

**FY 2020**  
**Federal Annual Monitoring Evaluation (FAME) Report**

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



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## Table of Contents

I. Executive Summary.....	3
II. State Plan Background .....	4
III. Assessment of State Plan Progress and Performance.....	8
A. Data and Methodology .....	8
B. Findings and Observations.....	8
C. State Activity Mandated Measures (SAMM) Highlights .....	14

## Appendices

Appendix A – New and Continued Findings and Recommendations.....	A-1
Appendix B – Observations and Federal Monitoring Plans.....	B-1
Appendix C – Status of FY 2019 Findings and Recommendations.....	C-1
Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report.....	D-1
Appendix E – FY 2020 State OSHA Annual Report (SOAR).....	E-1

## 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) 2020 and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) reports.

The Occupational Safety and Health Administration (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 continues to be 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 increased its monitoring of VIDOSH by including an addendum of mandatory grant activities, aligning deadlines in the grant approval letter, and designating VIDOSH as a high-risk grantee in accordance with 2 Code of Federal Regulations (CFR) 200.207. However, OSHA did not withhold VIDOSH's access to drawdown federal funding during the fall of FY 2020. OSHA developed mandatory program activities for VIDOSH to complete during the first quarter of the FY 2020 performance period. As of the end of the first quarter of FY 2020, VIDOSH had made no progress to address the mandatory activities; and the program administration's autonomy continued to be a concern. As a result, on June 22, 2020, VIDOSH was once again designated as a high-risk grantee and OSHA identified four mandatory grant activities, corresponding deadlines, and percentage of monies dispersed per completed activity from June 1, 2020 through September 30, 2020. VIDOSH only met 50% of its four mandatory activities, and therefore was not approved to draw down all available funds. In addition, VIDOSH failed to deobligate their federal funds in a timely manner and as a result, these funds were returned to the United States Treasury and were not able to be used by OSHA or any other State Plans to support worker safety and health. As of the end of the FY 2020 performance period, VIDOSH did not meet all mandatory grant activities and continued to be designated as a high-risk grantee in FY 2021.

On March 23, 2020, the governor announced a stay-at-home order for all non-essential personnel and closure of non-essential businesses statewide, including many state and local government agencies. COVID-19 hospitalizations and death rates in VI have been substantially lower in comparison to U.S. mainland states, with a total of 25 deaths according to VI Department of Health's website (as of March 8, 2021). In total, almost 49,000 positive test cases were also presented on the VI Department of Health website. However, VIDOSH's programmatic issues existed before the impact of the COVID-19 pandemic and are continuing throughout the pandemic recovery phase.

During the FY 2020 performance period, VIDOSH made no progress to address its 13 findings from last year's FAME, and the program continues to be less than effective in protecting the safety and health of Virgin Islands' state and local government (SLG) workers. Findings from the FY 2020 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 failed to meet its already low inspection goals. During the entire FY 2020 performance period, VIDOSH conducted only 24 inspections, well below its planned goal of 60 inspections.

VIDOSH does not issue enforcement citations in a timely manner. In addition, VIDOSH's citation lapse time for both safety and health increased considerably above the national average.

VIDOSH's overdue abatement continues to be a significant issue and has not improved over the past few years – some inspections with overdue abatement date as far back as 2018. 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. This continues to put VI state and local government workers' health and safety in danger.

VIDOSH staffing also continues to be below allocations and is of concern. VIDOSH's health compliance safety and health officer (CSHO) left in January 2020, leaving only one safety CSHO to conduct enforcement inspections on all three islands. In September 2020, the remaining consultant left the agency. Although VIDOSH hired a health CSHO during the first quarter of FY 2021, the CSHO must complete the required training before conducting enforcement inspections. The consultation program remains non-operational due to having no consultant on-board to perform consultation visits.

The 13 findings from last year's FAME remain open. Regarding the observations, OSHA converted two observations to findings (safety lapse time and health lapse time), two observations were continued, and one new observation was identified (in-compliance safety inspections). Therefore, a total of 15 findings and three 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.

