

# **FY 2016 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report**

**State of Michigan**

**Michigan Occupational Safety and Health Administration**



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## **I. Executive Summary**

### **A. State Plan Activities, Trends, and Progress**

The purpose of this follow-up Federal Annual Monitoring Evaluation (FAME) report is to assess the Michigan Occupational Safety and Health Administration's (MIOSHA) progress towards achieving performance goals established in their FY 2016 Annual Performance Plan and other activities undertaken during the year.

MIOSHA consistently strives to meet all criteria for an effective State Plan. MIOSHA is generally responsive and they expedite correction of any deviation from OSHA. As can be ascertained from previous FAME reports as well as the current report, MIOSHA continues to partner with OSHA, and is innovative in their approach to safety and health.

MIOSHA did not have any findings in the FY 2015 Comprehensive FAME and does not have any new findings in this FY 2016 Follow-up FAME Report. A thorough assessment of MIOSHA's progress in achieving their annual performance goals has been conducted, and the results are found in Section II.B., Assessment of State Plan Progress in Achieving Annual Performance Goals. The following is noteworthy:

- Performance Goal 1.1: Michigan saw a Total Recordable Case (TRC) rate reduction of greater than 15% in the third year of the five-year MIOSHA Strategic Plan for seven of 10 selected industries with injury and illness rates above the state average.
- Performance Goal 1.2: Michigan saw a TRC rate reduction of 22.4% in manufacturing industries as a whole, i.e., those in North American Industrial Classification System (NAICS) codes 31-33.
- A State Emphasis Program (SEP) for the Siding, Structural Steel and Pre-Cast Concrete industries was initiated where focused inspections are being conducted to address elevated injury rates. A Local Emphasis Program (LEP) for Blight Removal Involving Asbestos, Lead and Cadmium was also initiated to allow for additional MIOSHA presence on blight projects to address these hazards.

### **B. State Plan Introduction**

The Michigan Department of Licensing and Regulatory Affairs (LARA) is responsible for the state's regulatory environment and has oversight of MIOSHA. Shelly Edgerton is the new Director of Licensing and Regulatory Affairs (LARA). Barton G. Pickelman replaced Martha B. Yoder during FY 2016 as the Director of MIOSHA, as Ms. Yoder retired.

MIOSHA divisions include the Technical Services Division, which is responsible for standards adoption, information technology and laboratory operations; the General Industry Safety and Health Division, which is responsible for conducting enforcement inspections in general industry; the Construction Safety and Health Division which is responsible for conducting enforcement inspections in the construction industry; and the Appeals Division which represents

the agency in contested cases. The Consultation, Education and Training Division (CET) provides workplace safety and health training and consultation to Michigan employers and employees, administers Michigan's Voluntary Protection Program (MVPP) and Safety and Health Achievement Recognition Program (SHARP) and awards grants for the development of safety and health training to supplement the division's activities.

The mission of MIOSHA is to help protect the safety and health of Michigan workers. MIOSHA's health and safety activities include: setting and enforcing occupational safety and health standards; providing extensive safety and health training and education; and working with partners to develop innovative programs to prevent workplace hazards.

The FY 2016 grant included funding totaling \$20,376,300 and full-time equivalent staffing of 133.67 positions. MIOSHA overmatched the federal grant by \$449,700. The State Plan's expected staffing level is 56 safety and 45 health compliance officers. MIOSHA allocated funds for 40 safety and 22.1 health compliance officers in FY 2016. In July of 2016, there were 35 safety and 20.1 health compliance officers on board.

### **C. Data and Methodology**

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform the same level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

MIOSHA's performance was compared to their FY 2016 Performance Plan and Five-Year Strategic Management Plan through a detailed analysis of the FY 2016 State OSHA Annual Report (SOAR) and SAMM report. As stated previously, the State Plan did not have any findings in the FY 2015 FAME.

### **D. Findings and Observations**

This FY 2016 Follow-up FAME report includes one observation that was continued from the FY 2015 report. This observation is concerned with documentation of interviews conducted during inspections. Two other observations regarding the tracking of administratively closed discrimination complaints and how conclusions are documented for discrimination complaints were satisfactorily addressed by the State Plan and were closed. There are no new findings or observations identified for FY 2016.

The continued observation is found in Appendix B, Observations Subject to New and Continued Monitoring.

