

FY 2015 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report

Wyoming Occupational Safety and Health Administration (Wyoming OSHA)



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

This report assesses the activities of the Wyoming Occupational Safety and Health Division (Wyoming OSHA) for Fiscal Year (FY) 2015. During FY 2015, Wyoming OSHA conducted 255 inspections, 31 whistleblower investigations, and 50 state and local government consultation visits.

Since the beginning of FY 2015, Wyoming OSHA has been working diligently to manage several changes within their compliance staff and their management ranks. The main office is located in Cheyenne, and they continue to house workers in satellite offices in Gillette and Casper. Wyoming OSHA also has a satellite office in Rock Springs that has been vacant, filled, and then vacant again in FY 2015. The transition to the OSHA Information System (OIS) and the implementation of solely electronic case files has improved their ability to communicate with workers from remote locations. Wyoming OSHA continues to be focused on their top priority of protecting the working men and women of the state of Wyoming.

The FY 2015 FAME visit yielded nine findings related to: complaints, fatalities, citations, and penalties, lapse time, and the whistleblower program. There were also six new observations and one continued observation. The management team appears to be aware of the challenges ahead of them, and they had begun to work on several of the above mentioned issues prior to the FAME visit.

B. State Plan Introduction

Wyoming OSHA is housed in the Wyoming Department of Workforce Services Agency under the Office of Workforce Standards and Compliance Division. John Ysebaert, the Administrator of the Office of Workforce Standards and Compliance, is the State Plan designee. Daniel Bulkley, Deputy Administrator, has managed Wyoming OSHA since October 2014. The areas under the authority of Wyoming OSHA consist of enforcement, whistleblower, and compliance assistance, as well as consultation in both the state and local government and private sector. Risk management, which was 100% funded by the state, is no longer within Wyoming OSHA's purview; the state of Wyoming reassigned risk management duties to another administrative department this fiscal year. Enforcement activities are funded under the Section 23(g) cooperative agreement. Private sector consultation is funded under the Section 21(d) cooperative agreement.

The state of Wyoming encompasses 97,818 square miles. Wyoming OSHA is headquartered in Cheyenne, Wyoming, with seven satellite offices (not all currently staffed) in Casper, Gillette, Rock Springs, Worland, Laramie, Riverton, and Lander. This program closely mirrors the federal program. Wyoming is a significant producer of both crude oil and natural gas. Many workplace accidents can be attributed to these industries both directly and indirectly, including the transportation and refining of the products generated by these sectors. Wyoming has unique regulatory standards for oil and gas well drilling and servicing, which address general operations at a well once it has been drilled, and special servicing, which address special operations at a well site, including wireline operations, mobile pumping, and fracking, as well as drill-stem testing.

The enforcement program covers safety and health in the state and local government sector and the private sector and is benchmarked for six safety and two health compliance officers. Complaints and accidents that fall under OSHA jurisdiction that occur in Wyoming are referred to OSHA's Denver Area Office for appropriate action. The complaints, referrals, and accidents that would fall under federal jurisdiction include employers, such as the National Park Service, post offices, and military bases. Wyoming legislators have elected to fund one health compliance officer position above the regulatory benchmark of two health compliance officers. Additional staff includes one operations manager, one compliance manager, and three administrative personnel. State and local government consultation work and compliance assistance work are performed by the Section 21(d) consultants and funded through the Section 23(g) grant, enabling each consultant to do some work in the state and local government sector and on compliance assistance. The grant and the cooperative agreement reflect those splits. All compliance assistance work, including the Cowboy Voluntary Protection Program, is funded under the 23(g) grant. Whistleblower investigations under 11(c) are also funded by the 23(g) grant.

C. Data and Methodology

The findings and recommendations in this report are based on the February 2016 enforcement on-site review and the following data sources:

- 2015 State Operations Annual Report
- FY 2015 State Plan grant application
- FY 2015 State Activity Mandated Measures (SAMM) Report
- State Information Report
- Mandated Activities Report for Consultation (MARC)
- Minutes from quarterly meetings

The on-site review was conducted the week of February 1, 2016, by seven Region VIII representatives. The on-site review focused on a review of the enforcement case files, a review of the whistleblower program, and a review of the complaint process. The whistleblower review took place from February 1st through 3rd and included a review of the State Plans' investigative case files, policies, procedures, and investigation results.

Enforcement case files, both open and closed, were selected using the FY 2015 FAME guidance, *Suggested Procedures for Performing Random Sampling*. The population of case files evaluated was for inspections that had been conducted in FY 2015. The case file review consisted of 60 inspection files, all of which were located. Fifty-four of the inspection files were safety-related, and the remaining six were health-related. Included in the selected case files were 11 fatality investigations.

Additionally, 30 inquiries (phone-and-fax investigations) were reviewed. Interviews of management and staff were also conducted.

OSHA has established a two-year cycle for the FAME process. This is the comprehensive year,

and as such, OSHA performed on-site case file reviews.

D. Findings and Observations

OSHA identified nine findings related to: complaints, fatalities, citations, and penalties, lapse time, and the whistleblower program. There were also six new observations and one continued observation. The findings address deficiencies throughout many of the key operations and functions of the Wyoming OSHA Division. See Appendix A for a listing of findings.

With regard to the observations, a consistent theme is the lack of appropriate documentation and inconsistencies with following established policy. These issues were categorized as observations due to their relatively low frequency of occurrence. See Appendix B for a list of observations.

II. Major New Issues

In FY 2015, Wyoming OSHA saw eight staffing changes within the Compliance Division. The staffing levels did not change, but five new workers were hired. There were significant staffing changes with the management team, as well. The Deputy Administrator for Wyoming OSHA assumed this position in October of 2014, the managers for both Operations and Compliance are new to their positions in FY 2015, and the division is also in the process of adding another Compliance Program lead. It is likely that the majority of the findings and observations noted during the FAME visit can be attributed to the high turnover of compliance officers and the lack of continuity within the Compliance Division.