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 2020, VIDOSH program administration lapsed federal funding four out of six FYs. In FY 2015, VIDOSH lapsed \$7,071; \$5,605 in FY 2017; \$76, 517 in FY 2018 and \$19,787 in FY 2020 – totaling \$108,980 in federal funds or almost \$110,000. The table below shows VIDOSH’s funding history over the past six years:

<b>FY 2015-2020 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>Lapsed Funds</b>
2020	\$275,100	\$75,100	\$510,316	\$860,516	\$19,787
2019	\$199,600	0	\$487,734	\$687,334	N/A
2018	\$195,700	0	\$509,949	\$705,649	\$76, 517
2017	\$195,700	0	\$509,949	\$705,649	\$5,605
2016	\$195,700	0	\$504,092	\$699,792	N/A
2015	\$195,700	0	\$504,092	\$699,792	\$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.

## **B. New Issues**

### Grantee High-Risk Designation

In September 2019, VIDOSH received its FY 2020 grant approval letter from OSHA. Due to the outstanding and continual concerns of unsatisfactory program progress and performance, OSHA included an addendum in the VI State Plan’s grant approval letter. The addendum identified four mandatory grant activities as consistent deficiencies within VIDOSH which are essential to having an effective State Plan. 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. Unfortunately, VIDOSH was not responsive to these conditions and did not make progress addressing their deficiencies.

On March 2, 2020, OSHA designated the VI State Plan as a high-risk grantee placing conditions on its FY 2020 grant. VIDOSH had to complete three mandatory activities on schedule during the remaining FY 2020 performance period. Shortly thereafter, on March 13, 2020, USVI Governor Bryan declared a state of emergency due to COVID-19. In June 2020, OSHA updated the March 2, 2020 addendum with four core mandatory grant activities, corresponding deadlines, and percentage of monies dispersed per completed activity from June 1, 2020 through September 30, 2020. Specific progress on the four mandatory activities, along with supportive documentation, was to be reported to Region 2 prior to OSHA approving VIDOSH to drawdown funds. VIDOSH met only two (enforcement inspections and compliance assistance activities) of the four mandatory activities, and therefore was not approved to draw down all available funds, which resulted in lapsed federal funds from their FY 2020 grant.

OSHA continued VIDOSH's high-risk designation in FY 2021. Four mandatory grant activities and supplementing deadlines were assigned to VIDOSH to be completed during the FY 2021 performance period. To be considered for removal of its high-risk grantee designation, VIDOSH must successfully complete these four mandatory activities by September 30, 2021:

- 1) Meet inspection goals
- 2) Meet abatement schedule
- 3) Meet consultation visit goals
- 4) Comply with OSHA's requests for information in a timely manner

In accordance with 2 CFR 200.338, OSHA may withhold cash payments by putting a hold on VIDOSH's Payment Management System (PMS) account. Pending review of each specific mandatory activity, along with the related supportive documentation and the completion schedule, Region 2 notifies VIDOSH if the activity has been met satisfactorily on schedule and approves payment.

#### Lapsing of Federal Funds

On March 4, 2021, OSHA notified the VI State Plan that VIDOSH had failed to use a total of \$19,787.11 in federal funding under Section 23(g) of the Occupational Safety and Health Act (OSH Act). VIDOSH did not complete its mandated activities under the conditions of the high-risk designation, and therefore was not approved to drawdown all available funds. VIDOSH failed to deobligate funds in a timely manner, in anticipation of not being able to complete all of their FY 2020 mandated activities. As a result, federal funds allocated for VIDOSH were returned to the United States Treasury and could not be used by OSHA or any other State Plans to support worker safety and health.

On August 8, 2019, OSHA issued a "New Policy for Repeated Lapses and De-obligations of 23(g) Grant Funds." Under this policy, State Plans who lapse or deobligate funds in three consecutive years will have a portion of their base awards permanently reduced, and the funding will be permanently redistributed to other State Plans with the ability to match the additional funding. Due to VIDOSH operating under the high-risk designation status, OSHA refrained from applying this new policy which would include issuing a formal warning letter.

#### Insufficient Staffing

In January of 2020, VIDOSH lost its industrial hygiene (IH) CSHO, leaving only one safety CSHO to conduct inspections on all three islands. Eight months later (in September 2020), the remaining consultant resigned. At the start of FY 2021, a new health CSHO was onboard; however, the new CSHO still needs to complete the required training prior to conducting enforcement inspections. Concerning VIDOSH's consultation program, VIDOSH does not have a consultant on staff to conduct consultation visits; therefore, VIDOSH's consultation program is not operational.

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

## A. Data and Methodology

OSHA established a two-year cycle for the FAME process. This is a follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

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

## B. Findings and Observations

This follow-up FAME report contains 15 findings (13 continued, two new) and three observations (two continued, one new). Two of the four observations from last year's FAME were converted to findings. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2019 recommendation in detail.

