

**FY 2019  
Federal Annual Monitoring Evaluation (FAME) Report**

**Virgin Islands Division of Occupational Safety and Health (VIDOSH)**



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**Prepared by:  
U. S. Department of Labor  
Occupational Safety and Health Administration  
Region II  
New York, New York**



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## I. Executive Summary

The purpose of this report is to assess the Virgin Islands Division of Occupational Safety and Health (VIDOSH) program's activities for Fiscal Year (FY) 2019 and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) reports. OSHA continues to be concerned with VIDOSH's inability to address significant programmatic issues that have been outstanding for more than a decade. Despite OSHA's continual efforts to assist and provide support to VIDOSH, the Virgin Islands (VI) State Plan has failed to make progress on addressing and resolving prior FAME findings and recommendations. OSHA has been disappointed with the lack of progress, responsiveness, and communication from VIDOSH.

Over the past few years, OSHA's New York Regional Office (Region 2) has enhanced its monitoring of VIDOSH by including an addendum in the grant approval letter. This addendum included three mandatory grant activities and associated deadlines that VIDOSH had to achieve during the FY 2019 performance period regarding inspection goals, abatement, and safety and health lapse time. Completion of each mandatory activity, along with supporting documentation, was to be reported by VIDOSH to Region 2 by the established deadline. Unfortunately, these efforts have not resulted in any improvements in VIDOSH's performance or progress eliminating the program deficiencies and performance issues that have been on-going since the early 1990s.

During the FY 2019 performance period, VIDOSH made no progress to address its five findings from last year's FAME, and the program continues to be ineffective in protecting the safety and health of Virgin Islands' state and local government (SLG) workers. Findings from this FAME, as well as previous FAMEs, show that VIDOSH fails to issue citations in a timely manner, achieve abatement for cited hazards, and establish an enforcement presence in VI.

VIDOSH consistently failed to meet its already low inspection goals. In FY 2019, VIDOSH conducted 63 inspections which was below its planned goal of 85 inspections. VIDOSH does not issue enforcement citations in a timely manner or close the majority of its case files correctly. Of the 63 inspections conducted during FY 2019, only 29 (46%) were closed and available for this year's comprehensive review. In addition, VIDOSH's citation lapse time for both safety and health remains considerably above the national average.

VIDOSH's overdue abatement continues to be a significant issue and has gotten worse over the past few years – some inspections with overdue abatement date as far back as 2017. Even when VIDOSH utilizes strategies such as follow-up inspections, issuing “failure-to-abate” (FTA) citations, and accepting employers' requests for Petition for Modification of Abatement (PMA), abatement does not occur. For example, there is no evidence or documentation of how the conditions were abated in the case files where follow-up inspections were conducted, and the new abatement dates granted to employers through PMAs have expired without evidence of abatement by VIDOSH. This continues to put VI state and local government workers' health and safety in danger.

No corrective action was taken on the five findings from last year's FAME and as a result, these remain open. In addition, OSHA identified eight new findings regarding staffing issues, case file documentation, missed violations, inadequate PMA requests, untimely response to adopt Federal Program Changes (FPCs) or federal standards, and corrections of serious hazards deficiency in the consultation case files. Therefore, a total of 13 findings are included in this report.

Regarding observations, only three of the seven observations from last year's FAME were closed. OSHA converted two observations to findings and two observations were continued. In addition, OSHA identified two new observations. Therefore, a total of four observations are included in this report.

Appendix A describes the new and continued findings and recommendations. Appendix B describes the observations and the related federal monitoring plans. Appendix C describes the status of previous findings with associated completed corrective actions.

## II. State Plan Background

### A. Background

#### Historical Background

The Virgin Islands State Plan was initially approved on August 31, 1973, completed all of the State Plan developmental steps, and was certified as structurally complete on September 22, 1981. Pursuant to Section 18(e) of the OSH Act and procedures at 29 CFR 1902, OSHA determined that the Virgin Islands program met all requirements and, in actual operation, was "at least as effective" as the federal program. The Virgin Islands State Plan was granted final approval on April 17, 1984, and OSHA relinquished federal enforcement authority (49 FR 16766). The Virgin Islands Department of Labor (VIDOL) is the designated agency for administering the OSHA funded enforcement program in the Virgin Islands through its Virgin Islands Division of Occupational Safety and Health (VIDOSH).

On November 13, 1995, OSHA announced that the Virgin Islands State Plan was no longer "at least as effective as" OSHA and other 18(e) requirements were no longer being met. In response to this finding, the Virgin Islands Commissioner of Labor agreed to voluntarily relinquish the State Plan's final approval status under Section 18(e), to the reassertion of concurrent OSHA enforcement authority and jurisdiction, and to undertake necessary corrective action to regain final approval status (60 FR 56950).

The 1995 decision to reinstate concurrent jurisdiction allowed OSHA to exercise concurrent enforcement authority to assure worker protection, while allowing the Virgin Islands time and assistance to improve its performance. However, between 1995 and 2003, VIDOSH was unable to institute improvements to its staffing and operational performance. A series of meetings between the Region and then Virgin Islands Governor Charles W. Turnbull was initiated to discuss these outstanding performance issues and next steps.

Pursuant to Governor Turnbull's May 12, 2003 letter, OSHA revised 29 CFR 1952 and 29 CFR 1956 in July 2013 to reflect the Virgin Islands decision to exclude private sector employment from coverage under the plan while retaining coverage of state and local government employment. The new plan applies to the state and local government workers (SLG) only. State Plan coverage of all private sector employers and employees was terminated effective July 1, 2003, and OSHA resumed full jurisdiction over private sector employment in the Virgin Islands. This action made it possible for OSHA to devote its resources to providing safety and

health protection in Virgin Islands workplaces, rather than expending its resources in a possibly lengthy and complex proceeding under 29 CFR 1955 to formally terminate State Plan approval.

The agreement allowed the Virgin Islands to qualify for enhanced funding under a provision of the Omnibus Insular Areas Act of 1977 (48 U.S.C. Section 1469 (d)), which authorizes OSHA to waive the requirement for Territorial matching funds for grant amounts under \$200,000. A new subpart H to 29 CFR part 1956 was added and codified the Virgin Islands State Plan as a developmental plan under 29 CFR part 1956, to allow the Territory to make certain adjustments to its state and local government employee program structure, and to revise its State Plan document to reflect its more limited scope. This change also terminated the private sector consultation services that were provided under the 23(g) grant funding. To address this, OSHA provided funding for a new 21(d) private sector consultation program for the Virgin Islands.

Current Background

The Virgin Islands State Plan is currently administered by VIDOSH which is part of VIDOL. VIDOL Commissioner Gary Molloy oversees VIDOSH, which has offices on St. Croix and St. Thomas. These offices cover all safety and health enforcement and consultation activities for state and local government workers in the Virgin Islands. All private sector and federal government agency complaints are forwarded to OSHA’s Puerto Rico Area Office for appropriate action.

The VI-OSH Act provides for the adoption of federal standards applicable to state and local government, with issuance on the effective date specified in the federal standard. The VI-OSH Act contains provisions for the issuance of failure-to-abate monetary penalties for those state and local government employers found not to be in compliance with applicable standards on a first instance basis. VIDOSH’s review procedures are handled through a hearing examiner with the right to appeal to the Commissioner of Labor and the Virgin Islands Superior Court in lieu of the Review Commission as is the case in the federal program. The table below shows VIDOSH’s funding history over the past five years:

<b>FY 2015-2019 VIDOSH Funding History</b>						
<b>Fiscal Year</b>	<b>Federal Award</b>	<b>State Plan Match*</b>	<b>100% State Plan Funds</b>	<b>Total Funding</b>	<b>% of State Plan Contribution</b>	<b>Lapsed Funds</b>
2019	\$199,600	0	\$487,734	\$687,334	71%	\$0
2018	\$195,700	0	\$509,949	\$705,649	72.3%	\$76, 517
2017	\$195,700	0	\$509,949	\$705,649	72%	\$5,605
2016	\$195,700	0	\$504,092	\$699,792	72%	\$0
2015	\$195,700	0	\$504,092	\$699,792	72%	\$7,071

\*An agreement was reached on July 1, 2003 between OSHA and the Virgin Islands that resulted in the Virgin Islands qualifying for enhanced funding under a provision of the Omnibus Insular Areas Act of 1977 (48 U.S.C. Section 1469 (d)) which authorizes OSHA to waive the requirement for territorial matching funds for grant amounts under \$200,000.

Over the past few years, OSHA has been concerned with VIDOL’s inability to properly manage and spend the allocated federal funding that VIDOSH receives annually. From FY 2015 through FY 2018, VIDOSH program administration lapsed federal funding three out of four FYs. In FY 2015, VIDOSH lapsed \$7,071; \$5,605 in FY 2017; and \$76, 517 in FY 2018 – totaling \$96, 264 in federal funds or almost \$100,000. OSHA has currently developed a strategy to hold State Plans

accountable for consistently lapsing federal funds, including adjusting their award level by the specific amount lapsed. During FY 2019, VIDOSH drew down their full federal base award of \$199,600.

## **B. New Issues**

### High-Risk Designation

In late September 2019, VIDOSH received its FY 2020 grant approval letter from OSHA. Due to the outstanding and continual concerns identified previously in last year's FAME report, as well as a history of unsatisfactory program progress and performance, OSHA included an addendum in the grant approval letter. The addendum identified four mandatory grant activities as consistent deficiencies within VIDOSH which are essential to having an effective State Plan. These four mandatory activities were:

- Meeting inspection goals
- Meeting the abatement schedule
- Reducing safety and health lapse time
- Fully utilizing federal grant funds for FY 2020

The addendum listed a deadline of December 31, 2019 (end of the 1<sup>st</sup> quarter for FY 2020) for completion of each mandatory activity, and documentation that each activity was successfully completed was to be submitted to OSHA by January 10, 2020. The grant approval letter specifically stated that if VIDOSH did not comply with the specific grant conditions that OSHA may take alternative measures to remedy the non-compliance. Unfortunately, VIDOSH displayed unresponsiveness and unwillingness to comply.