III. Assessment of State Plan Performance

A. STATE PLAN ADMINISTRATION

1) Training

The Wyoming OSHA compliance safety and health officers (CSHOs) and compliance support staff received the following training this year:

OSHA Training Institute (OTI) Webinars:

- 0075: Noise Hazards in the Workplace
- 0077: Transitioning to Safer Chemicals
- 0079: Protecting Temporary Workers
- 0080: Whistleblower Complaint Intake for CSHOs
- 0081: Overview of the Revised Electric Power Standards
- 0083: Measuring OTI Training Impact
- 0084: Evaluating a Hearing Conservation Program
- 0086: Recordkeeping for the VPP and Team Leaders

In-House Training for New Hires:

Rules of Practice and Procedure (ROPP)

OSH Act of 1970

Field Operations Manual

29 CFR 1910 General Industry

29 CFR 1926 Construction

Oil and Gas Drilling, Well Servicing, and Special Servicing

Required On-site Consultation Conference

OIS Training:

OIS Training (Salt Lake City)

On-site Training Provided by Red Rocks Community College OSHA Training:

OSHA 522 – Guide to Industrial Hygiene

OSHA 5810 – Hazard Recognition and Standards for On-Shore Oil and Gas Exploration and Production

OSHA 430 – Dental Offices Clinic Course

Observation FY 2015-OB-1: Wyoming OSHA continues to work toward developing and implementing a formal training program for new compliance officers.

Federal Monitoring Plan FY 2015-OB-1: The OSHA Regional Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2016.

2) *Funding and Staffing*

The following table shows the federal award levels, one-time money, and the State Plan matching funds from FY 2013 through FY 2015.

Fiscal Year	Federal Award	State Plan Match	100% State Funds	Total Funding	% of State Plan Contribution	One-time Money
2015	\$528,800	\$528,800	\$980,352	\$2,037,952	74%	
2014	\$525,800	\$525,800	\$789,794	\$1,841,394	71%	\$3,000
2013	\$545,800	\$545,800	\$692,357	\$1,783,957	69%	

Wyoming OSHA employs 27 full-time positions in the Compliance Section, which includes seven safety and two health compliance officers. The benchmark requirement for the Compliance Section is eight. The Wyoming OSHA FY 2015 final grant amount, including both the overmatch and return of funds, was \$2,037,952.

The table below shows the number of full-time and part-time Wyoming OSHA staff for FY 2015.

FY 2015 Staffing					
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Plan Funded	Total	50/50 Funded FTE On Board as of 8/15/14	100% State Plan Funded FTE On Board as of 8/15/14
Managers/Supervisors (Admin)	0.95	1.25	2.20	0.95	1.25
First Line Supervisors	0.0	0.0	0.0	0.0	0.0
Safety Compliance Officers	1.50	4.50	6.00	1.50	4.50
Health Compliance Officers	0.75	2.25	3.00	0.75	2.25
Whistleblower Investigator	0.50	0.00	0.50	0.50	0.00
State and Local Government Sector Safety Consultants	1.80	0.00	1.80	1.60	0.00
State and Local Government Sector Health Consultants	0.80	0.00	0.80	0.60	0.00
Compliance Assistance Specialist	1.30	0.00	1.30	1.10	0.00
Clerical/Admin/Data System	1.55	0.25	1.80	1.55	0.25
Total 23(g) FTE	9.15	8.25	17.40	8.55	8.25

3) *Information Management*

Wyoming OSHA is in full use of the OSHA Information System (OIS) and utilizes the program for the input, preservation, tracking, and recall of work-related activities.

4) *State Internal Evaluation Program (SIEP) Report*

Finding FY 2015-1 (formerly FY 2014-5): Wyoming OSHA has not developed and implemented a formal internal evaluation program or process.

Recommendation FY 2015-1 (formerly FY 2014-5): Wyoming OSHA should formalize its State Internal Evaluation Program.

B. ENFORCEMENT

1) Complaints

Wyoming OSHA conducted a total of 130 unprogrammed inspections in FY 2015, which included 81 complaint inspections. The FAME visit reviewed 21 complaint inspections. Wyoming OSHA conducts inspections generated from complaints when the complaint is

received from a current worker or representative who is willing to sign a complaint form. Inspections can also be initiated based on supervisory discretion. The negotiated number of days for Wyoming OSHA to open complaint inspections is 16. In FY 2015, the average number of days to initiate a complaint inspection was 9.84. This is an improvement from the already low average of 11.15 days observed during the FY 2013 FAME.

During FY 2015, Wyoming OSHA received 117 non-formal complaints. Thirty of those non-formal (phone or fax) complaint investigations were reviewed during the FAME visit.

It was determined that Wyoming OSHA is not consistent in their handling, processing, and review of complaints. There are a limited number of people, due to staffing issues and a lack of program continuity, who deal with complaints, so this can slow down the process. Several (two) complaints were reviewed where the employer did not provide an adequate response or any response at all. Some of the complaints indicated potential exposures to fall hazards or chemical exposures, such as styrene or asbestos, and no inspection was initiated. One file indicated that a worker suffered an injury, but no inspection was conducted. Many close-out letters were not sent to the employers for several weeks even though the response was adequate.

Finding FY 2015-2: Wyoming OSHA does not consistently follow the policies and procedures for handling complaints.

Recommendation FY 2015-2: Wyoming OSHA should implement a training program for all of the compliance staff to ensure everyone is capable of processing (intake), reviewing, and recommending complaints for closure.

2) Fatalities

In Wyoming, transportation accounts for 53% of the workplace fatalities, and 21% of these are non-OSHA jurisdiction fatalities (e.g. Federal Railroad Administration, Federal Aviation Administration, mines). The remaining 26% are OSHA-related, which include general industry, construction, and oil and gas. A large portion of Wyoming's workforce is employed in industries, such as agriculture, mining, oil and gas extraction, construction, manufacturing, and transportation. These industries have historically experienced higher rates of occupational fatalities and injuries than other industries due to the inherently high-risk hazards of these occupations.

Wyoming OSHA conducted nine fatality inspections in FY 2015. Three of the inspections were related to construction activities; one was in the logging industry; three were covered under general industry; and the final two were also general industry, but more specifically, oil and gas-related. The most frequent causes of the fatal incidents were falls (four), struck-by (four), and explosion (one). Wyoming OSHA compares their fatality data to a 10-year average. The current 10-year average is 10.1.