## FINDINGS

### Completed Findings

There were no completed findings identified in FY 2020.

### Continued Findings

#### **Finding FY 2020-01 (FY 2019-01 / FY 2018-01):** *OSHA Information System (OIS)*

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.

**Status:** The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis to monitor the work and ensure case files are closed in a timely manner. As of October 1, 2020, VIDOSH has 19 inspections open in OIS (eight open from April 2016 – July 2020 and 11 open due to pending citations). OSHA must conduct an on-site review to determine if proper monitoring and closure of case files was accomplished. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

#### **Finding FY 2020-02 (FY 2019-02):** *Staffing*

VIDOSH staffing level is allocated for eight employees. For most of FY 2020, VIDOSH had two



enforcement staff, one consultant, two administrative and one manager onboard (six total). However, VIDOSH lost one health CSHO (January 2020) and one consultant (September 2020) – leaving four staff onboard at the end of FY 2020.

**Status:** At the end of FY 2020, VIDOSH had two vacant safety CSHO positions, one vacant health CSHO position, and one vacant consultant position. VIDOSH hired a health CSHO who was to be onboard by September 28, 2020, but the official start date was postponed until the 1<sup>st</sup> quarter of FY 2021. The health CSHO is currently onboard. VIDOSH's current staff includes one director, two administrative support staff, one safety CSHO, and one IH CSHO (five total). This finding remains open.

**Finding FY 2020-03 (FY 2019-03 / FY 2018-02):** *Complaint Notification*

In FY 2019, 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.

**Status:** During case file reviews, the VIDOSH director will be 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 will receive training regarding notification requirements following an inspection. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-04 (FY 2019-04):** *Insufficient Case File Documentation*

During the FY 2019 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) files lacked documentation that the supervisor reviewed and/or closed the case.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-05 (FY 2019-05 / FY 2018-OB-01):** *Inadequate Evidence to Support Violations*

The FY 2019 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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-06 (FY 2019-06):** *Citations for All Apparent Violations*

In 15 of the 29 (52%) FY 2019 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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-07 (FY 2019-07 / FY 2018-03):** *Adequate Verification or Evidence of Abatement*  
In FY 2019, VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in seven of the 15 (47%) case files reviewed.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-08 (FY 2019-08 / FY 2018-04):** *Overdue Abatement*  
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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-09 (FY 2019-09):** *Petition for Modification of Abatement (PMA)*  
Late Petitions for Modification of Abatement (PMA) were accepted in three of the seven (43%) PMA case files reviewed in FY 2019. 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

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-10 (FY 2019-10 / FY 2018-OB-03):** *Worker Notification of Inspection Results*  
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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's comprehensive on-site case file review and remains open.

**Finding FY 2020-11 (FY 2019-11): Federal Program Changes**

VIDOSH's adoption of federal standards and FPCs is not timely. During FY 2020, six FPCs required a response as to whether VIDOSH would adopt. A late response was received in all six (100%) of the FPCs.

**Status:** VIDOSH has access to the State Plan Application (SPA) program. The federal standards and FPCs were updated for FY 2020; however, VIDOSH is late in responding to three FY 2021 Standards Adoptions. OSHA will continue to monitor this issue during quarterly meetings. This finding remains open.

**Finding FY 2020-12 (FY 2019-12 / FY 2018-05): Consultation Case File Documentation and Procedures**

The documentation/procedures in the consultation case files reviewed in FY 2019 were 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 to be completed had incorrectly scored attitudes based on the comments included.
- 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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year’s comprehensive on-site case file review and remains open.

**Finding FY 2020-13 (FY 2019-13):** *Corrections of Serious Hazards*

Case files reviewed in FY 2019 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.

**Status:** A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year’s comprehensive on-site case file review and remains open.

New FY 2020 Findings

There were two new findings in FY 2020.

**Finding FY 2020-14 (FY 2019-OB-02 / FY 2018-OB-07 / FY 2017-02):** *Safety Lapse Time*

In FY 2020, the average safety lapse time (SAMM #11) for citations was calculated at 110.17 days – a significant increase from 67.86 days in FY 2019, 40.91 days in FY 2018 and substantially higher than the FRL range of 40.46 to 60.70 days.

**Recommendation 20-14:**

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).