Therefore, on March 2, 2020, OSHA designated the VI State Plan as a high-risk grantee which placed conditions on its FY 2020 grant VIDOSH was assigned with three mandatory activities and deadlines that must be completed on schedule during the remaining FY 2020 performance period. Specific progress on the three mandatory activities, along with supportive documentation, must be reported to Region 2 prior to OSHA approving VIDOSH to drawdown funds. VIDOSH must complete the three mandatory activities by September 30, 2020 for OSHA to consider removing the high-risk designation.

### Staffing Issues

As of January 31, 2020, the one health inspector that VIDOSH had on staff, resigned. With the loss of this staff member, VIDOSH finds itself without an Industrial Hygienist and now has three compliance staff vacancies (one health and two safety).

### Government USVI

In January 2019, a new governor took office, creating a change of personnel at all levels throughout the Virgin Islands. Governor Albert Bryan became the ninth elected Governor of the U.S. Virgin Islands. Governor Bryan, along with newly elected Lieutenant Governor Tregenza Roach, appointed Gary Molloy to serve as Commissioner of VIDOL.

## Electronic Reporting Rule

On May 12, 2016, OSHA published the Final Rule to Improve Tracking of Workplace Injuries and Illnesses. The rule amended the regulations on recording and reporting occupational injuries and illnesses to require employers with 250 or more employees to submit injury and illness Forms 300, 300A, and 301 to OSHA electronically through the Injury Tracking Application (ITA) on an annual basis. State Plans were required to adopt an “at least as effective” rule by November 14, 2016 or within six months of OSHA’s promulgation. Subsequently, OSHA rescinded the requirement to submit electronically Forms 300 and 301 (NPRM on July 30, 2018, final rule on January 25, 2019). Six months from OSHA’s January 25, 2019 final rule was July 25, 2019. VIDOSH is now overdue in adopting the Final Rule to Improve Tracking Workplace Injuries and Illnesses.

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

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

OSHA established a two-year cycle for the FAME process. FY 2019 is a comprehensive year and as such, OSHA was required to conduct an on-site evaluation and case file review. A team of OSHA personnel from both the safety and health side conducted the comprehensive case file review. VIDOSH conducted 63 enforcement inspections in FY 2019 and only 29 (46%) of the 63 case files were closed and available for OSHA to review. In addition, OSHA reviewed seven enforcement case files where petition for modification of abatement (PMA) was granted and eight consultation case files. OSHA requested that VIDOSH send the 37 case files to the Regional State Plan Manager for review. The case files were reviewed on February 5 and February 27, 2020. Case files were selected from closed inspections conducted during the evaluation period (October 1, 2018 through September 30, 2019) and are broken down as follows:

- Twenty-nine enforcement case files (15 safety and 14 health – complaints, planned, PMAs, and follow-ups)
- Eight consultation case files

The analyses and conclusions described in this report were based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation (MARC)
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
  - Comprehensive case file review

Each State Activity Mandated Measures (SAMM) Report has an agreed-upon Further Review

Level (FRL) which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2019 State Activity Mandated Measures Report and includes the FRL for each measure.

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

### **1. PROGRAM ADMINISTRATION**

#### a) Training

VIDOSH staff did not attend the OSHA Training Institute (OTI) for any safety and health technical training during FY 2019 and FY 2018. In FY 2019, VIDOSH staff took advantage of numerous applicable webinars.

#### b) OSHA Information System (OIS)

##### **Finding 19-01 (FY 2018-01):**

VIDOSH conducted 63 inspections during FY 2019. Twenty-nine (29) of the 63 (46%) case files were closed in OIS and available for review. VIDOSH did not utilize OIS system reports to ensure proper monitoring and closure of case files.

##### **Recommendation 19-01:**

VIDOSH must utilize OIS reports as a tool to effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in the Field Operations Manual (FOM).

##### **Observation 19-01: Inspection Coding**

In nine of the 29 (31%) case files reviewed, incorrect codes were entered for the type and scope of the inspection. For example: five follow-up inspections were marked comprehensive in the scope when typically the scope is limited to the citations issued during the previous inspection and should be coded partial; the one monitoring inspection was also coded comprehensive. Two inspections were marked "Programmed Related" but did not have a related activity number, and three were coded "SSTARG16-NEP" when VIDOSH did not adopt this NEP directive.

##### **Federal Monitoring Plan 19-01:**

In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

#### *Lapse Time*

The FRL for average lapse time for safety is +/- 20% of the three-year national average of 47.61 days which equals a range of 38.08 days to 57.13 days. During FY 2019, VIDOSH's average lapse time for citations was calculated at 67.86 days for safety which is higher than the FRL. The FRL average lapse time for health is +/- 20% of the three-year national average of 57.23 which equals a range of 45.78 days to 68.68 days. VIDOSH's health

lapse time was calculated at 71.81 days which also exceeds the FRL (SAMM #11).

In the previous years, the average lapse time for safety and/or health has fluctuated from double to triple the national average. Last year, VIDOSH's lapse time average for both safety and health was within an acceptable range and OSHA classified it as an observation in the FY 2018 Follow-up FAME (FY 2018-OB-07). Currently the average lapse time for both safety and health is above the acceptable range and was converted to a separate observation (one for safety and one for health).

**Observation 19-02 (FY 2018-OB-07): Safety Lapse Time**

In FY 2019, the average safety lapse time (SAMM #11) for citations was calculated at 67.86 days – a significant increase from 40.91 days in FY 2018 and above the FRL range of 38.08 days to 57.13 days.

**Federal Monitoring Plan 19-02:**

OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

**Observation 19-03 (FY 2018-OB-07): Health Lapse Time**

In FY 2019, the average health lapse time (SAMM #11) for citations was calculated at 71.81 days – a significant increase from 37.80 days in FY 2018 and above the FRL range of 45.78 days to 68.68 days.

**Federal Monitoring Plan 19-03:**

OSHA will continue to monitor this issue utilizing quarterly SAMM reports

c) State Internal Evaluation Program (SIEP) Report

VIDOSH did not develop an SIEP report for FY 2019 and FY 2018.

d) Staffing

Staff retention continues to be a challenge. At the beginning of FY 2019, one staff member (safety enforcement) resigned, leaving VIDOSH with only one safety supervisor/inspector and one health inspector. As of January 31, 2020, the one health inspector also resigned. With the loss of this staff member VIDOSH now finds itself with three vacancies for compliance staff (one health and two safety).

**Finding 19-02:**

VIDOSH staffing level is allocated for eight employees, but currently there is only one enforcement staff, one consultant, two administrative staff, and one manager onboard (five total).

**Recommendation 19-02:**

VIDOSH must fill current staffing vacancies with qualified staff.

**2. ENFORCEMENT**

a) Complaints

During this evaluation period, VIDOSH responded to 17 complaints with an average response time of 6.57 days from notification. This represents an increase from 5.88 days in FY 2018 (SAMM #1a). The average number of days to initiate complaint investigations was 3.33 days which is above the negotiated level of one day (SAMM #2a). There was one phone/fax complaint investigation case file available for review which was completed in a timely manner. During FY 2019 and FY 2018, VIDOSH did not receive any imminent danger complaints or referrals (SAMM #3) and did not receive any denials of entry (SAMM#4).

Eight formal complaint case files and one phone/fax complaint file were reviewed during this evaluation. The case files reviewed appear to show that VIDOSH addressed all items on the complaint.

### *Complaint Notification*

#### **Finding 19-03 (FY 2018-02):**

Four of eight (50%) formal complaint case files and the one available phone/fax complaint case file lacked documentation that notification of the results of the inspection and/or the employer's response was sent to the complainant.

#### **Recommendation 19-03:**

VIDOSH must ensure case files include all required forms and all letters or communications related to the complaint in accordance with VIDOSH's FOM.

#### b) Fatalities

There were no worker fatalities in FY 2019 and FY 2018.

#### c) Targeting and Programmed Inspection

VIDOSH conducted 63 inspections in FY 2019 which is 74% of the projected goal of 85 inspections. Safety staff conducted 34 inspections (57% of the goal) and the industrial hygiene staff conducted 29 inspections (116% of the goal) (SAMM #7).

Eleven of the 63 inspections VIDOSH conducted focused on the four state and local government agencies targeted for enforcement interventions including:

- Electric and Other Utilities
- First Responders (Fire Department and Police Department)
- Hospitals
- Bureau of Corrections

The FRL for percent in-compliance for safety inspections is +/- 20% of the three-year national average of 30.30% which equals a range of 24.24% to 36.36%. VIDOSH's percent in-compliance for safety is 15.797% which is substantially lower than the FRL. The FRL for percent in-compliance for health inspections is +/- 20% of the three-year national

average of 36.12% which equals a range of 28.90% to 43.35%. VIDOSH's percent in-compliance for health is 4.35% which is also below the FRL (SAMM #9).

During FY 2019 and FY 2018 there were no significant cases noted.

d) Citations and Penalties

A review of case files with violations showed that VIDOSH is failing to include relevant information in the case files. Of the 29 enforcement case files reviewed, only 15 had citations issued.

*Lack of Case File Documentation*

**Finding 19-04:**

During the case file review, 15 of 29 (52%) enforcement files (12 safety and three health) lacked narratives, five files (four safety and one health) were missing the inspection report (OSHA 1/1A), two safety case files lacked field notes, and three (two health and one safety) case files lacked documentation that the supervisor reviewed and/or closed the case.

**Recommendation 19-04:**

Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).

*Adequate Evidence to Support Violations*

**Finding 19-05 (FY 2018-OB-01):**

The case file review revealed that seven of the 15 case files (47%) with citations lacked evidence to support the specific citations issued. For example, in four of the case files (two health and two safety) the violation worksheet (OSHA 1b) was missing, and in the other three (all safety) case files the violation worksheet was incomplete.

**Recommendation 19-05:**

Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).

*Citations for All Apparent Violations*

**Finding 19-06:**

In 15 of the 29 (52%) enforcement case files reviewed, citations were not issued to the employer for failing to keep OSHA 300 logs. CSHOs were not collecting/including nor were they documenting that the logs were reviewed for injury/illness trends.