## II. Assessment of State Plan Performance

### A. Major New Issues

#### Maximum Penalty Increase

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016 and again increased penalties according to the Consumer Price Index (CPI) in January of 2017. As required by law, OSHA will continue to raise maximum penalties each year according to the CPI. State Plans are required to adopt both the catch-up increase and annual increase.

### B. Assessment of State Plan Progress in Achieving Annual Performance Goals

In the FY 2016 SOAR, MIOSHA outlined their accomplishment of meeting their five-year Strategic Management Plan. Information provided by MIOSHA has been reviewed and analyzed to assess their progress in meeting performance plan goals in this, the third year of the five-year MIOSHA Strategic Plan. The following summarizes the activities and/or accomplishments for each of the FY 2016 performance goals. MIOSHA's results for each of the following goals are compared to the United States Bureau of Labor Statistics (BLS) Occupational Injuries, Illnesses and Fatalities data for 2012, the year which MIOSHA uses as their baseline. The results are from 2015 BLS data, the most recent year available.

#### Strategic Goal #1

Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

#### Objective 1.1

Reduce the rate of worker injuries and illnesses in high-hazard industries.

#### **Performance Goal 1.1A-1**

Reduce by 15% the rate of worker injuries and illnesses in Beverage and Tobacco Product Manufacturing.

**Results:** This goal was met. The Total Recordable Case (TRC) rate of 6.1 (BLS, 2015) is a 53.8% decrease from the baseline.

#### **Performance Goal 1.1A-2**

Reduce by 15% the rate of worker injuries and illnesses in Primary Metal Manufacturing.

**Results:** This goal was met. The TRC rate of 5.1 (BLS, 2015) is a 50.0% decrease from the baseline.

### **Performance Goal 1.1A-3**

Reduce by 15% the rate of worker injuries and illnesses in Fabricated Metal Products Manufacturing.

**Results:** This goal was **not** met this year. The TRC rate of 5.6 (BLS, 2015) is a 12.5% decrease from the baseline.

### **Performance Goal 1.1A-4**

Reduce by 15% the rate of worker injuries and illnesses in Machinery Manufacturing.

**Results:** This goal was met. The TRC rate of 4.2 (BLS, 2015) is a 22.2% decrease from the baseline.

### **Performance Goal 1.1A-5**

Reduce by 15% the rate of worker injuries and illnesses in Transportation Equipment Manufacturing.

**Results:** This goal was met. The TRC rate of 5.2 (BLS, 2015) is a 25.7% decrease from the baseline.

### **Performance Goal 1.1A-6**

Reduce by 15% the rate of worker injuries and illnesses in Support Activities for Transportation.

**Results:** This goal was met. The TRC rate of 3.3 (BLS, 2015) is a 21.4% decrease from the baseline.

### **Performance Goal 1.1A-7**

Reduce by 15% the rate of worker injuries and illnesses in Warehouse and Storage.

**Results:** This goal was met. The TRC rate of 3.5 (BLS, 2015) is a 38.6% decrease from the baseline.

### **Performance Goal 1.1A-8**

Reduce by 15% the rate of worker injuries and illnesses in Hospitals.

**Results:** This goal was **not** met this year. The TRC rate of 6.9 (BLS, 2015) is an 8.0% decrease from the baseline.

### **Performance Goal 1.1A-9**

Reduce by 15% the rate of worker injuries and illnesses in Nursing and Residential Care Facilities.

**Results:** This goal was met. The TRC rate of 7.8 (BLS 2015) is an 18.8% decrease from the baseline.

**Performance Goal 1.1A-10**

Reduce by 15% the rate of worker injuries and illnesses in Accommodations.

**Results:** This goal was **not** met this year. The TRC rate of 4.4 (BLS 2014) is a 6.4% decrease from the baseline.

**Discussion:** MIOSHA met its goal in the third year of their five year strategic plan for a 15% reduction of workers' injuries and illnesses for seven of the 10 high-hazard industries.

**Objective 1.2**

Reduce by 15% the rate of worker injuries, illnesses, and fatalities in workplaces experiencing high rates or with targeted hazards or exposures not covered by Objective 1.1.

**Performance Goal 1.2:**

General Industry Workplaces (North American Industry Classification/Standard Industrial Classification 31-33)

**Results:** The goal to reduce the injury and illness rate in these general industry workplaces was met. However, the goal to reduce the number of fatalities was not met.

**Discussion:** The TRC rate of 4.4 (BLS 2015) is a 22.4% decrease from the baseline. The goal of 15% reduction was met in year three.

