipal waste management & remediation services	2.3	N/A
	The Plan met the goal of conducting inspections and consultations in identified high hazard industries. The DART rate for municipal waste management & remediation services failed to meet BLS publication guidelines The DART rates for municipal water, sewage & other systems and for municipal public works - street & highway decreased from the baseline.		
Annual Performance Goal #1.1c	Prevent fatalities in the public sector by focusing resources on the most hazardous industries.		
Strategy	Focus enforcement and compliance assistance efforts on work places within the six identified high hazard industries that are most prone to fatalities. Discuss fatality prevention in each issue of the CONN-OSHA Quarterly.		
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct 60 inspections and 20 consultations in the most hazardous workplaces. Include an article emphasizing fatality prevention in each <i>Quarterly</i> . Achieve zero increase in the number of fatalities from FY2016.		

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FY 2017 Results	The November issue of the <i>CONN-OSHA Quarterly</i> discussed wood chipper safety. The February issue of the <i>CONN-OSHA Quarterly</i> discussed hazards associated with combustible dust. The May issue of the <i>CONN-OSHA Quarterly</i> discussed hazards associated with riding lawn mowers. The August issue of the <i>CONN-OSHA Quarterly</i> discussed fall hazards associated with fixed ladders. There were no work-related fatalities that occurred in FY 2017.
Conclusion	The Plan exceeded the goal of providing inspections and consultations in identified high hazard industries. Each issue of the <i>Quarterly</i> included an article emphasizing fatality prevention. There were no work-related fatalities in FY 2017.
<b>Strategic Goal #2: Promote a safety and health culture through compliance assistance, cooperative programs and strong leadership.</b>	
Performance Goal #2.1	Increase safety and health awareness among workers and employers in state and municipal agencies to help promote effective safety and health awareness.
Annual Performance Goal #2.1a	Reduce the 2013 baseline DART rates by 3% in the following state government industries: state hospitals, state residential development disability homes and state highway maintenance & repair operations.
Strategy	Conduct training classes on one or more of the following topics: confined space; lockout/tagout; material handling and ergonomics; safe driving; trenching and excavation; work zone safety; and workplace violence.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct a minimum of seven training classes for state employees in the topics listed above. Reduce the 2013 baseline DART rates by 3% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.
FY 2017 Results	The Plan conducted training classes that municipal employees attended in four of the topics listed above (lockout/tagout and material handling and ergonomics).
Conclusion	See conclusion for Annual Performance Goal #1.1a.
Annual Performance Goal #2.1b	Reduce the 2013 baseline DART rate by 3% in the following municipal operations: municipal public works - street & highway, municipal utilities and municipal waste management & remediation services.
Strategy	Conduct training classes that will cover one or more of the following topics: confined space; lockout/tagout; material handling and ergonomics; safe driving; trenching and

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	excavation; work zone safety; and workplace violence.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct a minimum of seven training classes for municipal employees in the topics listed above. Reduce the 2013 baseline DART rates by 3% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.
FY 2017 Results	The Plan conducted training classes that municipal employees attended in four of the topics listed above (confined space; lockout/tagout; material handling and ergonomics; and work zone safety).
Conclusion	See conclusion for Annual Performance Goal #1.1b.
Annual Performance Goal #2.1c	Maintain or renew current Alliances that share and promote CONN-OSHA's goal of reducing injuries and illnesses. Participate in training and outreach with Alliance partners to improve their safety and health awareness.
Strategy	Maintain all current alliances.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Maintain seven current alliances.
FY 2017 Results	Six of the seven alliances were renewed by CONN-OSHA in FY2016 and therefore, still active this fiscal year. The seventh is initiated by federal OSHA.
Conclusion	Seven alliances maintained.
Performance Goal #2.2	Increase safety and health awareness among workers and employers in state and municipal agencies to help promote effective safety and health management systems.
Annual Performance Goal #2.2a	CONN-OSHA will include workers in all onsite activities.
Strategy	CONN-OSHA will ensure that workers are interviewed and participate in all inspections and consultation visits.

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Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	100% of all onsite activities will involve workers.
FY 2017 Results	100% of all onsite activities included workers in FY 2017.
Conclusion	Goal 2.2a met.
<b>Strategic Goal #3: Maximize CONN-OSHA effectiveness and efficiency by strengthening its capabilities and infrastructure.</b>	
Performance Goal #3.1	Strengthen the technical and professional skills and education of all CONN-OSHA field staff.
Annual Performance Goal #3.1a	CONN-OSHA field staff members will complete safety and/or health training annually.
Strategy	Management will meet with field staff members to discuss their training needs and training options available to fulfill those needs.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Each field staff member will complete at least one safety and/or health training course. All courses listed are from the OTI.
FY 2017 Results	CSHO 1 – 3320 Combustible Dust (class cancelled) CSHO 2 – 3115 Fall Arrest Systems; 2340 Biohazards CSHO 3 – 2220 Respiratory Protection CSHO 4 – 3220 Applied Welding Principles Consultant 1 – 2220 Respiratory Protection Consultant 2 – 3220 Applied Welding Principles CSHO 5 – 2200 Industrial Noise Consultant 3 – 2210 Principles of Industrial Ventilation
Conclusion	Goal 3.1a met.
Annual Performance Goal #3.1b	CONN-OSHA field staff members will complete professional development course/seminar annually.
Strategy	Management will meet with field staff members to discuss their professional development needs and options available to fulfill those needs.