**Recommendation 19-06:**

Ensure the case files include copies of the previous three years of OSHA 300 logs in the case files in accordance with VIDOSH's Field Operations Manual (FOM). This data is required for calculating the Days Away, Restricted, or Transferred (DART) rate.

VIDOSH's violations continue to be above average. The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of the three-year national average of 1.79 for serious/willful/repeat (S/W/R) violations which equals a range of 1.43 to 2.15. VIDOSH's S/W/R average is 2.55 violations which is above the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.97 which equals a range of 0.78 to 1.16. VIDOSH's OTS average is 0.50 which is slightly below the FRL range (SAMM #5).

An observation (FY 2018-OB-02) from the FY 2018 Follow-up FAME noted violations were not properly classified. During the case file review violations for the most part appeared to be classified and grouped appropriately. This observation is closed. VIDOSH does not issue monetary penalties except in cases of FTA violations. During FY 2019, VIDOSH issued 13 FTAs. There were no willful or repeat violations issued during FY 2019.

e) Abatement

The review of case files during this audit revealed that appropriate abatement periods were applied to the condition cited.

VIDOSH is accepting abatement responses from employers without adequate evidence. For example, VIDOSH accepted a statement from an employer during a follow-up inspection that lighting for security *will be completed*, and the OSHA 300 logs were never verified. The diary sheet in four of the case files contained documentation that the violations were abated and the cases were closed. Upon further review, there was no evidence or documentation to show that the hazardous conditions were abated. VIDOSH's lack of following proper abatement procedure is putting VI's SLG workers' safety and health at-risk and displaying a bad example to the workers on-site.

*Adequate Verification or Evidence of Abatement*

**Finding 19-07 (FY 2018-03):**

VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in seven of the 15 (47%) case files reviewed.

**Recommendation 19-07:**

VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.

VIDOSH's overdue abatement continues to be a significant issue. Outstanding abatement was one of VIDOSH's FY 2019 mandatory grant activities and as such, there was an associated deadline. VIDOSH was required to eliminate the number of case files that have abatement issues over 60 – 180 days by the deadline established. At the end of FY 2019, VIDOSH had nine inspections with abatement overdue more than 180 days, 12 inspections with abatement overdue more than 90 days, and two inspections overdue more than 60 days. This is unacceptable and is keeping workers' safety and health at-risk.

*Overdue Abatement*

**Finding 19-08 (FY 2018-04):**

Eighteen (18) of the 42 (43%) inspections with citations issued in FY 2019 have open abatement of cited hazards. Not protecting workers from identified hazards by verifying abatement has been an on-going, consistent trend displayed by VIDOSH for years.

**Recommendation 19-08:**

VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner.

*Petition for Modification of Abatement (PMA)*

**Finding 19-09:**

Late Petitions for Modification of Abatement (PMA) were accepted in three of the seven (43%) PMA case files reviewed. Also noted, PMAs were being granted when one or more of the required interim steps were not addressed in five of the seven (71%) PMA case files reviewed. Examples of the missing interim steps are:

- Steps taken by the employer, and the dates of such action, in an effort to achieve compliance
- The specific amount of additional time needed to achieve abatement
- The reasons additional time is necessary
- The interim steps being taken to safeguard employees exposed to the hazards during the abatement period
- Certification that a copy of the petition has been posted at the worksite and/or served on the authorized representative

**Recommendation 19-09:**

VIDOSH must ensure that procedures as stated in the Field Operations Manual (FOM) Chapter VII (1903.14(a)) are followed for any PMA requested.

f) Worker and Union Involvement

Unions were documented as being present in 17 of the 29 (59%) case files reviewed. Determining full involvement in the inspection process was difficult as some case files reviewed had documentation on a sign in sheet that a union representative was present but the inspection report (OSHA 1/1A) and/or a narrative was not in the case file to verify involvement.

Union representation was involved in 98.41% (SAMM #13) aspects of the inspection process. In one case file reviewed where the union was not available during the inspection,

the case file contained documentation that contact had been made with the union representative by phone.

**Observation 19-04:** *Worker Involvement – Inspection Process*

Documentation was lacking in six of the 17 (35%) case files reviewed as to why union representatives were not involved in the inspection process (opening conference, walkaround, and closing conference).

**Federal Monitoring Plan 19-04:**

In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

*Worker Notification of Inspection Results*

**Finding 19-10 (FY 2018-OB-03):**

In FY 2019, 17 of the 29 case files reviewed had unions. Of those 17 case files, seven (41%) case files with citations, lacked documentation that the union was provided a copy of the citation.

**Recommendation 19-10:**

VIDOSH must ensure that a copy of the citation is sent to the union representative as required in Chapter V of VIDOSH’s FOM.

**3. REVIEW PROCEDURES**

a) Informal Conferences

There were no request for informal conferences during FY 2018 and FY 2019. This observation (FY 2018-OB-04) is closed.

b) Formal Review of Citations

In FY 2018 and FY 2019, VIDOSH did not have any cases that underwent the formal review process.

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

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal Program Changes (FPCs) within a six-month timeframe. State Plans that do not adopt identical standards and procedures must establish guidelines which are “at least as effective as” the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. VIDOSH’s adoption of federal standards and FPCs continues to be untimely. The tables below provide a complete list of the federal directives and standards which required action during this performance period.

*Federal Program Changes*

**Finding 19-11:**

VIDOSH's adoption of federal standards and FPCs is not timely. During FY 2019, nine FPCs required a response as to whether VIDOSH would adopt. A late response was received for eight of the nine (89%) FPCs.

**Recommendation 19-11:**

VIDOSH needs to respond to all standards and FPCs within the established timeframe.

a) Standards Adoption

<b>Standard</b>	<b>Response Due Date</b>	<b>State Plan Response Date</b>	<b>Intent to Adopt</b>	<b>Adopt Identical</b>	<b>Adoption Due Date</b>	<b>State Plan Adoption Date</b>
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	11/21/2019	Y	Y	11/14/2019	06/30/2020
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	8/12/2019	N	N	N/A	*This rule is not applicable to SLG State Plans since they do not issue penalties
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/31/2019	Y	Y	5/9/2019	1/31/2019

b) Federal Program Change (FPC) Adoption

<b>FPC Directive/Subject</b>	<b>Response Due Date</b>	<b>State Plan Response Date</b>	<b>Intent to Adopt</b>	<b>Adopt Identical</b>	<b>Adoption Due Date</b>	<b>State Plan Adoption Date</b>
<b><i>Adoption Required</i></b>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	12/04/2018	Y	Y	4/1/2019	1/20/2019
<b><i>Equivalency Required</i></b>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	11/21/2019	N	N/A	11/22/2019	N/A (VIDOSH does not have jurisdiction in Shipyards)
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	11/21/2019	N	N/A	11/22/2019	N/A (VIDOSH does not have jurisdiction in Shipyards)
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	11/21/2019	N	N/A	11/22/2019	N/A (VIDOSH does not have jurisdiction in Shipyards)
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/04/2018	N	N/A	N/A	*This rule is not applicable to SLG State Plans since the NAICS codes do not apply
<b><i>Adoption Encouraged</i></b>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	11/21/2019	N	N/A	N/A	Adoption not required

## 5. VARIANCES

There were no request for variances received or processed during FY 2019 and FY 2018.

## 6. STATE AND LOCAL GOVERNMENT (SLG) WORKER PROGRAM

One hundred percent (100%) (SAMM #6) of all inspections conducted by VIDOSH occurred in SLG workplaces during FY 2019 and FY 2018. VIDOSH does not contain provisions for the issuance of monetary penalties for SLG employers found not to be in-compliance with applicable standards on a first instance basis, except in cases of FTA violations.

## 7. WHISTLEBLOWER PROGRAM

VIDOSH has jurisdiction on discrimination cases arising from SLG workers in the Virgin Islands. According to VIDOSH, no discrimination cases were received or processed during FY 2019 and FY 2018; therefore, this observation (FY 2018-OB-05) is closed.

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

OSHA has not received any CASPAs during FY 2019 and FY 2018; therefore, this observation (FY 2018-OB-06) is closed.

## 9. VOLUNTARY COMPLIANCE PROGRAM

VIDOSH does not administer a Voluntary Compliance Program.

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

The VIDOSH SLG workers' consultation program conducted eight (100%) consultation visits and met its FY 2019 Annual Performance Plan (APP) projections. In FY 2018, one consultation visit was conducted – seven (87%) below the projected goal of eight visits (MARC – Total Visits). The percentage of visits with hazards abated within a timely manner increased from 0% in FY 2018 to 100% in FY 2019 (MARC #4a).

During this evaluation period, all eight consultation case files were reviewed. The case files were broken down as follows: four initial visits, and four follow-up visits.

*Consultation Case File Documentation/Procedures*

### **Finding 19-12 (FY 2018-05):**

The documentation/procedures in the consultation case files reviewed was deficient. Specifically:

- All eight (100%) case files reviewed lacked evidence in the file that the supervisor had reviewed the file.

- One of one (100%) case files with a union failed to include evidence in the file that a union representative was contacted and given the opportunity to participate.
- Three of the four (75%) initial case files that required a Form 33 were scored incorrectly based on included comments.
- All of the initial case files with extension requests were incorrectly processed. The extension requests received from the employers were either missing the required elements and/or the program failed to respond to the request in writing. In the three case files provided for review, there was no evidence that an updated “List of Hazards” with new correction dates was forwarded to the employer.
- All four (100%) initial case files did not have evidence that the consultant reviewed the employer’s current and previous three years’ Form 300 logs to calculate the employer’s rates and compare them to the national average for the employer’s North American Industry Classification System (NAICS).
- Three of the four (75%) initial case files contained evidence in the field notes or Form 33 comments that hazards were present but hazard notices were not issued. The files contained no reasoning as to why the notices were not issued.
- Three of four (75%) initial case files specified correction dates that were excessive for the hazards noted in the files.
- Two of four follow-up case files (50%) were missing evidence in the file that a follow-up letter was sent to the employer after the visit.
- The one (100%) initial case file available for review lacked evidence that the union was provided with a copy of the “List of Hazards.”
- Six out of eight (75%) case files showed evidence that the consultant did not confer with a reasonable number of workers during the visits.