There were 10 general industry fatalities in calendar year (CY) 2015, which is a 100% increase and does not accomplish a reduction over the time of the plan.

**Objective 1.3**

Decrease fatalities in the construction industry by 2% a year (10% total for five years) by focusing on the four leading causes of fatalities (fall, electrocution, struck-by, crushed by/caught between).

**Performance Goal 1.3A:**

Decrease fatalities in the construction industry by 10% over a five-year period.

**Results:** This goal was met.

**Discussion:** In calendar year 2015, Michigan had 6.52 fatalities/100,000 workers, which is a 19.5% decrease from the baseline of 8.10. This meets the goal of a 2% decrease for the third year of the strategic plan.

**Performance Goal 1.3B:**

Reduce injuries and illnesses in the construction industry by 1% per year over a five-year period (5% total for five years).

**Results:** This goal was met.

**Discussion:** The Days Away Restricted Time (DART) rate for 2015 is 1.7, which is a decrease of 10.5% from the baseline. This meets the goal of a 3% decrease for the third year of the strategic plan.

## **Strategic Goal 2**

Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.

### **Objective 2.1**

Promote safety and health management systems (SHMS) during 100% of MIOSHA visits. Evaluate the SHMS during MIOSHA visits. Sixty percent (60%) of the employers in general industry that receive a subsequent MIOSHA visit will have a fully implemented SHMS or will have improved their SHMS.

#### **Performance Goal 2.1:**

SHMS will be promoted during all MIOSHA contacts. General industry and construction establishments that are subject to a MIOSHA visit (programmed/comprehensive inspection or consultation hazard survey) will have a SHMS evaluation.

**Results:** This goal was met.

**Discussion:** SHMS were promoted during all compliance inspections and consultation interventions. In FY 2016, Consultation, Education and Training (CET) consultants re-evaluated eight companies. Of the eight, seven showed improvement.

### **Objective 2.2**

Increase awareness of and participation in the MIOSHA Training Institute (MTI).

#### **Performance Goal 2.2:**

Increase level 2 certificate holders by 10% each year by marketing the MTI to targeted groups.

**Results:** This goal was **not** met.

**Discussion:** The target is to increase the number of MTI level 2 certificate holders by 10% each year. In FY 2015, there were 56 new level 2 certificate holders. In FY 2016, there were 45. This represents a 20% decrease and does not meet the third year goal.

### **Objective 2.3**

Increase participation in MIOSHA cooperative programs.

#### **Performance Goal 2.3:**

The following cooperative programs will increase participation: 15 new MVPP awards/10 renewals; 10 new MSHARP awards/10 renewals; 30 new Consultation, Education, and Training Awards (Silver, Gold, & Certificate of Recognition); initiate five new Michigan Challenge Programs; five new Alliances/10 renewals; and five new Partnerships.



**Results:**

1 New MVPP Award (Goal-3 per year)	This goal was <b>not</b> met.
6 MVPP Renewals (Goal-2 per year)	This goal was met.
4 New CET Awards (Goal-6 per year)	This goal was <b>not</b> met.
0 Michigan Challenge Programs (Goal-1 per year)	This goal was <b>not</b> met.
1 New Alliance (Goal-1 per year)	This goal was met.
6 Alliance Renewals (Goal-2 per year)	This goal was met.
1 New MSHARP (Goal-2 per year)	This goal was <b>not</b> met.
3 MSHARP Renewals (Goal-2 per year)	This goal was met.
4 New Partnerships (Goal-1 per year)	This goal was met.

**Objective 2.4**

Communicate the benefits of workplace safety and health through initiatives and communication with employers and employees.

**Performance Goal 2.4:**

Provide safety and health awareness during every intervention.

**Results:** This goal was met.

**Discussion:** The Michigan DART of 1.6 and TRC of 3.4 (BLS, 2015) for all industries (including state and local government) is a 20.0% and a 17.1% decrease, respectively, for year three. MIOSHA sent 4,062 Take a Stand Day letters to the following employers: Construction, Fabricated Metals, Wood Products, and Primary Metals and 2,749 letters were sent to general industry high-hazard employers.

**Strategic Goal 3**

Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.

**Objective 3.1**

Foster a culture of integrity, inclusion, teamwork, and excellence to strengthen confidence in the delivery of MIOSHA services.

**Performance Goal 3.1A:**

Internal – Implement strategies that nurture collaboration among all MIOSHA team members to enhance effective communication and staff development.