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Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Each field staff member will complete at least one professional development course/seminar.
FY 2017 Results	3 CSHOs and 2 Consultants – Workplace Violence All staff – Forensic Photography, Power Transmission and Incident Response Attended a tri-office meeting the HAO BAO. Forensic Photography training was given by the Connecticut State Police. Power Transmission training was provided by [REDACTED] and Incident Response was delivered by the State of Connecticut Department of Emergency Services and Public Protection.
Conclusion	Goal 3.1b met.
<b>Strategic Goal #3: Maximize CONN-OSHA effectiveness and efficiency by strengthening its capabilities and infrastructure.</b>	
Performance Goal #3.2	Maintain a Local Emergency Management plan that defines CONN-OSHA’s role and responsibilities as part of the Connecticut Emergency Management System.
Annual Performance Goal #3.2a	Strengthen the effectiveness of the Emergency Management Plan.
Strategy	In an effort to strengthen the Emergency Management Plan, CONN-OSHA will: <ul style="list-style-type: none"> <li>• Participate as team members of the Connecticut Emergency Management System.</li> <li>• Schedule training sessions when needed.</li> <li>• Coordinate development and implementation of plan changes with state and local agencies.</li> <li>• Monitor development and implementation of the plan.</li> <li>• Ensure that all CONN-OSHA staff has thorough knowledge of the plan.</li> </ul>
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	CONN-OSHA staff will participate in at least 85 % of Connecticut Emergency Management System meetings.
FY 2017 Results	Homeland Security teleconference (1 held, 1 attended) Unified Command conference calls (2 held, 2 attended) Debris Management Task Force (DMTF) teleconferences (2 held, 2 attended) Emergency Planning Preparedness Initiative (EPPI) exercises (2 held, 2 attended) State Emergency Response Commission (SERC) Meeting (4 held, 4 attended) SERC Annual Conference (1 held, 1 attended) Connecticut Eastern Region Response Integrated Team (CERRIT) meeting (4 held, 4



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	attended) Local Emergency Planning Commission (LEPC) meeting (4 held, 3 attended)
Conclusion	CONN-OSHA staff participated in 95% of CT Emergency Management System meetings. Goal 3.2a met.

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### STATE OF CONNECTICUT

#### STATE INTERNAL EVALUATION PLAN (SIEP)

#### FISCAL YEAR 2017

#### OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

The State of Connecticut Public Sector 23(g) compliance and consultation programs submit this Evaluation Report of the State Internal Evaluation Plan (SIEP) for Fiscal Year (FY) 2017, which covers the period October 1, 2016 through September 30, 2017. The issues evaluated during this time period have been:

- Citation processing
- Average number of work days to initiate complaint inspections
- Average lapsed days between closing conference and written report

The primary tools used for this monitoring procedure were the State Activity Mandated Measures (SAMM) for compliance and the Mandated Activities Report for Consultation (MARC) for consultation. The OIS reports, on-the-job evaluations, and staff interviews supplement these on a weekly and/or monthly basis.

#### Citation processing

Lapse days from inspection to citation issued has been a long-standing concern at CONN-OSHA. For many years, CONN-OSHA has monitored its performance in this area on at least a weekly basis, and continues to do so by using the SAMM Report.

The SAMM Reports for FY 2014, FY 2015, FY 2016 and FY 2017 showed the following data for this measure, "Average Number of Calendar Days from Opening Conference to Citation Issuance". The National Data for the same time frame is shown for comparison.

**Table 1**

Discipline	Total FY 2014	Total FY 2015	Total FY 2016	Total FY 2017	National Data
Safety	65.20 Days	85.79 Days	51.32 Days	50.18 Days	45.37 Days
Health	107.18 Days	74.12 Days	72.00 Days	72.76 Days	54.84 Days

*Source: State Activity Mandated Measures (SAMM) Report*

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CONN-OSHA management is making steady progress in reducing the processing time as evidenced in the trends shown in Table 1. Factors that negatively influence the citation processing time include: complex health inspections, fatality investigations, and repeat violations within an investigation. CONN-OSHA management will make reducing the time it takes to issue citations a priority.

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### Average number of work days to initiate complaint inspections

Lapse days from complaint to inspection issued has also been a long-standing concern at CONN-OSHA. Similar to lapse time for citation issuance, the SAMM Report is CONN-OSHA's main tool for evaluating performance on this metric.

The SAMM reports for FY 2014, FY 2015, FY 2016 and FY 2017 showed the following data for this measure, "Average number of work days to initiate complaint inspections. In FY 2016 and FY 2017, CONN-OSHA met the negotiated further review level of five days for this measure. However, in order to ensure that CONN-OSHA continues to meet the further review level, the Plan's managers will continue to prioritize complaint response time.

**Table 2**

<b>Total FY 2014</b>	<b>Total FY 2015</b>	<b>Total FY 2016</b>	<b>Total FY 2017</b>	<b>National average</b>
10.04 Days	6.05 Days	2.51 Days	2.79 Days	4.04 Days

*Source: State Activity Mandated Measures (SAMM) Report*

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**Average lapsed days between closing conference and written report**

Lapse days from consultation closing conference to issuance of the written report has been another area of concern.

The OIS Consultation Customer Service Report is the primary evaluation tool for this measure.

The OIS reports for FY 2014, FY 2015, FY 2016 and FY 2017 showed the following data for this measure, “Average lapsed between closing conference and written report.

**Table 3**

<b>Discipline</b>	<b>Total FY 2014</b>	<b>Total FY 2015</b>	<b>Total FY 2016</b>	<b>Total FY 2017</b>
Safety	7 Days	15 Days	13 Days	12 Days
Health	13 Days	14 Days	13 Days	8 Days

*Source: OIS Consultation Customer Service Report*

CONN-OSHA management will continue to ensure turnaround time of no more than 20 days.

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