**Finding FY 2020-15 (FY 2019-OB-03 / FY 2018-OB-07 / FY 2017-02):** *Health Lapse Time*

In FY 2020, the average health lapse time (SAMM #11) for citations was calculated at 92.10 days – an increase from 71.81 days in FY 2019, and significantly higher than the 37.80 days in FY 2018. The FY 2020 average of 92.10 days is above the FRL range of 48.31 to 72.47.

**Recommendation 20-15:**

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).

**OBSERVATIONS**

Closed Observations

There were no closed observations identified in FY 2020.

Continued Observations

**Observation FY 2020-OB-01 (FY 2019-OB-01):** *Inspection Coding*

In nine of the 29 (31%) FY 2019 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.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s comprehensive on-site case file review. This observation is continued.

**Observation FY 2020-OB-02 (FY2019-OB-04):** *Worker Involvement – Inspection Process*

Documentation was lacking in six of the 17 (35%) FY 2019 case files reviewed as to why union representatives were not involved in the inspection process (opening conference, walkaround, and closing conference).

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s comprehensive on-site case file review. This observation is continued.

New FY 2020 Observations

**Observation FY 2020-OB-03:** *In-Compliance Safety Inspections*

In FY 2020, the percent in-compliance (SAMM 9) for safety inspections is 83.33% which is above the three-year national average of 31.03%.

**Federal Monitoring Plan:** OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

**Discussion:** The FRL, SAMM 9, for percent in-compliance for safety inspections is +/- 20% of the three-year national average of 31.03% which equals a range of 24.82% to 37.24%. Since this is the first year that this State Plan has significantly exceeded the FRL on SAMM 9, this a new observation.

### **C. State Activity Mandated Measures (SAMM) Highlights**

Each SAMM has an agreed upon 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 2020 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure. The VI State Plan was outside the FRL on the following SAMMs:

#### **SAMM 1a – Average number of workdays to initiate complaint inspections (state formula):**

Discussion of State Plan data and FRL: VIDOSH's average number of workdays to initiate complaint investigations was 10.88 days for FY 2020 which is higher than the negotiated FRL number of five days.

Explanation: The higher number of workdays to initiate complaint inspections may be attributed to the COVID-19 pandemic and loss of enforcement staff. NOTE: The average number of workdays for this SAMM measure is at 6.33 days for the 1<sup>st</sup> quarter of FY 2021. OSHA will monitor this SAMM measure utilizing quarterly SAMM reports.

#### **SAMM 5 – Average number of violations per inspection with violations by violation type:**

Discussion of State Plan data and FRL: 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 2.38 violations which is above the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.95 which equals a range of 0.76 to 1.14. VIDOSH's OTS average is 0.25 below the FRL range.

Explanation: VIDOSH's S/W/R violations per inspection continue to be above average. OSHA will monitor VIDOSH's OTS average utilizing quarterly SAMM reports.

#### **SAMM 7 – Planned v. actual inspections – safety/health:**

Discussion of State Plan data and FRL: The FRL for planned v. actual inspections is +/- 5% of the negotiated number of 40 safety inspections which equals a range of 38 to 42 inspections, and 20 health inspections which equals a range of 19 to 21 inspections.

Explanation: VIDOSH's projected goal for FY 2020 was to conduct 60 enforcement inspections. In June of 2020, OSHA issued an updated addendum to VIDOSH's FY 2020 grant. Revised projected goals reflected enforcement activities from June 1, 2020 to September 30, 2020. VIDOSH was to perform no less than two inspections per month for a total of eight inspections. VIDOSH conducted 24 enforcement inspections (nine safety/15 health) for the fiscal year averaging two inspections / month. OSHA monitors this by utilizing IDOSH's monthly mandatory activity updates.

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2020-01	<p><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.</p>	<p>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).</p>	FY 2019-01 FY 2018-01
FY 2020-02	<p><i>Staffing</i>                      VIDOSH staffing level is allocated for eight employees. For most of FY 2020, VIDOSH had two enforcement staff, one consultant, two administrative and one manager onboard (six total). However, VIDOSH lost one industrial hygiene (IH) Compliance Safety and Health Officer (CSHO) (January 2020) and one consultant (September 2020) leaving four staff onboard at the end of FY 2020.</p>	<p>VIDOSH must fill current staffing vacancies with qualified staff.</p>	FY 2019-02
FY 2020-03	<p><i>Complaint Notification</i>                      In FY 2019, 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.</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>	FY 2019-03 FY 2018-02
FY 2020-04	<p><i>Lack of Case File Documentation</i>                      During the FY 2019 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) files lacked documentation that the supervisor reviewed and/or closed the case.</p>	<p>VIDOSH must ensure the case files include required documentation in accordance with VIDOSH’s Field Operations Manual (FOM).</p>	FY 2019-04

