



State of New Jersey

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Mr. Robert D. Kulick, Regional Administrator
U.S. Department of Labor/OSHA
201 Varick St., Room 670
New York, NY 10014

Submitted via email only

02 August 2018

RE: Formal Response to FY2017 Comprehensive FAME

Dear Mr. Kulick:

Thank you for the opportunity to submit a formal response to the Federal Fiscal Year 2017 Comprehensive Federal Annual Monitoring and Evaluation (FAME).

In the FY2017 FAME, Region 2 federal program monitors reviewed 15 consultation case files from FFY2017 including 10 files with an initial visit. During the wrap-up meeting, the monitors stated that the Consultation Policies and Procedures Manual (CSP 02-00-003, CPPM) requires that all 50 non-stretch attributes be completed, with a rating and a comment, for all employers who request a "full-service" initial consultation visit. This was memorialized in Consultation Finding 17-03 that all 10 files with an initial visit had an "incompletely filled" Safety and Health Program Assessment Worksheet (Form 33).

The NJ Department of Labor – Public Employees' OSHA Consultation Program (PEOSH Consultation) strongly disagrees with finding 17-03. Our position, communicated at the FAME wrap-up meeting, and to Region 2 as a formal line-item response to the Comprehensive FAME, is that when employers do not request "Program Assistance," that a full review of all 50 attributes contained in the Form 33 is not conducted. This is marked on the Request (OIS Form 20) at the time it is entered into OIS.

New Jersey Is An Equal Opportunity Employer

When specifically requested by the employer prior to or during the opening conference, walk-through, or closing conference, we will provide full or partial program assistance through completion of relevant portions of the Form 33. Observations made by consultants during the initial visit are noted, and constructive feedback is provided as appropriate or where warranted. We will also encourage employers to take advantage of this review when marketing the program and when sharing the employer obligations.

Thank you again for the opportunity to discuss this matter. We appreciate your consideration.

Most sincerely,



John Monahan
Assistant Commissioner, Labor Standards & Safety Enforcement
NJ Department of Labor and Workforce Development

cc: Suzanne Smith, Director, Office of State Programs (via email)