**Recommendation 19-12:**

VIDOSH should ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.

*Corrections of Serious Hazards*

**Finding 19-13:**

Case files reviewed showed deficiencies in obtaining adequate correction of serious hazards. Specifically:

- Failure to conduct follow-up visits in a timely manner. Four of the four (100%) follow-up case files reviewed with consultation visits in 2019 were in response to uncorrected hazard notices issued in 2017.

- Failure to obtain timely correction. Two of the four (50%) initial case files had outstanding correction that was more than 90 days past due and remained open. There was no evidence that a follow-up visit had been scheduled or conducted.
- Closing files without adequate correction. Three of six (50%) case files were closed without adequate correction for all serious hazards received from either the employer or documented as corrected during follow-up visits.

**Recommendation 19-13:**

VIDOSH should ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-01	<i>OSHA Information System (OIS)</i> VIDOSH conducted 63 inspections during FY 2019. Twenty-nine (29) of the 63 (46%) case files were closed in OIS and available for review. VIDOSH did not utilize OIS system reports to ensure proper monitoring and closure of case files.	VIDOSH must utilize OIS reports as a tool to effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in the Field Operations Manual (FOM).	FY 2018-01
FY 2019-02	<i>Staffing</i> VIDOSH staffing level is allocated for eight employees, but currently there is only one enforcement staff, one consultant, two administrative staff, and one manager on board (five total).	VIDOSH must fill current staffing vacancies with qualified staff.	
FY 2019-03	<i>Complaint Notification</i> Four of eight (50%) formal complaint case files and the one available phone/fax complaint case file lacked documentation that notification of the results of the inspection and/or the employer's response was sent to the complainant.	VIDOSH must ensure case files include all required forms and all letters or communications related to the complaint in accordance with VIDOSH's FOM.	FY 2018-02
FY 2019-04	<i>Lack of Case File Documentation</i> During the case file review, 15 of 29 (52%) enforcement files, (12 safety and three health) lacked narratives, five files (four safety and one health) were missing the inspection report (OSHA 1/1A), two safety case files lacked field notes, and three (two health and one safety) case files lacked documentation that the supervisor reviewed and/or closed the case.	Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).	
FY 2019-05	<i>Adequate evidence to support violations</i> The case file review revealed that seven of the 15 case files (47%) with citations, lacked evidence to support the specific citations issued. For example, in four of the case files (two health and two safety) the violation worksheet (OSHA 1b) was missing, and in the other three (all safety) case files the violation worksheet was incomplete.	Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).	FY 2018-OB-01
FY 2019-06	<i>Citations for All Apparent Violations</i> In 15 of the 29 (52%) enforcement case files reviewed, citations were not issued to the employer for failing to keep OSHA 300 logs. CSHOs were not collecting/including nor were they documenting that the logs were reviewed for injury/illness trends.	Ensure the case files include copies of the previous three years of OSHA 300 logs in the case files in accordance with VIDOSH's Field Operations Manual (FOM). This data is required for calculating the Days Away, Restricted, or Transferred (DART) rate.	

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-#
FY 2019-07	<p><i>Adequate Verification or Evidence of Abatement</i>                      VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in seven of the 15 (47%) case files reviewed.</p>	VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.	FY 2018-03
FY 2019-08	<p><i>Overdue Abatement</i>                      Eighteen (18) of the 42 (43%) inspections with citations issued in FY 2019 have open abatement of cited hazards. Not protecting workers from identified hazards by verifying abatement has been an on-going, consistent trend by VIDOSH for years.</p>	VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner.	FY 2018-04
FY 2019-09	<p><i>Petition for Modification of Abatement (PMA)</i>                      Late Petitions for Modification of Abatement (PMA) were accepted in three of the seven (43%) PMA case files reviewed. Also noted, PMAs were being granted when one or more of the required interim steps were not addressed in five of the seven (71%) PMA case files reviewed. Examples of the missing interim steps are:</p> <ul style="list-style-type: none"> <li>• Steps taken by the employer, and the dates of such action, in an effort to achieve compliance.</li> <li>• The specific amount of additional time needed to achieve abatement</li> <li>• The reasons additional time is necessary.</li> <li>• The interim steps being taken to safeguard employees exposed to the hazards during the abatement period.</li> <li>• Certification that a copy of the petition has been posted at the worksite and/or served on the authorized representative.</li> </ul>	VIDOSH must ensure that procedures as stated in the Field Operations Manual (FOM) Chapter VII (1903.14(a)) are followed for any PMA requested.	

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-10	<p><i>Worker Notification of Inspection Results</i> In FY 2019, 17 of the 29 case files reviewed had unions. Of those 17 case files, seven (41%) case files with citations, lacked documentation that the union was provided a copy of the citation.</p>	VIDOSH must ensure that a copy of the citation is sent to the union representative as required in Chapter V of VIDOSH’s FOM.	FY 2018-OB-03
FY 2019-11	<p><i>Federal Program Changes (FPCs)</i> VIDOSH’s adoption of federal standards and FPCs is not timely. During FY 2019, nine FPCs required a response as to whether VIDOSH would adopt. A late response was received for eight of the nine (89%) FPCs.</p>	VIDOSH needs to respond to all standards and FPCs within the established timeframe.	
FY 2019-12	<p><i>Consultation Case File Documentation</i> The documentation in the consultation case files reviewed was lacking. Specifically:</p> <ul style="list-style-type: none"> <li>• All eight (100%) case files reviewed lacked evidence in the file that the supervisor had reviewed the file.</li> <li>• One of one (100%) case files with a union failed to include evidence in the file that a union representative was contacted and given the opportunity to participate.</li> <li>• Three of the four (75%) initial case files that required a Form 33 were scored incorrectly based on included comments.</li> <li>• All of the initial case files with extension requests were incorrectly processed. The extension requests received from the employers were either missing the required elements and/or the program failed to respond to the request in writing. In the three case files provided for review, there was no evidence that an updated “List of Hazards” with new correction dates was forwarded to the employer.</li> </ul>	VIDOSH should ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.	FY 2018-05

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-#
	<p><i>Consultation Case File Documentation (Cont'd)</i></p> <ul style="list-style-type: none"> <li>• Four of the four (100%) initial case files did not have evidence that the consultant reviewed the employer’s current and previous three years’ Form 300 logs to calculate the employer’s rates and compare them to the national average for the employer’s North American Industry Classification System. (NAICS).</li> <li>• Three of the four (75%) initial case files contained evidence in the field notes or Form 33 comments that hazards were present but hazard notices were not issued. The files contained no reason as to why the notices were not issued.</li> <li>• Three of four (75%) initial case files specified correction dates that were excessive for the hazards noted in the files.</li> <li>• Two of four follow-up case files (50%) were missing evidence in the file that a follow-up letter was sent to the employer after the visit.</li> <li>• The one (100%) initial case file available for review lacked evidence that the union was provided with a copy of the “List of Hazards.”</li> <li>• Six out of eight (75%) case files showed evidence that the consultant did not confer with a reasonable number of workers during the visits.</li> </ul>		

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-#
FY 2019-13	<p><i>Corrections of Serious Hazards</i> Case files reviewed showed deficiencies in obtaining adequate correction of serious hazards. Specifically:</p> <ul style="list-style-type: none"> <li>• Failure to conduct follow-up visits in a timely manner. Four of the four (100%) follow-up case files reviewed with consultation visits in 2019 were in response to uncorrected hazard notices issued in 2017.</li> <li>• Failure to obtain timely correction. Two of the four (50%) initial case files had outstanding correction that was more than 90 days past due and remained open. There was no evidence that a follow-up visit had been scheduled or conducted.</li> <li>• Closing files without adequate correction. Three of six (50%) case files were closed without adequate correction for all serious hazards received from either the employer or documented as corrected during follow-up visits.</li> </ul>	<p>VIDOSH should ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.</p>	

## Appendix B – Observations and Federal Monitoring Plans

### VIDOSH FY 2019 Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2019-OB-01		<p><i>Inspection Coding</i></p> <p>In nine of the 29 (31%) case files reviewed, incorrect codes were entered for the type and scope of the inspection. For example: five follow-up inspections were marked comprehensive in the scope when typically the scope is limited to the citations issued during the previous inspection and should be coded partial; the one monitoring inspection was also coded comprehensive. Two inspections were marked Programmed Related but did not have a related activity number and three were coded SSTARG16-NEP when VIDOSH did not adopt this NEP directive.</p>	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New
FY 2019-OB-02	FY 2018-OB-07 FY 2017-02	<p><i>Safety Lapse Time</i></p> <p>In FY 2019, the average safety lapse time (SAMM #11) for citations was calculated at 67.86 days - a significant increase from 40.91 days in FY 2018 and above the FRL range of 38.08 days to 57.13 days.</p>	In FY 2020, OSHA will continue to monitor this issue utilizing quarterly SAMM reports.	Continued
FY 2019-OB-03	FY 2018-OB-07 FY 2017-02	<p><i>Health Lapse Time</i></p> <p>In FY 2019, the average health lapse time (SAMM #11) for citations was calculated at 71.81 days - a significant increase from 37.80 days in FY 2018 and above the FRL range of 45.78 days to 68.68 days.</p>	In FY 2020, OSHA will continue to monitor this issue utilizing quarterly SAMM reports.	Continued
FY 2019-OB-04		<p><i>Worker Involvement – Inspection Process</i></p> <p>Documentation was lacking in six of the 17 (35%) case files reviewed as to why union representatives were not involved in the inspection process (opening conference, walkaround, and closing conference).</p>	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New