A total of 11 files, some of which had not been closed, were reviewed because two cases were catastrophes that each sent three workers to the hospital following explosions. One of the fatality investigations involved a site where workers were represented by a union. All of the fatality investigations were initiated within one day of the incident. The information in the case files indicated that workers were interviewed in all cases although there were two cases that lacked documentation of those interviews. In one case, the fatality was reported by the local coroner and not the employer; a citation was issued for failure-to-report within the required timeframe of eight hours.

The next-of-kin letters to notify family members of Wyoming OSHA's involvement were only sent in four of the investigations, and one of those was sent four months after the inspection. Only one of the fatality investigations contained the final next-of-kin letter. Two of the fatality files were missing OSHA-300 data. Six of the fatality files did not contain an OSHA-36 form. Only two of the fatality investigations were comprehensive in scope. According to the case file review, not all of the fatality investigations had adequate documentation in the file to support all violations. There was also a case where multiple Investigative Summaries were completed even though there should only be an Investigative Summary for the employer that experienced the fatality.

Observation FY 2015-OB-3 (formerly FY 2014-OB-3 and FY 2013-OB-3):

Wyoming OSHA does not consistently follow policies and procedures necessary to complete an adequate fatality investigation. None of the Wyoming OSHA compliance officers have completed training associated with fatalities.

Federal Monitoring Plan FY 2015-OB-3 (formerly FY 2014-OB-3 and FY 2013-OB-3): The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

3) Targeting and Programmed Inspections

The Local Emphasis Program (LEP) elements for the past year were workers' compensation companies; construction, including 1500, 1600, and 1700 standard industrial classifications (SIC); oil and gas well drilling (1381 SIC); oil and gas well servicing (1389 SIC); state and local government employers with a positive employer modifier rate; and nursing and personal care facilities (8050 SIC). Moving forward, Wyoming OSHA is consolidating two main categories: workers' compensation and oil and gas (which is a combination of oil and gas well drilling and oil and gas well servicing/special servicing). Wyoming OSHA has adopted the appropriate National Emphasis Programs (NEPs); however, they have not formalized their LEPs or a system to evaluate their effectiveness as of the end of FY 2015.

Based on targeting NEPs and LEPs, it appears Wyoming OSHA has appropriately identified high-hazard industries within their jurisdiction. According to OIS information, 51.8% of all inspection activity was programmed.

Finding FY 2015-3 (formerly FY 2014-4): The development of LEPs is not formalized to include written LEPs, the reason for the LEPs, how to target the LEP, how to determine if the LEP is effective, and whether to continue the LEP.

Recommendation FY 2015-3 (formerly FY 2014-4): Wyoming OSHA should formalize its LEPs and conduct regular evaluation of its targeting and LEPs to determine that its LEPs are effective.

4) Citations and Penalties

According to the SAMM Report, the percentage of inspections without citations in FY 2015 for safety was 15.43% and for health was 20.83%. These numbers can be compared to the national averages of 28.47% for safety and 33.58% for health, which includes data from the State Plans and OSHA.

The average number of violations per inspection was 2.62 for serious, willful, or repeat and 0.68 for other-than-serious. These average numbers can be compared to the national data for FY 2015, which showed 1.92 for serious, willful, or repeat and 0.87 for other-than-serious. The percentage of inspections with serious, willful, or repeat citations is approximately 35% above the national average noted in the SAMM Report. This supports the efficacy of the targeting systems.

A review of the Inspection Summary Report shows that 42 of the inspections conducted were closed with no violations issued. Of the 205 inspections where citations were issued, 86.5% had serious violations, 4.8% had repeat violations, and 2.9% had willful violations. There were no failure to abate citations issued and six unclassified citations. Of the 465 violations cited, 74.8% of the violations were serious, 21.9% were other-than-serious, and 2.1% were repeats. According to the SAMM Report, the percentage of inspections conducted in the state and local government was 5.84% as compared to the negotiated average of 8.33%, which is within the deviation of +/- 5% specified in the grant.

In the private sector, the average current serious penalty in FY 2015 was \$2,602.37 according to the SAMM Report, which is above the further review level for SAMM 8. For employers with 25 or fewer workers, the average current serious penalty for FY 2015 was \$1,633.63. For employers with 26-100 workers, the average current serious penalty for FY 2015 was \$2,991.16. For employers with 101-250 workers, the average current serious penalty for FY 2015 was \$3,883.04. For employers with more than 250 workers, the average current serious penalty for FY 2015 was \$4,526.26.

Wyoming OSHA does not have a reliable debt collection system in place. If an employer receives a penalty with a citation, the penalty is paid to the county where the violation took place. Once the money clears the county treasurer's office, it is sent to the school district in which the violation occurred. If the penalty is not paid by the employer, it is up to the county to pursue the payment. Since 2009, Wyoming OSHA has been unable to collect in excess of \$4.5 million in unpaid penalties. This has proven to be an ineffective system.

The review of inspection files showed a high occurrence of the high/lesser classification for serious violations. Very few files actually contained information that provided a justification for the gravity-based penalty. Additionally, there were several cases where employers received “good faith” reductions on their penalties when there were multiple serious violations and no justification given to support the “good faith” penalty reduction. Most inspections with citations did not include any information (e.g. workers exposed, worker contact information, employer knowledge, measurements) in the violation worksheets to help support a legally sufficient case.

It was observed that the OSHA-300 logs obtained from employers are often times incomplete, not accurate, and are infrequently entered into the OIS case file. There were 17 cases identified in the review process that were missing OSHA-300 information for inspections where the data was applicable. This is in part because Wyoming OSHA has access to workers’ compensation information, which can also provide accident and injury details.

Only 13% of the inspections conducted in FY 2015 were health inspections. No noise sampling was conducted during the entire year. No overexposures to air contaminants were captured for FY 2015. Wyoming OSHA has not ensured that sampling equipment is maintained, calibrated, and capable of being used in the field. There is not a system in place to track equipment calibration. During FY 2015, Wyoming OSHA only had one full-time health CSHO, and the other health CSHO was in training and then left the program. The one health CSHO spent most of the time working on process safety management cases.