**Results:** This goal was met.

**Discussion:**

The Organizational Culture Inventory (OCI) and the Internal Assessment of Management Strategies (IAMS) were not conducted this year. Results from the FY 2015 IAMS survey were used to develop an Action Plan related to evaluating current perception of management strategies within MIOSHA.

**Performance Goal 3.1B:**

External – Ninety-five percent of employers and workers who provide customer service feedback rate their overall MIOSHA intervention(s) as useful in identifying and correcting workplace safety and health hazards.

**Results:** This goal was met.

**Discussion:** MIOSHA received 613 Comment/Suggestion Cards during FY 2016. The following ratings were achieved for the three questions:

- “How would you rate your overall experience with MIOSHA?” 98.7% said “Useful.”
- “Did you find the staff to be knowledgeable about employee safety and health issues?” 98.2% said “Yes.”
- “Did the staff explain how to correct the safety and health hazards they identified?” 99.0% said “Yes.”

MIOSHA received 6,400 Comment/Suggestion Cards during FY 2008 to 2016. The following ratings were achieved for the three questions:

- “How would you rate your overall experience with MIOSHA?” 98.6% said “Useful.”
- “Did you find the staff to be knowledgeable about employee safety and health issues?” 99.5% said “Yes.”
- “Did the staff explain how to correct the safety and health hazards they identified?” 99.3% said “Yes.”

**Objective 3.2**

Respond effectively to legal mandates so that workers are provided full protection under the MIOSH Act and improve MIOSHA selected services.

**Performance Goal 3.2A:**

Respond to 97% of complaints within 10 working days of receipt by MIOSHA.

**Results:** This goal was met.

**Discussion:**

For FY 2016, 869 of 872 complaints, or 99.6%, were responded to within 10 working days.

**Performance Goal 3.2B:**

Ensure that 95% of non-contested cases have abatement complete within 60 workdays of the last abatement due date.

**Results:** This goal was **not** met.

**Discussion:**

For FY 2016, 271 of the 4,520 inspections did not have abatement complete within 60 workdays of the last abatement due date. This resulted in a percentage of 94.0% of cases having their abatement completed within 60 days of the last abatement due date.

**Performance Goal 3.2C:**

Respond to 95% of all Freedom of Information Act requests within five days.

**Results:** This goal was **not** met.

**Discussion:** For FY 2016, 540 of 643 Freedom of Information Act (FOIA) Requests, or 84%, were responded to within five working days. There are two main reasons for the delay in processing according to MIOSHA: 1) the FOIA requests continue to become more complicated/voluminous, and 2) the advancement in forms of communication (i.e., email, cell phones, texting, etc.). Both of these factors make production of complete records much more time-consuming. Another reason is the FOIA staff also handles subpoenas and depositions, and in recent years the trend is to appeal many more citations, making this work more time-consuming.

**Performance Goal 3.2D:**

Establish a priority and a deadline for all standards assigned for promulgation. Promulgate 100% of standards required by OSHA within six months and 80% of the other standards within deadlines established by an annual standards promulgation plan.

**Results:** This goal was **not** met.

**Discussion:**

Promulgate 100% of standards required by OSHA within six months. MIOSHA accomplished 0% of the original goal. The delay in promulgation was a result of a continued backlog of work within the Department of Licensing and Regulatory Affairs and the Office of Regulatory Reinvention.

Promulgate 80% of other standards within deadlines established by an annual Standards Promulgation Plan. MIOSHA accomplished 75% of the original goal. The delay in promulgation was a result of a continued backlog of work within the Department of Licensing and Regulatory Affairs and the Office of Regulatory Reinvention, which are outside of the control of MIOSHA. It is anticipated the backlog will be eliminated in 2016, allowing for more timely promulgation.

Hold 4 Standards Liaisons meetings. MIOSHA accomplished 50% of the original goal. Due to the delays in promulgation, there was insufficient cause to hold four meetings. There are four meetings scheduled in FY 2017.

**Objective 3.3**

Identify and assess information technology (IT) related needs within the agency and make recommendations to improve technology use and incorporation into the agency processes.

**Performance Goal 3.3A:**

Identify and assess information technology (IT) related needs within the agency and make recommendations to improve technology use and incorporation into the agency processes.