## Appendix B – Observations and Federal Monitoring Plans

### VIDOSH FY 2019 Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
	FY 2018-OB-01 FY 2017-OB-01 FY 2016-OB-01 FY 2015-OB-01	<i>Inadequate Evidence to Support Violations</i> In FY 2016, adequate evidence to support violations was found in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations.		Converted to a finding
	FY 2018-OB-03 FY 2017-OB-03 FY 2016-OB-03 FY 2015-08	<i>Worker Notification of Inspection Results</i> In FY 2016, twelve of the 14 case files reviewed had unions. Of those 12 case files, three (25%) lacked documentation that the union was notified of the inspection results and if citations were issued, a copy of the citations provided.		Converted to a finding
	FY 2018-OB-02 FY 2017-OB-02 FY 2016-OB-02 FY 2015-05	<i>Appropriateness of Violation Classification</i> In FY 2016, violations were properly classified in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations, OSHA converted this finding to an observation.		Closed
	FY 2018-OB-05 FY 2017-OB-05 FY 2016-OB-05 FY 2015-11	<i>Workplace Retaliation</i> In FY 2016, due to no workplace retaliation allegations being made during the performance period, OSHA will monitor the issue during the next two FAME cycles.		Closed
	FY 2018-OB-06 FY 2017-OB-06 FY 2016-OB-06 FY 2015-12	<i>Complaint About State Program Administration (CASPA)</i> In FY 2016, due to no CASPAs being made during the performance period, OSHA will monitor the issue during the next two FAME cycles.		Closed

## Appendix C - Status of FY 2018 Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2018#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2018-01	<p><i>OSHA Information System (OIS)</i> VIDOSH conducted 36 (27%) of the revised projected goal of 49 inspections.</p>	<p>VIDOSH must utilize OIS reports as a tool to both effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in VIDOSH's Field Operations Manual (FOM).</p>	<p>OIS reports are being generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director is utilizing these reports to monitor the work and ensure case files are closed in a timely manner.</p>	Not Applicable	Open (September 30, 2019)
FY 2018-02	<p><i>Notification to the Complainant</i> In FY 2016, five of the nine (56%) complaint case files reviewed lacked documentation that the complainant had been notified of the results of the inspection.</p>	<p>VIDOSH must ensure case files include all required forms and all letters or communications related to the complaint in accordance with VIDOSH's FOM.</p>	<p>During case file reviews, the VIDOSH director is responsible for ensuring that all required forms/letters or communications relating to a complaint are properly documented in the case file. In addition, VIDOSH staff received training regarding notification requirements following an inspection.</p>	Not Applicable	Open (September 30, 2019)
FY 2018-03	<p><i>Adequate Verification or Evidence of Abatement</i> In FY 2016, VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in three of the nine (33%) case files reviewed.</p>	<p>VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.</p>	<p>OIS reports are now being generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director is utilizing these reports to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections are conducted and FTAs issued when abatement is not received.</p>	Not Applicable	Open (September 30, 2019)

## Appendix C - Status of FY 2018 Findings and Recommendations

### VIDOSH FY 2019 Comprehensive FAME Report

FY 2018#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2018-04	<p><i>Overdue Abatement</i> In FY 2016, VIDOSH had 14 case files where citations were issued that have open abatement of cited hazards. Four of these inspections had open abatement over 90 days, seven had open abatement over 60 days, and the remaining three had open abatement over 50 days.</p>	<p>VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.</p>	<p>OIS reports are now being generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director is utilizing these reports to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections are conducted and FTAs issued when abatement is not received. Case files with overdue abatement are directed to the VIDOL commissioner for further action.</p>	Not Applicable	Open (September 30, 2019)
FY 2018-05	<p><i>Consultation Case File Procedure</i> In FY 2016, all (100%) consultation case files reviewed showed that the written report to the employer was issued more than 20 calendar days after the closing conference date.</p>	<p>VIDOSH must ensure consultation case files are completed in accordance with the VIDOSH Consultation Policies and Procedures Manual (CPPM).</p>	<p>The VIDOSH director is now reviewing consultation case files to ensure that written reports to the employer are issued in accordance with the CPPM.</p>	Not Applicable	Open (September 30, 2019)

## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2019 Comprehensive FAME Report

<b>U.S. Department of Labor</b>				
<b>Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)</b>				
State Plan: Virgin Islands – VIDOSH			FY 2019	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	6.57	5	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	4.79	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	3.33	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.67	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2019. The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 2.55	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 0.50	+/- 20% of Other: 0.97	

## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2019 Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
7	Planned v. actual inspections – safety/health	S: 34	+/- 5% of S: 60	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 57 to 63 for safety and from 23.75 to 26.25 for health.
		H: 29	+/- 5% of H: 25	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,871.96	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,915.86	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,390.30	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$4,803.09	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,938.59	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
9	Percent in compliance	S: 15.79%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 4.35%	+/- 20% of H: 36.12%	

## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2019 Comprehensive FAME Report

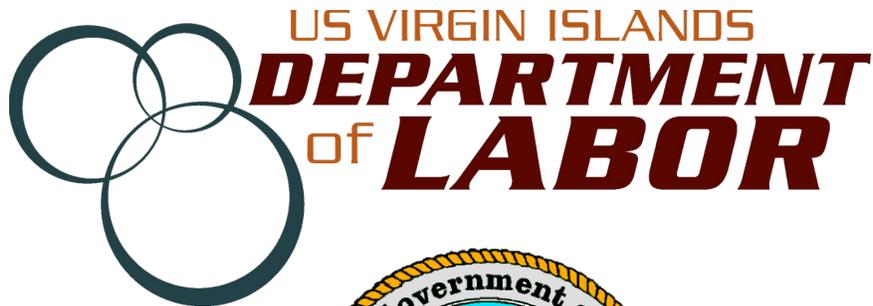
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
10	Percent of work-related fatalities responded to in one workday	N/A	100%	N/A – The State Plan did not have any work-related fatalities in FY 2019. The further review level is fixed for all State Plans.
11	Average lapse time	S: 67.86	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 71.81	+/- 20% of H: 57.23	
12	Percent penalty retained	100%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
13	Percent of initial inspections with worker walk around representation or worker interview	98.41%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days.	0%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.
16	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.23%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. The further review level is based on a three-year national average.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2019, as part of OSHA’s official end-of-year data run.

**Appendix E - FY 2019 State OSHA Annual Report (SOAR)**

VIDOSH FY 2019 Comprehensive FAME Report

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**VIDOSH**

**STATE OSHA ANNUAL 2019  
REPORT  
(FY 2019 SOAR)**

**US Virgin Islands Department of Labor  
VI Division of Occupational Safety and Health - VIDOSH  
(Public Sector Only)**

*December 19<sup>th</sup>, 2019*

**Gary Molloy  
Commissioner**

**Nesha Christian-Hendrickson Esq.  
Assistant Commissioner**

**Dean R. Andrews  
Director, VIDOSH**

# Appendix E - FY 2019 State OSHA Annual Report (SOAR)

## VIDOSH FY 2019 Comprehensive FAME Report

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## Appendix E - FY 2019 State OSHA Annual Report (SOAR)

### VIDOSH FY 2019 Comprehensive FAME Report

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#### INTRODUCTION

##### **PURPOSE OF STATE PROGRAM, HISTORY AND BACKGROUND**

The mission of the Virgin Islands Division of Occupational Safety and Health (VIDOSH) is to implement the mandates of the Federal (OSH) Act, and to ensure a safe and healthful working environment for all employees and employers within its jurisdiction. This means to ensure as much as practicable, that employees within the state and local government agencies work in an environment free from hazards, any other foreseeable potential hazards and risks to their safety and health. The VIDOSH Program intends to ensure that this protection is provided to all state and local government employees in the Virgin Islands, along with appointed employer representatives. This performance will involve the application of standards, enforcement of occupational regulations and providing technical assistance to all state and local government employees.

The Virgin Islands State Plan currently administered by VIDOSH, which is part of the U.S. Virgin Islands Department of Labor (VIDOL).VIDOL. The State Plan has offices on the two major Islands: St. Croix and St. Thomas. These offices cover all safety and health enforcement and consultation activities for state and local government workers in the Virgin Islands. All private sector and federal government agency complaints are forwarded to the Puerto Rico Occupational Safety and Health Administration (OSHA) Area Office for appropriate action.

The VI-OSH Act contains provisions for the issuance of failure-to-abate monetary penalties for those state and local government employers found not to be in compliance with applicable standards on a first instance basis. VIDOSH's review procedures are handled through a hearing examiner with the right to appeal to the Commissioner of Labor and the Virgin Islands Superior Court in lieu of the Review Commission as is the case in the federal program. The VI-OSH Act provide for the adoption of federal standards applicable to state and local government, with issuance on the effective date specified in the federal standard. The Commissioner for VI Department of Labor publishes adopted standard and procedures as rule or notice for a minimum of three days in local circulation written media and the V.I. Register to notify all impacted stakeholders

Until June 30, 2003, VIDOSH and Federal OSHA had concurrent jurisdiction over safety issues in the private sector, with Puerto Rico Federal OSHA Area Office retaining private sector health and maritime industry coverage. The state and local government workers safety and health issues are covered by VIDOSH, as well as consultative services in both private and state and local government agencies. On July 1, 2003, the Government of the United States Virgin Islands voluntarily withdrew its private sector enforcement coverage while continuing its coverage for state and local government workers, and entered into a new 21(d) private-sector consultation cooperative agreement with Federal OSHA. This was due in large part to the unique geography and performance issues surrounding the Virgin Islands State Plan. In September 2005, the 21(d) private sector consultation program was transferred to the University of the Virgin Islands Community Engagement and Lifelong Learning (UVI-CELL) Division.

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The Fiscal Year (FY) 2019 State OSHA Annual Report (SOAR) is submitted in accordance with the OSHA requirements to report their progress in accomplishing the previous fiscal year's Annual Performance Plan (APP) goals. VIDOSH submits this report outlining the Division's accomplishments and deficiencies. The following information will enable OSHA to include VIDOSH's information in the Government Performance and Results Act (GPRA) Annual Report to Congress.