Of the 60 case files reviewed, 45 (75%) of them did not have a diary sheet to show the record and summary of all actions related to the case.

According to the FY 2015 SAMM Report, the lapse time for safety inspections was significantly higher (62.07 days) than the reference standard (42.78 days). The safety inspection lapse time has been reduced from the previous year, but it is still 45% higher than the reference standard.

Finding FY 2015-4: Wyoming OSHA has not developed an effective system to account for the collection of penalties.

Recommendation FY 2015-4: Wyoming OSHA should implement a debt collection system to ensure employers are held accountable for paying penalties associated with any citations they receive.

Finding FY 2015-5: Wyoming OSHA does not consistently review case files to ensure legal sufficiency. Information to legally support citations (e.g. employer knowledge, measurements, worker interviews, and worker exposure data) was missing from 30 of the 60 case files reviewed.

Recommendation FY 2015-5: Wyoming OSHA should provide in-depth training specific to the case file review process to the management staff.

Finding FY 2015-6 (formerly FY 2014-2): Wyoming OSHA does not consistently address health hazards. During FY 2015, no noise samples were taken during inspection activity, and no overexposures to air contaminants were captured. Industrial hygiene sampling equipment is not maintained, calibrated, nor capable of being used in the field.

Recommendation FY 2015-6 (formerly FY 2014-2): Wyoming OSHA should focus management and worker training on recognizing and addressing health-related hazards.

Finding FY 2015-7 (formerly FY 2014-1): The lapse time for safety inspections in FY 2015, 62.07 days, is significantly above the reference standard of 42.78 days.

Recommendation FY 2015-7 (formerly FY 2014-1): Wyoming OSHA should reduce lapse time by ensuring inspections are completed and citations issued in a timely manner.

Observation FY 2015-OB-2: Wyoming OSHA does not consistently request, evaluate, or enter OSHA-300 information as part of their inspection process.

Federal Monitoring Plan FY 2015-OB-2: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

Observation FY 2015-OB-7: Wyoming OSHA does not consistently use a case file activity diary sheet. It was observed that 45 case files did not include a diary sheet. The diary sheet provides organization and helpful information on the progress and disposition of the case.

Federal Monitoring Plan FY 2015-OB-7: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

5) Abatement

Following the issuance of citations, an employer has 15 business days to schedule an informal conference and/or provide a Notice of Contest. Once the informal conference is scheduled, it could take another two months or more to actually conduct the meeting. The case file review revealed multiple cases where the informal conference was held in excess of 30 days after the citation was received by the employer. Some of this can be explained by the recent staffing and management changes. Wyoming OSHA classifies cases that have an informal conference as "contested". Thirteen of the files with citations did not contain information as to what interim protective measures were put in place by the employer. Eight of the case files were determined to not have adequate verification or evidence of abatement. Not all of these files were administratively closed at the time of review.

Wyoming OSHA does not conduct follow-up inspections to verify abatement in cases where it has not been provided or to ensure abatement associated with high-profile cases, such as those related to fatalities.

During the FY 2015 FAME, 45 cases were reviewed that included citations. It was determined that adequate verification and documentation of abatement was provided in 37 of the 45 (82%) reviewed files that had citations.

Finding FY 2015-8: Wyoming OSHA does not promptly obtain abatement from employers post-contest. Of the 35 cases reviewed which required abatement, 27 of them lacked adequate verification or evidence of abatement. The staffing issues have created challenges in obtaining abatement.

Recommendation FY 2015-8: Wyoming OSHA should implement a system to ensure informal conferences are held timely so abatement is promptly obtained.

Observation FY 2015-OB-4: Wyoming OSHA does not conduct follow-up inspections to obtain abatement. In cases where abatement was not obtained (27 out of 35 cases reviewed), Wyoming OSHA did not verify that the violative condition had been corrected.

Federal Monitoring Plan FY 2015-OB-4: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

6) Worker and Union Involvement

Of the 60 inspection files reviewed, only two of them involved sites where a union was present at the establishment. One of those files, a fatality, indicated that a union representative was not included in the walkaround or the closing conference. In this instance, it was determined that the wrong union was contacted. The other file that involved a union did not include documented worker interviews.

During the review process, it was determined that there were no worker interviews documented in 36 of the 60 cases. The use of "employees had no comment" was also noted in multiple case files without any additional information as to what efforts were made to interview workers.

Observation FY 2015-OB-5: Wyoming OSHA does not ensure policies and procedures are followed with respect to inspections that involve worksites with union representation. Only two cases involved a union, and in one of those cases, a fatality, the union was not involved in the walkaround or the closing conference.

Federal Monitoring Plan FY 2015-OB-5: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

C. REVIEW PROCEDURES

1) Informal Conferences

Of the 60 files reviewed, informal conferences were conducted for 25. It was noted in 11 cases that Wyoming OSHA did not consistently follow their established policies and procedures when it comes to documenting what takes place in the informal conference. When modifications are were made to the citations or penalties there was little supporting evidence to indicate why the changes were justified.

Wyoming OSHA did retain 82.48% of their original issued penalty amounts as compared to the national percentage of 67.96%.

Observation FY 2015-OB-6: Wyoming OSHA did not consistently document why modifications were made to citations during the informal conference. Documentation was not provided for 11 of the 25 cases where modifications were made during the informal conference.

Federal Monitoring Plan FY 2015-OB-6: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

2) Formal Review of Citations

Due in large part to the lengthy period of time that is permitted for the informal settlement of cases, Wyoming OSHA had zero cases proceed to litigation in FY 2015.

D. STANDARDS AND FEDERAL PROGRAM CHANGES (FPCs) ADOPTION

Standards Adoption Process

The standards adoption process in Wyoming begins once the State Plan is notified electronically that a new federal standard has been promulgated. Once this occurs, Wyoming OSHA sends a courtesy memo to the governor explaining that OSHA is promulgating a new rule. The governor then has 10 days to reply. After the 10 days have passed, the standard is filed with the Legislative Service Office and the Secretary of State, where a 45-day period for public comments begins. After the 45 days have passed, the Wyoming OSHA Commission meets to vote on the adoption of the standard. Once the commission approves the standard, it is then sent to the governor's office for his signature. The governor has 75 days to accept the federally promulgated standard, and it becomes law in the state of Wyoming.