**Results:** This goal was met.

**Discussion:**

All staff was assigned new computers. Computer usage training was expanded to include Personal Identifying Information (PII) training. The agency SharePoint site was upgraded and additional reference and training materials were added. Transitioned all remaining data entry from the NCRs. Improvements were made to the Standard/SAVE database and the Injury & Illness (I & I) Severe Injury Report Database. Support for other data systems is ongoing.

**Objective 3.3**

Assess options to provide new and better ways to deliver MIOSHA information and services to the public, and other agencies through the use of information technology such as the Internet and mobile technologies. Make appropriate recommendations to agency administration and staff to implement the improvements.

**Performance Goal 3.3B:**

Assess options to provide new and better ways to deliver MIOSHA information and services to the public, and other agencies through the use of information technology such as the Internet and mobile technologies. Make appropriate recommendations to agency administration and staff to implement the improvements.

**Results:** This goal was met.

**Discussion:**

MIOSHA is looking to move from paper to electronic correspondence within their training institute and with their laboratory customers. MIOSHA increased their followers on Facebook, Twitter and YouTube in FY 2016, as well as provided appropriate follow-up to social media comments and questions. They are also researching useful applications to include on the MIOSHA webpage.

**Objective 3.4**

Make all MIOSHA interactions an opportunity to build effective and positive relationships that support the MIOSHA mission.

**Performance Goal 3.4:**

Connect MIOSHA to industry by increasing collaboration and communication to create collective ownership for workplace safety and health.

**Results:** This goal was met.

**Discussion:**

Six “Coffee with MIOSHA” events and one “Take a Stand Day” event were held in FY 2016. Customer comment cards indicated that 98.7% of MIOSHA’s customers indicated that their overall experience with the agency was useful in FY 2016. To improve customer service, all staff attended training on valuing differences and required new staff to attend training on emotional intelligence.

## C. Highlights from the State Activity Mandated Measures (SAMM)

Data from the FY 2016 State Activity Mandated Measures (SAMM) Report was reviewed for deficiencies and notable changes. The SAMM consists of performance indicators, the expected performance reference or standard and the State Plan's performance data. The State Plan's performance is compared to the criteria established by regulation, grant agreement, negotiation with OSHA or national data.

### Average Current Penalty Per Serious Violation

MIOSHA's average current penalty per serious violation in the private sector (SAMM 8: 1-250+ workers) was \$773.89 in FY 2016. The Further Review Level (FRL) is -25% of the National Average (\$2,279.03) which equals \$1,709.27. Penalties are one component of effective enforcement, and State Plans are required to adopt penalty policies and procedures that are "at least as effective" (ALAE) as those contained in OSHA's FOM, which was revised on August 2, 2016, to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection. OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

MIOSHA consistently meets or exceeds a majority of the mandated measures. This year SAMM #9, *percent in compliance* (safety) is at 41.3% and is outside the further review level of 34.62% (28.85 +20%). Other noteworthy measures are listed below. The complete FY 2016 SAMM is located in Appendix D of this report.

*Average number of work days to initiate complaint inspections (state formula) and Average number of work days to initiate complaint investigations:* MIOSHA initiates complaint inspections in fewer than eight days and complaint investigations in fewer than six days, well below the further review levels of 10 and eight days respectively.

*Planned v. actual inspections – safety/health:* In FY 2016, MIOSHA conducted 4651 inspections, exceeding the projected number of 4065.

*Average lapse time (safety):* With an average lapse time of 27.52 days, MIOSHA is well below the national rate of 45.16 days for safety inspections.

## III. Assessment of State Plan Corrective Actions

Last year, as part of the Comprehensive FAME, OSHA conducted an onsite review of MIOSHA's compliance division on January 25-28, 2016. It included a review of complaint, inspection, and whistleblower case files. As a result of the onsite review, three observations were identified and noted in the FY 2015 Comprehensive FAME report. There were no findings during the review. One of the three observations was continued from the FY 2015 FAME report.

**Observation FY 2015-OB-01 (FY 2016-OB-01):** Some case files showed that "check the box method" was in use when conducting interviews, yet in other case files good interview methods were noted and could be easily followed. Basic employee interview documentation must be

consistent in any case file and adequately documented using narrative form to explain what occurred during the inspection or why citations were or were not recommended.

**Status: Continued.** OSHA will continue to monitor this observation.

**Observation FY 2015-OB-02 (FY 2016-OB-02):** MIOSHA does not track closing letters for complaints that are administratively closed. Although not required, a tracking receipt or system of tracking would make tracking of closed complaints more efficient.