#### **MANDATED ACTIVITIES**

	<b>SAFETY GOAL</b>	<b>SAFETY ACTUAL</b>	<b>HEALTH GOAL</b>	<b>HEALTH ACTUAL</b>	<b>FY19 GOAL</b>	<b>FY19 ACTUAL</b>
<b><u>ENFORCEMENT</u></b> <i>Public Sector Inspections</i>	60	34	25	29	85	63
<b><u>CONSULTATION</u></b> <i>Public Sector Visits</i>	8	7	1	1	8	8

#### **FY 2019 VIDOSH Violations Types – one hundred and thirty two (132) violations instances**

<b><u>Violations Type Safety</u></b>	<b><u>Violations Type Health</u></b>	<b><u>Violations Type Total</u></b>
Other 8	Other 11	Other 19
Serious 38	Serious 75	Serious 113
Willful 0	Willful 0	Willful 0
Repeat 0	Repeat 0	Repeat 0
SWRU 38	SWRU 75	SWRU 136
<b><u>Total All Violations: 46</u></b>	<b><u>Total All Violations:86</u></b>	<b><u>Total All Violations: 132</u></b>

VIDOSH's average number Serious/Willful/Repeat (S/W/R) violations for FY 2019 were 2.55, which is 70% above the National Reference.

The Virgin Islands has continued for a second year in a row with steadfast efforts to meet the responsibility of being *as effective as OSHA programs*. In September 2017, Hurricane Irma directly hit St. Thomas and St. John and a week later Hurricane Maria struck St. Croix. Major destruction from the two (2) category five hurricanes occurred on all three (3) islands from these hurricanes. The effect of the said storms are still being felt in the territory.

Below are the results of the FY 2019 Mandatory Grant Activities:

- **Mandatory Activity #1:** In accordance with VIDOSH's FY 2019 Annual Performance Plan, VIDOSH will conduct no less than seven (7) enforcement inspections per month and 85 total enforcement inspections in FY 2019.

VIDOSH lost one safety enforcement compliance officer during FY 2019 therefore the goal of 85 inspections was not met. VIDOSH conducted 63 (74%) enforcement

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inspections during FY 2019.

- Mandatory Activity # 2: VIDOSH will ensure that abatement is achieved and case files are closed according to the schedule for activity completion.

Achieving abatement continues to be an issue.

- Mandatory Activity #3: VIDOSH's lapse time for safety and health will be no greater than 20% of the National Reference.

VIDOSH's year-to-date (YTD) lapse time for safety is 67.86 days (37.5%) above the National Reference of 49.35 days. The health YTD lapse time is 71.81 days (20.3%) above the National Reference of 59.70 days.

### FY 2019 VIDOSH Inspections

#### Safety

- Safety Complaint Partial -- 7 of 34 inspections; 20% of annual inspections
- Safety Accident Partial -- 1 of 34 inspections; 3% of annual inspections
- Safety Follow Up Comprehensive -- 6 of 34 inspections; 18% of annual inspections
- Safety Follow-up Partial -- 3 of 34 inspections; 9% of annual inspections
- Safety Monitoring Partial -- 1 of 34 inspections; 3% of annual inspections
- Safety Program Planned Comprehensive -- 9 of 34 inspections; 26% of annual inspections
- Safety Program Planned Partial -- 1 of 34 inspections; 3% of annual inspections
- Safety Programmed Other Partial ---- 1 of 34 inspections; 3% of annual inspections
- Safety Programmed Related Partial-- 4 of 34 inspections; 12% of annual inspections
- Safety Unprogrammed Partial -- 1 of 34 inspections; 3% of annual inspections

#### Health

- Health Programmed Related Partial --1 of 29 inspections; 3% of annual inspections
- Health Programmed Other Comprehensive -- 1 of 29 inspections; 3% of annual inspections
- Health Complaint Comprehensive -- 2 of 29 inspections; 7% of annual inspections
- Health Complaint Partial --7 of 29 inspections; 2% of annual inspections
- Health Follow-Up Comprehensive -- 2 of 29 inspections; 7% of annual inspections
- Health Follow-Up Partial -- 2 of 29 inspections; 7% of annual inspections
- Health Programmed Other Comprehensive --10 of 29 inspections; 34% of annual inspections
- Health Programmed Related Comprehensive -- 4 of 29 inspections; 14% of annual inspections

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#### FY 2019 VIDOSH Inspection Percentage

VIDOSH has seen some improvement in the stakeholder’s involvement during enforcement inspection activities. VIDOSH Compliance Officers, once on site, contact the applicable stakeholders of the active inspection; however, some stakeholder management officials cease to partake in the inspection activities. The percentage of stakeholder involvement during enforcement inspections for FY 2019 is 71%.

Inspections with employee involvement during walk-around activities – 45 inspections:

<b>Union Involvement:</b>	<b>Total</b>
American Federation of Teachers	5
Association of Fire Fighters	2
Educational Administrators Association	2
Law Enforcement Supervisor Union	2
Our Virgin Islands Labor Union	3
Seafarers International Union	10
Seafarers International Union-UIW	3
STT/STJ PBA	1
United Steelworker (USW)	11
United Steelworkers - Supervisors	5
VI Workers Union	1
<b>Grand Total</b>	<b>45</b>

Inspections without employee involvement during the walk-around activities – 18 inspections.

#### FY 2019 VIDOSH Inspection NAICS Code

<b>Primary NAICS</b>	<b>NAICS Description</b>	<b>Total</b>
922140	Bureau of Corrections	1
238210	Cable splicing, electrical or fiber optic	1
923130	Community social service program administration	11
115116	Farm Management Services	1
922160	Fire departments (e.g., government, volunteer (except private))	4
713990	Gaming	2
921190	General public administration	14
923120	Health planning and development agencies, government	5
622110	Hospitals	1
925110	Housing programs, planning and development, government	5
541110	Law offices	2
926150	Licensing and permit issuance for professional occupations, government	1
924120	Parks and recreation commission, government	1
611110	Public schools, elementary or secondary	6

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922120	State police	3
923110	University regents or boards, government	2
923140	Veterans' benefits program administration, government	1
924110	Waste management program administration	2
<b>Grand Total</b>		<b>63</b>

### Virgin Islands State and Local Government Agencies BLS Injury Reports Highlights

The FY 2019 injury rates reflected a general decrease and/or zero to no increase 22 of 24 (92%). The rating formula = Number of Cases x 200,000 ÷ Total Hours Worked. The continued decrease and/or zero to no increase is accredited to VIDOSH's strategies; implemented safety and health management measures and increased record keeping awareness by state and local government agencies. Enhanced reporting and outreach activities have contributed to additional accurate reporting activities.

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
<b>Bureau of Corrections--922140</b>	<b>42</b>		
• 2014	13	179	7.0
• 2015	15	179	8.4
• 2016	5	179	2.8
• 2018	6	179	3.2
• 2019	3	179	1.6
<b>Dept. of Agriculture--926140</b>	<b>6</b>		
• 2014	3	27.5	10.9
• 2015	1	27.5	3.6
• 2016	2	27.5	7.3
• 2018	--	27.5	--
• 2019	--	27.5	--
<b>Dept. of Education--61111 - 61171</b>	<b>62</b>		
• 2014	14	1352	1.0
• 2015	16	1352	1.2
• 2016	18	1352	1.3
• 2018	18	1352	1.3
• 2019	14	1352	1.0
<b>Dept. of Health--923120</b>	<b>19</b>		
• 2014	5	234	2.1
• 2015	6	234	2.6
• 2016	6	234	2.6
• 2018	5	234	2.0
• 2019	2	234	.82
<b>Dept. of Human Services--92311 - 92314</b>	<b>53</b>		

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2014	14	448	3.1
• 2015	11	448	2.5
• 2016	19	448	4.2
• 2018	6	448	1.3
• 2019	3	448	.64
<b>Dept. of Justice/Attorney General-- 928110</b>	<b>1</b>		
• 2014	1	178	0.6
• 2018	--	178	--
• 2019	--	178	--
<b>Dept. of Labor-- 926150</b>	<b>62</b>		
• 2014	6	77	7.8
• 2015	6	77	7.8
• 2016	42	77	54.5
• 2018	4	77	5.0
• 2019	4	77	5.0
<b>Dept. of Planning &amp; Natural Resources--921190</b>	<b>9</b>		
• 2014	3	122	2.5
• 2015	5	122	4.1
• 2018	1	122	.8
• 2019	--	122	--
<b>Dept. of Public Works--921190</b>	<b>21</b>		
• 2014	7	139	5.0
• 2015	2	139	1.4
• 2016	3	139	2.2
• 2018	6	139	4.5
• 2019	3	139	2.08
<b>Dept. of Sports, Parks &amp; Recreation--924120</b>	<b>6</b>		
• 2014	2	123	1.6
• 2015	1	123	0.8
• 2016	3	123	2.4
• 2018	--	123	--
• 2019	--	123	--
<b>Dept. of Tourism-- 926110</b>	<b>1</b>		
• 2014	1	33	3.0
• 2018	--	33	--
• 2019	--	33	--

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
<b>Governor Juan F. Luis Hospital--923120</b>	<b>295</b>		
• 2014	77	451	17.1
• 2015	69	451	5.3
• 2016	82	451	18.2
• 2018	45	451	9.6
• 2019	22	451	4.69
<b>Legislature of the Virgin Islands--921140</b>	<b>16</b>		
• 2014	1	325	0.3
• 2015	6	325	1.8
• 2016	6	325	1.8
• 2018	3	325	0.9
• 2019	--	325	--
<b>Office of the Governor--921110</b>	<b>3</b>		
• 2015	2	104	1.9
• 2016	1	104	1.0
• 2018	-	104	-
• 2019	-	104	--
<b>Superior Court of the Virgin Islands--92211 – 92219</b>	<b>18</b>		
• 2014	5	346	1.4
• 2015	2	346	0.6
• 2016	5	346	1.4
• 2018	6	346	1.7
• 2019	--	346	--
<b>Territorial Public Defender--92211 – 92219</b>	<b>3</b>		
• 2015	2	35	5.7
• 2016	1	35	2.9
• 2018	--	35	--
• 2019	--	35	--
<b>V. I. Board of Education--61111 – 61171</b>	<b>1</b>		
• 2015	1	15	6.7
• 2018	--	15	--
• 2019	--	15	--
<b>V. I. Bureau of Internal Revenue--921130</b>	<b>3</b>		
• 2015	2	149	1.3
• 2018	1	149	0.7
• 2019	--	149	--