Directives Adopted in FY 2015

The following directives were adopted by the Wyoming OSHA Commission in FY 2015. Due to a staffing change, some directives listed below may have been previously adopted, but records were not available to positively confirm adoption. Wyoming OSHA has implemented

processes and procedures to ensure federal directive adoption is closely tracked.

Directive	Title
CPL-03-00-018 2015 725	NEP Primary Metal Industries
CPL-02-14-01 2014 645	Site-Specific Targeting 2014 (SST-14)
CPL-02-01-056 2014 684	Inspection Procedures for Accessing Communication Towers by Hoist
TED-01-00-019 2014 704	Mandatory Training Program for OSHA Compliance Personnel
CPL-02-00-158 2014 705	Inspection Procedures for Respiratory Protection Standard
CPL-02-01-057 2015 724	Compliance Directive for Cranes and Derricks in Construction Standard
CPL-02-03-004 2012 544	Section 11(c) Appeals Program
CPL-02-01-054 2013 545	Inspection Citation Guidance for Roadway and Highway Construction Zones
CPL-02-13-01 2013 564	Site-Specific Targeting 2012 (SST-12)
CPL-02-00-155 2013 604	Federal Program Change Memo for OSHA Instruction CPL-02-00-155

E. VARIANCES

There were no new variances granted in Wyoming since the last FAME.

F. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

According to the Wyoming FY 2015 grant application, approximately 12% of workers in the state of Wyoming work in the state and local government. For FY 2015, Wyoming OSHA projected that they would conduct 29 state and local government inspections; according to the Inspection Summary Report for FY 2015, they conducted 14. The program also projected that they would conduct 60 state and local government consultation visits; they conducted 50. The number of compliance inspections in the state and local government represents approximately 5.5% of the total inspections for the year. Wyoming OSHA does not assess monetary penalties in the state and local government sector.

During FY 2015, there were no new state and local government Safety and Health Achievement Recognition Program (SHARP) participants. There are currently four state and local government SHARP participants. All of the existing SHARP entities were renewed in FY 2015.

G. WORKPLACE RETALIATION PROGRAM

The FAME audit was conducted by an onsite audit of the Wyoming OSHA whistleblower program. The audit included a review of the overall whistleblower program, including policy and procedures and investigative files. The audit reviewed 10 of 14 closed docketed case files from FY 2015. In addition, the audit reviewed 15 of 17 administratively closed case files from FY 2015.

The audit included a review of 25 total case files in FY 2015. Given the sample size, the ability to identify trends was limited. Thus, the recommendations were based upon potential trends and significant observations.

The following table is a summary of whistleblower complaints during FY 2015:

Disposition	Totals
Total cases from FY 2015	31
Cases completed in FY 2015	14
Cases completed timely	29%
Overage cases	10
~ Withdrawn	1
~ Dismissed	6
~ Merit	3
~ Settled	2
~ Settled other	1
~ Litigated	3
Administratively closed	17
Investigator on staff	2

Intake and Evaluation of Complaints

Wyoming OSHA reviewed all potential complaints for appropriate coverage requirements, timeliness of filing, and the presence of a prima facie allegation. New complaints were received in three forms: a health and safety complaint, telephonic complaint, or referrals from OSHA. In those cases, the complaint was forwarded to the investigator to conduct a formal interview. The complaint intake process was completed entirely by the investigator.

Wyoming OSHA appropriately referred federal statute cases to the OSHA Denver Regional Office and had procedures in place to notify complainants of the right to concurrently dual-file Section 11(c) complaints with the OSHA Denver Regional Office.

In FY 2015, Wyoming OSHA had two safety and health inspectors performing collateral duty and hired a designated whistleblower investigator. Whistleblower training for Wyoming OSHA was provided by the Directorate of Whistleblower Protection Programs.

The new investigator attended the basic whistleblower training classes provided by OTI. In addition, the investigator shadowed the OSHA investigators for a week. The investigator has contacted OSHA staff to seek guidance, ask questions, and ensure proper referrals. Currently, Wyoming OSHA has staffed one manager and one investigator assigned to the whistleblower program. Finally, the manager for OSHA-Region VIII provided basic overview whistleblower training to the Wyoming OSHA staff.

Finding FY 2015-9 (formerly FY 2014-3): Throughout 2015, the whistleblower program had significant programmatic deficiencies involving the receipt, processing, and disposition of whistleblower complaints.

Recommendation FY 2015-9 (formerly FY 2014-3): Wyoming OSHA should ensure that the program has proper management oversight and appropriate training for managers and investigators.

H. COMPLAINTS ABOUT STATE PROGRAM ADMINISTRATION (CASPA)s

No CASPA's were filed in FY 2015.

I. VOLUNTARY COMPLIANCE PROGRAM

Wyoming currently has three companies participating in the Voluntary Protection Program (VPP), which is a decrease of two since the beginning of FY 2015.

Wyoming held its third collaborative Wyoming Safety and Workforce Summit, which was held in June 2015 in Cheyenne, Wyoming and was a great success. Approximately 363 people attended the two-day conference, which involved an awards dinner, 76 safety and business breakout training seminars, and 26 exhibitor booths. The event also featured four keynote speakers.

Several workplace safety topics were covered, including:

- Working with Wyoming OSHA Consultation Services
- Is it Safe to Work in Wyoming? An Analysis of Injuries and Fatalities by Industry
- Oil and Gas: Anchor Testing Rules and Application
- Construction - Residential Fall Protection and the Fatal Four
- Question-Persuade-Refer: Suicide Prevention for Everyone
- Wyoming Grown: Encouraging Former Wyomingites to Return Home for Good Careers and Quality of Life
- Landmarks in Labor Market Information and New Workforce Development Tools
- Implementing an In-Vehicle Monitoring System: A Case Study
- Board of Certified Safety Professionals Certifications: What They Are and How to Achieve Them
- What to Expect from Wyoming OSHA Compliance

- Does Your Workplace Have a Plan to Respond to a Violent Intruder?
- 3 Steps to Ninja Awesomeness in High-Hazard Industries
- Oil and Gas Confined Space
- Construction - Trenching and Excavation
- Understanding Workers' Compensation and the Safety Improvement Fund
- OSHA Compliance Program vs. Consultation Program
- Hard Wiring Employee Engagement
- Construction Personal Protection Equipment Assessments
- Trends in Workplace Fatalities, Injuries, and Illnesses

J. STATE AND LOCAL GOVERNMENT SECTOR 23(g) ON-SITE CONSULTATION PROGRAM

The MARC indicates that Wyoming OSHA conducted 55 visits statewide. Of the 55 visits conducted, 52 were initial visits, and three were follow-up visits.