**Status: Closed.** Although MIOSHA does not request tracking receipts, it has implemented an equivalent system of tracking closed complaints.

**Observation FY 2015-OB-03 (FY 2016-OB-03):** Report of Investigation (ROI) did not consistently demonstrate how conclusions were made concerning merit or non-merit cases, which can affect whether a case meets all elements of a prima facie case.

**Status: Closed.** The latest case file review by Regional whistleblower personnel showed improved demonstration of how cases were determined to be merit or non-merit. MIOSHA instructed its rights representatives to provide clearer explanations of their determinations in the case file.

## Appendix A – New and Continued Findings and Recommendations

FY 2016 MIOSHA Follow-up FAME Report

FY 20XX-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
NONE			

## Appendix B – Observations Subject to Continued Monitoring

### FY 2016 MIOSHA Follow-up FAME Report

Observation # FY 20XX-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-OB-01	Case files showed that “check the box method” was in use when conducting interviews, yet in other case files good interviews were noted and could be easily followed. Basic employee interview documentation must be consistent in any case file and adequately documented using narrative form to explain what occurred during the inspection or why citations were or were not recommended.	Case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
	FY 2015-OB-02	MIOSHA does not track closing letters for complaints that are administratively closed. Although not required, a tracking receipt or system of tracking would make tracking of closed complaints more efficient.	N/A	Closed
	FY 2015-OB-03	Reports of Investigation (ROI) did not consistently demonstrate how merit and non-merit determinations were made, including a discussion of each element of a prima fascia case, the respondent’s defense, and the complainant’s rebuttal.	N/A	Closed



## Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 MIOSHA Follow-up FAME Report

FY 20XX-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
NONE					

## Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

### FY 2016 MIOSHA Follow-up FAME Report

Fiscal Year 2016 is the first year since the transition from the NCR (OSHA’s legacy data system) began that all State Plan enforcement data has been captured in OSHA’s Information System (OIS). All State Plan and federal whistleblower data continues to be captured in OSHA’s WebIMIS System. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report and State Plan WebIMIS report run on November 14, 2016, as part of OSHA’s official end-of-year data runs. The further review levels for SAMMs 5, 8, 9, 11, 12, 15, and 17 have been negotiated to rely on a three-year national average. However, due to the recent transition to OIS, the further review levels for these SAMMs will rely on a one-year national average for one more year.

## U.S. Department of Labor

### Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: <b>Michigan - MIOSHA</b>			FY 2016	
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)	7.85	10	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)	5.32	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)	5.29	8	Further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal	4.56	N/A	This measure is for informational purposes only and is not a mandated measure.

## Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

### FY 2016 MIOSHA Follow-up FAME Report

	formula)			
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	Further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	Further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.91	+/-20% of SWRU: 1.87	Further review level is based on a one-year national rate, pulled only from OIS.
		Other: 1.43	+/-20% of Other: .99	
<b>6</b>	Percent of total inspections in state and local government workplaces	2.41%	+/-5% of 4.06%	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
<b>7</b>	Planned v. actual inspections – safety/health	S: 3,762	+/-5% of S: 3,100	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 889	+/-5% of H: 965	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$773.89	+/-25% of \$2,279.03	Further review level is based on a one-year national rate.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$388.61	+/-25% of \$1,558.96	Further review level is based on a one-year national rate.

## Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

### FY 2016 MIOSHA Follow-up FAME Report

	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$780.82	+/-25% of \$2,549.14	Further review level is based on a one-year national rate.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	\$1,197.05	+/-25% of \$3,494.20	Further review level is based on a one-year national rate.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	\$1,989.21	+/-25% of \$4,436.04	Further review level is based on a one-year national rate.
<b>9</b>	Percent in compliance	S: 41.30%	+/-20% of S: 28.85%	Further review level is based on a one-year national rate.
		H: 41.68%	+/-20% of H: 35.68%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	96.97%	100%	Further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 27.52	+/-20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 57.51	+/-20% of H: 57.28	
<b>12</b>	Percent penalty retained	58.40%	+/-15% of 69.86%	Further review level is based on a one-year national rate.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	99.29%	100%	Further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	58%	100%	Further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	14%	+/- 20% of 24%	Further review level is based on a three-year national average.

## Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

### FY 2016 MIOSHA Follow-up FAME Report

<b>16</b>	Average number of calendar days to complete an 11(c) investigation	92	90	Further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	2.64%	+/-25% of 1.26%	Further review level is based on a one-year national rate.