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
<b>V. I. Bureau of Motor Vehicles--926120</b>	<b>2</b>		
• 2015	2	54	3.7
• 2018	-	54	-
• 2019	--	54	--
<b>V. I. Fire Services--922160</b>	<b>6</b>		
• 2015	3	250	1.2
• 2016	1	250	0.4
• 2018	2	250	0.8
• 2019	--	250	--
<b>Virgin Islands Police Department--92212</b>	<b>83</b>		
• 2014	24	761	3.2
• 2015	19	761	2.5
• 2016	15	761	2.0
• 2018	16	761	2.0
• 2019	9	761	1.14
<b>V. I. Port Authority--488310</b>	<b>15</b>		
• 2014	4	325	1.2
• 2015	5	325	1.5
• 2018	6	325	1.8
• 2019	--	325	--
<b>V. I. Waste Management Authority---92411</b>	<b>10</b>		
• 2014	7	173	4.0
• 2015	2	173	1.2
• 2018	1	173	0.6
• 2019	--	173	--
<b>V. I. Water and Power Authority--926130</b>	<b>83</b>		
• 2014	22	750	5.9
• 2015	30	750	8.0
• 2016	21	750	5.6
• 2018	4	750	0.5
• 2019	6	750	.77

The table above describes the agencies' injury data from CY 2014 to CY 2019. Five (5) of the 24 state and local government agencies' injury rates have decreased values.

- Bureau of Corrections--reflects a 1.6 FY 2019 injury rate; resulting in a 81% reduction compared to the FY 2015 rate of 8.4

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- Department of Education reflects a 1.0 FY 2019 injury rate; resulting in a 17% reduction compared to the FY 2015 rate of 1.2
- Department of Health reflects a .82 FY 2019 injury rate; resulting in a 68% reduction compared to the FY 2015 rate of 2.6
- Department of Human Services reflects a .64 FY 2019 injury rate; resulting in a 74% reduction compared to the FY 2015 rate of 2.5
- Governor Juan F. Luis Hospital reflects a 4.69 FY 2019 injury rate; resulting in a 12% reduction compared to the FY 2015 rate of 5.3
- Virgin Islands Police Department reflects a 1.14 FY 2019 injury rate; resulting in a 54% reduction compared to the FY 2015 rate of 2.5
- Virgin Islands Water and Power Authority reflects a 0.77 FY 2019 injury rate; resulting in a 90% reduction compared to the FY 2015 rate of 8.0

### **State Plan Annual Summary toward Strategic Plan Goals**

The Virgin Islands Division of Occupational Safety and Health (VIDOSH) State Plan strategic goals, objectives, and activities is to perform enforcement, education and training thus promoting a safe and healthful workplace, and reducing and preventing injuries and illnesses for all state and local government employees. Strategic goals and objectives defined for both enforcement and consultation interventions are addressed below.

### **FY 2019 VIDOSH Performance Goals**

**Strategic Goal #1:** Improve workplace safety and health for all Virgin Islands' state and local government workers as evidenced by fewer hazards, reduced exposures, and reduced injuries, illnesses, and fatalities.

Outcome Goal: Reduce the number of worker injuries, illnesses, and fatalities by focusing on state and local government employers experiencing the highest incidence of worker compensation claims.

Performance Goal: Decrease the total rate of worker compensation claims in state, and/or local government agencies in each of the specific NAICS segments by 5 percent by 2022 (1 percent per year) compared to the FY 2015 baseline:

- #1.1 – Electric, and Other Utilities - (NAICS 926130)
- #1.2 – First Responders (Fire Dept. and Police Dept.) - (NAICS 922120)
- #1.3 – Hospitals - (NAICS 622110)
- #1.4 – Bureau of Corrections – (NAICS 922140)

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Performance Indicator Type	Indicator	Results
Activity Measure	# of inspections conducted in targeted NAICS	11 inspections were conducted in targeted NAICS
	# of consultation visits conducted in targeted NAICS	1 consultation visit were conducted in targeted NAICS
	# of outreach/training and education seminars conducted in targeted NAICS	1 outreach/training and education seminar was conducted in targeted NAICS
	# of outreach materials distributed	500 pieces of outreach materials were distributed
	# of alliance/partnerships established	0 alliance/partnerships were established
Primary Outcome Measures	Reduction of worker compensation claims in targeted NAICS by 5% by 2022 (1% per year) compared to the FY 2015 baseline: NAICS 926130- (WAPA) 8.0  NAICS 922120- (Fire/Police) 1.2/2.5  NAICS 622110 – (Hospitals) 5.3  NAICS 922140- (Bureau of Corrections) 8.4	FY 2019 data:  NAICS 926130- decrease to .77 NAICS 922120- decrease fire no cases/police 1.14  NAICS 622110 –decrease to 4.69 NAICS 922140- decrease to 1.6
Comments	Targeted baseline is FY 2015	

**Strategic Goal #2:** To promote safety and health in the Virgin Islands state and local government workplaces.

**Outcome Goal:** To improve worker safety and health for all state and local government employers and workers by promoting participation in safety and health through inspections, consultations, training, and educational outreach seminars.

**Performance Goal:** 100% of VIDOSH interventions (e.g., inspections, technical assist, outreach and/or consultations, etc.) will include worker involvement and labor union involvement when applicable.

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Performance Indicator Type	Indicator	Results
Activity Measure	Enforcement Activities:  # of inspections conducted  # of inspections conducted where workers were conferred with  Consultation Activities:  # of consultation visits conducted  # of consultation visits where workers were conferred with  Outreach/Seminars  # of interventions conducted  # of workers participating in interventions # of survey responses received with a positive rating	63 inspections conducted  45 inspections conducted where workers were conferred with  8 consultation visits conducted  8 consultation visits where workers were conferred with  0 interventions conducted  500 workers participating in interventions 0 survey responses received
Primary Outcome Measures	100% of VIDOSH interventions (e.g., inspections, technical assist, outreach and/or consultations, etc.) will include worker involvement and labor union involvement when applicable.	100% of interventions included worker involvement and labor union involvement.
Comments	Goal is measured annually	

### Outcome Goal Targets

- **Promote a safety and health culture by conducting consultation and compliance assistance activities (e.g., direct interventions, outreach, training, education, seminars, etc.)**

The Virgin Islands State Plan was able to successfully coordinate and participate in two large-scale territorial training and outreach activities. VIDOSH participated in several real-world incidents providing critical lifesaving guidance affecting the state and local government and private sector employees and the community. Additionally, VIDOSH's consultant and has made a significant impact on the VIDOSH Consultation Program.

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#### **FY 2019- January**

##### **National Institute for Occupational Safety and Health (NIOSH) Visit**

VIDOSH led the team in collaborative efforts of public sector stakeholders (e.g. VITEMA, VIDOE, VIDOH and VIDE), the effort included federal agencies (FEMA & NIOSH) to participate in the Mold assessment and the long-time impact on the occupant

*Locations: St. Croix, St. Thomas*

*Attendees: 4000*

*Number of Sessions: 4*

#### **FY 2019- February**

##### **Virgin Islands Water and Power Authority Employee Health and Wellness Symposium**

VIDOSH provided occupational safety workplace training at the Symposium. The training addresses general safety and health provisions to prevent injuries and illnesses. Topics included Personal Protection Equipment (PPE), record keeping, electrical safety, fall protection, and hazard identifications.

*Locations: St. Croix, St. Thomas*

*Attendees: 600*

*Number of Sessions: 2*

#### **FY 2019- May**

##### **Juan F. Luis Hospital Hazard Vulnerability Analysis**

VIDOSH provided Occupational safety and health expertise during annual Hazard Vulnerability Analysis (HVA) and risk assessment of the Juan F. Luis Hospital. VIDOSH provided assistance in the systematic approaches to identifying hazards or risks that are most likely to have an impact on a facility

*Locations: St. Croix,*

*Attendees: 690*

*Number of Sessions: 1*

#### **FY 2019- June**

##### **Virgin Islands Department of Health 2019 Disaster Preparedness Expo and Employee Training**

The Disaster Preparedness Expo and employee training provided contact with emergency management officials, disaster response agencies, public sector department/agencies, restoration service providers and other relevant stakeholders. Lessons were learned about mitigating damage, preventing loss of life, comprehensive disaster preparations, OSHA and recovery.

Expo:

*Locations: St. Croix,*

*Attendees: 10,000*

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*Number of Sessions: 1*

Employee Training:

*Locations: St. Croix, St. Thomas*

*Attendees: 10,000*

*Number of Sessions: 2*

**FY 2019- July**

#### **Virgin Islands Anguilla Landfill Fire**

The Anguilla landfill, which services the public and all solid waste haulers on the island of St Croix, was closed due to the disruption to fire suppression activities. VIDOSH was part of the mitigations efforts and provided occupational safety guidance to the emergency management officials, disaster first response agencies, public sector department/agencies.

*Locations: St. Croix,*

*Attendees: 5,000*

*Number of Sessions:*

**FY 2019- July**

#### **Virgin Islands LIFT Youth Summer Employee Training**

VIDOSH provided occupational safety workplace training to the Virgin Islands Department of Labor Summer employees. The training addresses and OSHA standards to prevent injuries and illnesses. Topics included Personal Protection Equipment (PPE), record keeping, workplace safety, and hazard identifications.

*Locations: St. Croix,*

*Attendees: 40*

*Number of Sessions: 2*

**FY 2019 - August**

#### **VIDOSH Department of Human Services Head Start Staff Presentation**

VIDOSH conducted an OSHA presentation for the Department of Human Services Head Start Staff. The subject of the presentation was an introduction to OSHA. Staff was briefed on the known hazards that are present within the environment of early childhood educational settings and on the services provided by VIDOSH.