As a result of the 55 visits conducted, 313 serious hazards were identified and abated.

The State and Local Government Sector Consultation Program conducted eight compliance assistance activities that involved outreach, promotion, training, and education with both safety- and health-related aspects.

The MARC Metric 3 indicates that Wyoming consulted with workers in 100% of the state and local government sector initial visits. MARC 4A shows that all of the serious hazards that were identified (313) were corrected in a timely manner. MARC 4D shows that 96% of the identified serious hazards were corrected within the original timeframe or during the on-site visit; the goal is 65%. None of the serious hazards had a corrective action that went over 90 days past due, as reflected in MARC 5.

K. REGIONAL SPECIAL STUDY (IF CONDUCTED)

No special studies were requested for the FY 2015 FAME.

IV. Assessment of State Plan Progress in Achieving Annual Performance Goals

Wyoming OSHA has developed three specific strategic goals for the period of 2014-2019.

Strategic Goal #1 – By 2019, improve workplace safety and health for all Wyoming workers by reducing workplace fatalities.

Annual Performance Goal #1 – Reduce fatalities by inspecting workplaces identified through Workers' Safety and Compensation Division data, Wyoming fatality data, and

Bureau of Labor Statistics data and by conducting consultation visits.

Wyoming OSHA uses a 10-year average (FY 2004 – FY 2013) for their fatality data. In FY 2015, Wyoming OSHA investigated nine workplace fatalities. This is lower than the 10-year baseline average of 10.1. Wyoming OSHA has met this goal.

Strategic Goal #2 – Improve workplace safety and health for all Wyoming workers as evidenced by fewer hazards, reduced exposures, and fewer injuries and illnesses.

Annual Performance Goal #2 – Achieve 10% reduction in injuries and illnesses by conducting full-service consultation visits.

Because the Wyoming OSHA Division normally has access to company-specific workers' compensation data, this data is used to determine the division's impact after an inspection or consultation visit. Workers' compensation claims cover a much broader spectrum of workplace injuries and illnesses than those recorded on the OSHA Form 300. For measurement purposes, the division compares the 12-month period before the inspection to the 12-month period after the inspection. The division measures three variables in each company: the number of workers, the number of claims filed, and the cost of the claims. Essentially, the division measures injury and illness frequency and severity.

Over the last six years, Wyoming OSHA's Workers' Compensation Division has been developing and installing a new management information system. This system upgrade has been a lengthy task. At the beginning of FY 2013, this new system went live with some areas for improvement, to include the collection of data. The OSHA Division has not been able to collect or validate data for FY 2013, FY 2014, and FY 2015. The OSHA Division is hopeful that this data will become available sometime in FY 2016.

It is important to note that compliance staff and management are still involved in the presentation of loss run data to companies. Through presentation of loss run data, the employer is shown their number of claims reported to Wyoming OSHA Workers' Compensation Division, the body part injured, and the cost of these claims to assist them in identifying and addressing potential areas for improvement.

In addition, OSHA Division staff present information on various topics, such as construction, general industry, and oil and gas safety training to employers working within Wyoming. Through these presentations, the division reaches all levels of the workforce, from corporate officers and owners to the personnel that perform the work. The division's injury reduction message is tailored in these seminars to the audience in attendance.

It is unclear if Wyoming OSHA has met this strategic goal. Further analysis will need to be conducted once the data collection system is fully functional.

Strategic Goal #3 – Promote a safety and health culture in Wyoming through strong and effective consultation services, cooperative programs, and health and safety Alliances.

Annual Performance Goal #3 – To increase new participants utilizing consultation services by two percent by encouraging and marketing relationships with new companies, and to foster one new industry Alliance each year.

The division has worked diligently to increase new participation utilizing consultation to maintain and increase participation in cooperative programs and maintain involvement with health and safety Alliances within the state.

Ways in which the division strives to increase participation in consultation involves the Health and Safety Consultation Employer Discount Program, prestige programs (VPP, SHARP, and Employer Voluntary Technical Assistance Program (EVTAP)), and Alliance involvement.

In FY 2015, they continued the Health and Safety Consultation Employer Discount Program, which encourages employers to request consultation visits or enroll in an exemption program, such as EVTAP or SHARP. Through participation in the Department of Workforce Services, OSHA Division's Health and Safety Consultation Employer Discount Program, employers may receive a premium base rate workers' compensation insurance discount. Applications to participate in the program may be submitted to the OSHA Division at any time, and upon approval, premium base rate discounts are implemented in the subsequent calendar quarter. Discount rates are effective for up to three years unless the OSHA Division finds the employer to be in non-compliance with any of the program requirements. For FY 2015, seventeen employers qualified for this discount program.

V. Other Special Measures of Effectiveness and Areas of Note

There were no special measures of effectiveness or areas of note in FY 2015.

Appendix A – New and Continued Findings and Recommendations
 FY 2015 Wyoming Comprehensive FAME Report

FY 20XX-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2015-1	Wyoming OSHA has not developed and implemented a formal internal evaluation program or process.	Wyoming OSHA should formalize its State Internal Evaluation Program.	FY 2014-5
FY 2015-2	Wyoming OSHA does not consistently follow the policies and procedures for handling complaints.	The division should implement a training program for all of the compliance staff to ensure everyone is capable of processing (intake), reviewing, and recommending complaints for closure.	
FY 2015-3	The development of LEPs is not formalized to include written LEPs, the reason for the LEPs, how to target the LEP, how to determine if the LEP is effective, and whether to continue the LEP.	Wyoming OSHA should formalize its LEPs and conduct regular evaluation of its targeting and LEPs to determine that its LEPs are effective.	FY 2014-4
FY 2015-4	Wyoming OSHA has not developed an effective system to account for the collection of penalties.	Wyoming OSHA should implement a debt collection system to ensure employers are held accountable for paying penalties associated with any citations they receive.	
FY 2015-5	Wyoming OSHA does not consistently review case files to ensure legal sufficiency. Information to legally support citations (e.g. employer knowledge, measurements, worker interviews, and worker exposure data) were missing from 30 of the 60 case files reviewed.	Wyoming OSHA should provide in-depth training specific to the case file review process to the management staff.	FY 2014-5 FY 2013-5
FY 2015-6	Wyoming OSHA does not consistently address health hazards. During FY 2015, no noise samples were taken during inspection	Wyoming OSHA should focus management and worker training on recognizing and addressing health-related hazards.	FY 2014-2

	activity, and no overexposures to air contaminants were captured. Industrial hygiene sampling equipment is not maintained, calibrated, nor capable of being used in the field.		
FY-2015-7	The lapse time for safety inspections in FY 2015, 62.07 days, is significantly above the reference standard of 42.78 days.	Wyoming OSHA should reduce lapse time by ensuring inspections are completed and citations issued in a timely manner.	FY 2014-1
FY 2015-8	Wyoming OSHA does not promptly obtain abatement from employers post-contest. Of the 35 cases reviewed which required abatement, 27 of them lacked adequate verification or evidence of abatement.	Wyoming OSHA should implement a system to ensure informal conferences are held timely so abatement is promptly obtained.	
FY 2015-9	Throughout 2015, the whistleblower program had significant programmatic deficiencies involving the receipt, processing, and disposition of whistleblower complaints.	Wyoming OSHA should ensure that the program has proper management oversight and appropriate training for managers and investigators.	FY 2014-3

Appendix B – Observations Subject to Continued Monitoring

FY 2015 Wyoming State Plan Comprehensive FAME Report

Observation # FY 2015-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-1		Wyoming OSHA continues to work toward developing and implementing a formal training program for new compliance officers.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	New
FY 2015-OB-2		Wyoming OSHA does not consistently request, evaluate, or enter OSHA-300 information as part of their inspection process.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	New
FY 2015-OB -3	FY 2014-OB-3 FY 2013-OB-3	Wyoming OSHA does not consistently follow policies and procedures necessary to complete an adequate fatality investigation. None of the Wyoming OSHA compliance officers have completed training associated with fatalities.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	Continued
FY 2015-OB-4		Wyoming OSHA does not conduct follow-up inspections to obtain abatement. In cases where abatement was not obtained (27 out of 35 cases reviewed), Wyoming OSHA did not verify that the violative condition had been corrected.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	New
FY 2015-OB-5		Wyoming OSHA does not ensure policies and procedures are followed with respect to inspections that involve worksites with union representation. Only two cases involved a union, and in one of those cases, a fatality, the union was not involved in the walkaround or the closing conference.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	New
FY 2015-OB-6		Wyoming OSHA did not consistently document	The OSHA Regional Office will continue to	New

		why modifications were made to citations during the informal conference. Documentation was not provided for 11 of the 25 cases where modifications were made during the informal conference.	effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	
FY 2015-OB-7		Wyoming OSHA does not consistently use a case file activity diary sheet. It was observed that 45 case files did not include a diary sheet. The diary sheet provides organization and helpful information on the progress and disposition of the case.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.	New
FY 2014-OB-1	FY 2013-OB -1	Two of the inquiry files that were reviewed indicated that injuries had occurred to workers. One inquiry file was coded as construction targeting. Rather than conducting an inquiry, these serious injuries and items addressed by Local Emphasis Programs (LEPs) should have led to inspections as indicated in Chapter 9, Section C of the Field Operations Manual.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. Additionally, the OSHA Regional Office will continue to remind Wyoming OSHA about the importance of initiating inspections after learning about the occurrence of an injury.	Closed
FY 2014-OB-2	FY 2013-OB-2	Two of the inquiry files that were reviewed indicated that there was potential exposure to airborne contaminants. The employer responses did not include any information that air sampling was conducted.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming OSHA about the importance of conducting air sampling when there are potential airborne contaminants at hazardous levels, as well as documenting that sampling.	Closed
FY 2014-OB-3	FY 2013-OB-3	One of the five fatality files did not contain an OSHA-36 and an OSHA-170. Two of the five fatality files did not indicate that the appropriate	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly	Continued

		next-of-kin letters were sent.	meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming OSHA about communicating with the next-of-kin as appropriate.	
FY 2014-OB-4	FY 2013-OB-4	Based on the case files reviewed, Wyoming OSHA generally did not address electrical safe work practices (1910.331 – 1910.335). Many inspection files indicated problems with electrical components. Additional information was not in files to address potential hazards related to working safely on energized electrical equipment.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming OSHA about maintaining appropriate information within case files.	Closed
FY 2014-OB-5	FY 2013-OB-5	Wyoming OSHA is not consistently conducting worker interviews. Some case files indicated that workers were not interviewed. In some cases, workers were not interviewed due to a language barrier or because the workers were not willing to be interviewed.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2015. The OSHA Regional Office will continue to remind Wyoming about maintaining appropriate information within case files.	Converted to Finding
FY 2014-OB-6	FY 2013-OB-6	Wyoming OSHA does not update the Automated Tracking System when regulations specific to the state of Wyoming are promulgated or changed.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during the quarterly meetings throughout FY 2015.	Closed
FY 2014-OB-7		Wyoming conducted only 59% of their planned safety inspections and 51% of their planned health inspections.	The OSHA Regional Office will continue to emphasize the importance of Wyoming OSHA meeting its planned number of inspections.	Closed

Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 Wyoming OSHA Comprehensive FAME Report