*Locations: St Croix,*

*Attendees: 95*

*Number of Sessions: 1*

**FY 2019 - August**

#### **VIDOSH –Virgin Islands—Hurricane Dorian**

Dorian hit the US Virgin Islands as Category 1 hurricane. The US National Hurricane Center said it had maximum sustained winds of 75 mph (120 km/h) while moving northwest at 13 mph

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(20 km/h). VIDOSH provided 24-hour support in the VITEMA Emergency Operations Center during the duration of the storm

**Locations:** *St Croix, St. Thomas, St John*

**Attendees:** *100,000*

**Number of Sessions:** *1*

#### **FY 2019 - September**

##### **VIDOSH –Virgin Islands – Tropical Storm**

Tropical Storm Karen reached the U.S. Virgin Islands, bringing heavy rain; flash flooding and winds of 45mph located about 155 miles south of St. Croix. Tropical Storm Karen sustained tropical storm winds for the duration of the storm. VIDOSH provided 24-hour support in the VITEMA Emergency Operations Center during the duration of the tropical storm

**Locations:** *St Croix, St. Thomas, St John*

**Attendees:** *100,000*

**Number of Sessions:** *1*

#### **VIDOSH Staff Training**

VIDOSH Staff participated in the following Webinars

- October 2019: Gas Detector (PID) Webinar— two (2) members
- October 2019: HazWoper Webinar—two (2) members
- November 2019: Willful Violation Webinar five (5) members

December 2019: Customer Service Training two (2) members

August 2019: VIDOSH member selected for the FY 2019 National Certified Public Manager Program in conjunction with the University of the Virgin Islands. The Certified Public Manager® designation is awarded to public sector middle managers who have completed the required 300 hours of study through a CPM program accredited by the National Certified Public Manager® Consortium purpose.

#### **Progress towards Strategic Plan Accomplishment**

##### **Federal Liaison Mentorship**

The VIDOSH Program will seek to build their program to be at least as effective as model state programs in the nation. Key factors in building this program will be to continue to maintain transparent and regular direction from the Federal Program Manager and counterparts. Amidst the FY 2019, Grant Addendum VIDOSH was able to demonstrate continuous improvement. The improvement was demonstrated by the increase in inspections of inspections in the NAICS with the highest Workers Compensations injuries. The said NAICS codes; Electric, and Other Utilities - (NAICS 926130); First Responders (Fire Dept. and Police Dept.) - (NAICS 922120);

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Hospitals - (NAICS 622110) and Bureau of Corrections – (NAICS 922140) all experienced a reduction in reportable Workers Compensation Claims.

VIDOSH inspected several high-risk establishments: one (1) Bureau of Corrections; four (4) fire departments (e.g., government, volunteer (except private); one (1) hospital; three (3) state police; two (2) waste management program administration in FY 2019 which represents 18% and of the annual grant requirement. Health inspections of first responder and emergency establishment in FY 2019 met the annual inspection quota. Inspections at educational establishments represented 13% of the inspection quota.

VIDOSH has taken on the arduous task of reducing the state and local government worker compensation claims. The VIDOSH Director meets regularly with the Virgin Islands Workers Compensation Director addressing means to reduce the injury lost time. Additionally, both Directors have increased the awareness outside of the Department. The herculean efforts resulting in the Commissioner of Finance (the Government Insurance Fund custodian) procuring a computerized system with the capability to provide injury illness data and trending analysis. This effort will continue to ensure substantial reductions in the lost time due to injuries. These relationships demonstrate a commitment to project completion and objectives further supporting VIDOSH effort to be a successful State Plan program. VIDOL's further attendance at Occupational Safety and Health State Plan Association, (OSHSPA) meetings will net valuable information on keeping abreast of safety and health policies and procedures, team participation and learning instrumental practices from other state programs. VIDOSH outreach activities continued with its annual participation in various public sector conferences. Additionally, VIDOSH will increase and conduct-customized conferences to meet the state and local government worker requirements.

#### **Timely Enforcement and Hazard Abatement**

VIDOSH has completed the necessary alliance with high-level government staff administrators to make hazard abatement the current administration's priority. VIDOSH continues to work towards the completion of abatement measures. VIDOSH has experienced instances where abatement/mitigation measure remains open due to the unforeseen obstacles of the cumbersome FEMA hazard mitigation process. In many cases, the damaged facilities are authorized temporary nonpermanent repairs preventing permanent abatement. These instances create an impasse since there is a severe shortage of commercial rental space therefore department/agencies have to remain in the temporary/damaged facilities.

VIDOSH uses enforcement initiatives to mandate hazard abatement. VIDOSH continues to work towards ensuring the health and safety of state and local government employees. The receipt of FEMA recovery dollars into the territory is slow at times; these measures negatively affect the repair of infrastructure and other hazards. When these FEMA recovery funds are suspended, it results in a situation similar to a federal shutdown. Unfortunately, these situations have a negative impact on the recovery efforts.

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The executive branch continues to support VIDOSH's efforts ensuring high-level administrators and commissioners understand the importance of being committed to injury reduction and timely hazard abatement. Secondly, VIDOSH will continue building our outreach and intervention efforts providing knowledge of standards for safe work practices. Third, VIDOSH will continue to utilize the Operation U-SAFE campaign to address outstanding abatement.

#### **Staffing Responsibility**

VIDOSH did not meet the staffing requirements set forth in FY 2019 23g Grant. VIDOSH has two (2) vacant safety compliance officer positions. VIDOSH's current staff includes one (1) director; two (2) administrative support staff, one (1) safety CSHO, and one (1) industrial hygienist on the enforcement side and one industrial hygienist, on the consultation side.

FY 2019 was the fourth year that the VIDOSH Consultation program was operational. The program has made strides by completing the mandated eight (8) visits

Even though VIDOSH was faced with the FY2019 23g Grant Addendum restrictions and enforcement staff at 66% capacity (*due vacant positions*); VIDOSH continued to work toward completing all enforcement efforts. VIDOSH's continues its efforts to remain off High-Risk status for FY 2020.

#### **Mandated Activities**

1. The VIDOSH Director and IMIS Specialist utilizing the OSHA Information System (OIS) as a monitoring tool to manage program measures pertaining to OPEN, ISSUED, and OUTSTANDING case files resulting in the closure of many older case files. VIDOSH has yielded great results in these areas and the program has seen improvements.
2. VIDOSH's planned inspection schedule provided CSHO's with assigned monthly/quarterly inspection quotas. This was vital in VIDOSH yielding the annual requirement even with 66% staff capability. VIDOSH completed 63 enforcement inspections and eight (8) consultations visits for 2019.
3. VIDOSH ensures as much as practicable, a safe and healthful working environment for all state and local government employers and employees of the U.S. Virgin Islands. VIDOSH's strategic goals, objectives, and activities focused on enforcement, education and training duties.
4. Working in tandem V.I. Public Sector Workers Compensation on a regular basis, to capture the most frequent injuries and high percentage of injuries by departments and the procurement of a Risk Management tool will continue to yield injury and illness rate reductions. VIDOSH's ability to analyze state and local government employee's injuries and illnesses will improve even more once the new system is onboard

#### **Operational challenges still faced include:**

VIDOSH staffing vacancies: currently VIDOSH has two (2) vacant CSHO positions. VIDOSH

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was successful in its efforts to obtain FY 2020 funds for these vacancies. Subsequently, the funds from one of the newly funded positions is being adjusted to bridge the financial obligations associated with the VIDOSH FY 2019 employee union salary increases. The measures required VIDOSH to utilize the overmatching local funds due to VIDOSH close proximity to the \$200,000 Federal Grant ceiling.

#### **VIDOSH Planned Strategies for FY 2020**

- Analyze and summarize raw data to determine the type of injuries and illnesses along with occupational hazards in order to prioritize inspections per target agency.
- Review CPLs to ensure procedures are being followed.
- Develop a VIDOSH customer feedback survey.
- Ensure CSHOs are fully trained on hazard recognition and OIS data training.
- Provide training opportunities for the administrative support staff.
- VIDOSH will utilize health and safety mechanisms and develop a model safety and health management program to include customer evaluation measures. VIDOSH plans to develop a process to provide a trained safety and health coordinator within each department/agency.
- VIDOSH Consultation will develop a VIDOSH Virtual Library and increase the usage of social media to promote health and safety in the public sector.
- VIDOSH will utilize Subject Matter Experts to address educational topics key to safety and health training and outreach. These experts would be used only when VIDOSH does not have the personnel with the expertise to address these topics

#### **Conclusion**

FY 2019, VIDOSH focused on building a state of the art state and local government employee's only safety and health program. VIDOSH is working continuously with the region in becoming a certified State Plan Program. VIDOSH will continue to work with the Office of the Governor in delivering a product that provides protection for the state and local government workers and stakeholders of the Virgin Islands. VIDOSH will work with the Region regarding the impact the lack of FEMA recovery dollars is having on the territory. This will provide a real insight into the infrastructure of the Virgin Islands versus "it has been two years already". VIDOSH will continue to issue failure to abate citations with penalties even though the timely receipt of FEMA recovery funds to correct the infrastructure damages is limited.

The Virgin Islands Governor created the Office of Disaster Recovery (ODR), within the Virgin Islands Public Finance Authority. The purpose of the ODR is to administer broad oversight of the recovery efforts and ensure full compliance of regulations in managing and monitoring project funds, expenditures, and timeliness of these funds. The ODR will serve as the center of coordination for the anticipated receipt of \$8 billion dollars in federal funding over the next few years to support recovery efforts from the 2017 hurricanes. VIDOSH will continue to work on promoting a safety and health culture by increasing education and outreach efforts.

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Through increased awareness and training on Indoor Air Quality, the employees have learned to address this previously unknown hazard. VIDOSH continues to work with government agencies to increase their knowledge of building HVAC maintenance guidelines. VIDOSH plans to continue the effort to develop specialized education and training outreach sessions during FY 2020. The addition of consultation activities has provided key positive relationships with government agencies.