FY 2014	Finding	Recommendation	State Plan Response/ Corrective Action	Completion Date	Current Status and Date
FY 2014-1	Lapse times for both safety and health inspections in FY 2014, 108.8 days and 113.14 days, respectively, were significantly above the reference standards of 43.4 days and 57.05 days.	Wyoming OSHA must reduce lapse times by ensuring that inspections are completed and citations issued in a timely fashion.	Wyoming OSHA has assigned an acting compliance officer as the program manager as of May 11, 2015, and he and the Deputy Administrator, along with a newly appointed acting team leader, have reduced the number of days for both health and safety inspections with the assistance of the compliance officers. Wyoming OSHA currently is at 62 days for safety inspections and 62 days for health inspections.	September 30, 2016	Open: February 1, 2016
FY 2014-2	Wyoming OSHA does not consistently address health hazards.	Wyoming OSHA should continue to target industries where there is an increased likelihood of workers being exposed to potentially harmful levels of chemicals and noise and ensure that health hazards are	In April 2015, a plan was developed to try to increase health monitoring, but due to the loss of another health CSHO, this was not possible. Wyoming OSHA has	June 30, 2016	Open: February 1, 2016

identified, addressed, and corrected.

increased monitoring when complaints have dictated. Due to current manning, there is only one qualified health professional, and he is also the primary process safety management (PSM) professional. He is training new compliance safety and health officers (CSHO's), is still assigned complaints and recently a fatality. Unfortunately, this has not allowed for extra time to focus on health monitoring other than complaints and during PSM monitoring for SO2 and H2S.

The new health CSHO should be qualified for most health inspections by June 30, 2016. By that time, the CSHOs should be conducting health monitoring as part of the Emphasis

			Programs.		
FY 2014-3	Wyoming OSHA does not consistently follow the established guidelines found in the Whistleblower Investigation Manual throughout the screening, development, and disposition of a whistleblower case.	Wyoming OSHA should follow the instructions in each of the chapters outlined in the Whistleblower Investigations Manual throughout the entire whistleblower process.	Wyoming OSHA sent two staff members to work with Region VIII, and they were sent to OSHA Training Institute whistleblower training on January 16, 2015. Since the completion of training, one CSHO has resigned. This item remains open due to Wyoming OSHA moving a new worker into the whistleblower position.	September 30, 2016	Open: February 1, 2016
FY 2014-4	The development of Local Emphasis Programs (LEPs) is not formalized to include the reason for the LEPs, how to target the LEPs, how to determine if the LEPs are effective, and whether to continue the LEPs.	Wyoming OSHA should formalize its LEPs and conduct regular evaluation of its targeting and LEPs to determine that its LEPs are effective.	Due to manpower and other division issues, LEP's were not completed as required using guidance provided by Region VIII. Wyoming OSHA is currently working to formalize one LEP at a time.	September 30, 2016	Open: February 1, 2016
FY 2014-5	Wyoming OSHA has not formalized its State Internal Evaluation Program Report.	Wyoming OSHA should formalize its State Internal Evaluation Program.	Wyoming OSHA is in the process of formalizing its Internal Quality Assurance Program.	April 2, 2016	Open: February 1, 2016

Appendix D - FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 WYOMING OSHA Comprehensive FAME Report

OSHA is in the final stages of moving operations from NCR, a legacy data system, to OIS, a modern data system. During FY 2015, OSHA case files and most State Plan case files were captured on OIS. However, some State Plan case files continued to be processed through NCR. The SAMM Report, which is native to IMIS, a system that generates reports from the NCR, is not able to access data in OIS. Additionally, certain algorithms within the two systems are not identical. These challenges impact OSHA's ability to combine the data. In addition, SAMMs 5, 8, 9, 11, 12, 15, and 17 have further review levels that should rely on a three-year national average. However, due to the transition to OIS, the further review levels for these SAMMs in this year's report will rely on a one-year national rate pulled only from OIS data. Future SAMM year-end reports for FY 2016 and FY 2017 should rely on a two-year national average and three-year national average, respectively. All of the State Plan and federal whistleblower data is captured directly in OSHA's WebIMIS System. See the Notes column below for further explanation on the calculation of each SAMM.

All of the Wyoming State Plan's enforcement data was captured in OIS during FY 2015. The Wyoming State Plan opened 257 enforcement inspections, and they were all captured in OIS.

U.S. Department of Labor

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

State Plan: **Wyoming - WYOMING OSHA**

FY 2015

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	9.84	16	State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	6.54	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.82	1	State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	.95	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.

5	Average number of violations per inspection with violations by violation type	SWRU: 2.62	+/-20% of SWRU: 1.92	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
		Other: .68	+/-20% of Other: .87	
6	Percent of total inspections in state and local government workplaces	5.84%	+/-5% of 8.33%	State Plan data is pulled from OIS. Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
7	Planned v. actual inspections – safety/health	S: 220	+/-5% of S: 190	State Plan data is pulled from OIS.
		H: 37	+/-5% of H: 50	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$2,602.37	+/-25% of \$2,002.86	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,633.63	+/-25% of \$1,402.49	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	b. Average current serious penalty in private sector (26-100 workers)	\$2,991.16	+/-25% of \$2,263.31	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	c. Average current serious penalty in private sector (101-250 workers)	\$3,883.04	+/-25% of \$3,108.46	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$4,526.26	+/-25% of \$3,796.75	State Plan data is pulled from OIS. Further review level is based on a one-year national rate,

				pulled only from OIS.
9	Percent in compliance	S: 15.43%	+/-20% of S: 28.47%	State Plan data is pulled from OIS.
		H: 20.83%	+/-20% of H: 33.58%	Further review level is based on a one-year national rate, pulled only from OIS.
10	Percent of work-related fatalities responded to in one workday	100%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
11	Average lapse time	S: 62.07	+/-20% of S: 42.78	State Plan data is pulled from OIS.
		H: 62.72	+/-20% of H: 53.48	Further review level is based on a one-year national rate, pulled only from OIS.
12	Percent penalty retained	82.48%	+/-15% of 67.96%	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
13	Percent of initial inspections with worker walk around representation or worker interview	99.22%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	29%	100%	State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	25%	+/-20% of 24%	State Plan data is pulled from WebIMIS. Further review level is based on a three-year national average, pulled from WebIMIS.
16	Average number of calendar days to complete an 11(c) investigation	205	90	State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans.

17	Percent of enforcement presence	1.59%	+/-25% of 1.35%	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
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