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2020-05	<p><i>Adequate evidence to support violations</i></p> <p>The FY 2019 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.</p>	<p>VIDOSH must ensure the case files include required documentation in accordance with VIDOSH’s Field Operations Manual (FOM).</p>	<p>FY 2019-05 FY 2018-OB-01</p>
FY 2020-06	<p><i>Citations for All Apparent Violations</i></p> <p>In 15 of the 29 (52%) FY 2019 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.</p>	<p>VIDOSH must 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.</p>	<p>FY 2019-06</p>
FY 2020-07	<p><i>Adequate Verification or Evidence of Abatement</i></p> <p>In FY 2019, VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in seven of the 15 (47%) 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>FY 2019-07 FY 2018-03</p>
FY 2020-08	<p><i>Overdue Abatement</i></p> <p>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.</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.</p>	<p>FY 2019-08 FY 2018-04</p>



## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2020-09	<p><i>Petition for Modification of Abatement (PMA)</i> Late PMA's were accepted in three of the seven (43%) PMA case files reviewed in FY 2019. 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.	FY 2019-09
FY 2020-10	<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 2019-10 FY 2018-OB-03
FY 2020-11	<p><i>Federal Program Changes (FPCs)</i> VIDOSH's adoption of federal standards and FPCs is not timely. During FY 2020, six FPCs required a response as to whether VIDOSH would adopt. A late response was received in all six (100%) of the FPCs.</p>	VIDOSH must respond to all standards and FPCs within the established timeframe.	FY 2019-11

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-#
FY 2020-12	<p><i>Consultation Case File Documentation</i></p> <p>The documentation/procedures in the consultation case files reviewed in FY 2019 were deficient. 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 to be completed had incorrectly scored attitudes based on the comments included.</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> <li>• 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).</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 reasoning as to why the notices were not issued.</li> </ul>	<p>VIDOSH must ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.</p>	<p>FY 2019-12 FY 2018-05</p>

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-#
	<p><i>Consultation Case File Documentation (Cont'd)</i></p> <ul style="list-style-type: none"> <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>		
FY 2020-13	<p><i>Corrections of Serious Hazards</i></p> <p>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 must ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.</p>	FY 2019-13

## Appendix A – New and Continued Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2020-14	<p><i>Safety Lapse Time</i></p> <p>In FY 2020, the average safety lapse time (SAMM #11) for citations was calculated at 110.17 days a significant increase from 67.86 days in FY 2019, 40.91 days in FY 2018 and substantially higher than the FRL range of 40.46 to 60.70 days.</p>	<p>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).</p>	<p>FY 2019-OB-02 FY 2018-OB-07 FY 2017-02</p>
FY 2020-15	<p><i>Health Lapse Time</i></p> <p>In FY 2020, the average health lapse time (SAMM #11) for citations was calculated at 92.10 days an increase from 71.81 days in FY 2019, and significantly higher than the 37.80 days in FY 2018. The FY 2020 average of 92.10 days is above the FRL range of 48.31 to 72.47.</p>	<p>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).</p>	<p>FY 2019-OB-03 FY 2018-OB-07 FY 2017-02</p>

## Appendix B – Observations and Federal Monitoring Plans

### VIDOSH FY 2020 Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	<p><i>Inspection Coding</i></p> <p>In nine of the 29 (31%) FY 2019 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 2021, 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.	Continued
FY 2020-OB-02	FY 2019-OB-04	<p><i>Worker Involvement – Inspection Process</i></p> <p>Documentation was lacking in six of the 17 (35%) FY 2019 case files reviewed as to why union representatives were not involved in the inspection process (opening conference, walkaround, and closing conference).</p>	In FY 2021, 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.	Continued
FY 2020-OB-03		<p><i>In-Compliance Safety Inspections</i></p> <p>In FY 2020, the percent in-compliance (SAMM 9) for safety inspections is 83.33% which is above the three-year national average of 31.03%.</p>	The Region will continue to monitor this issue by utilizing the quarterly SAMM reports.	New

## Appendix B – Observations and Federal Monitoring Plans

### VIDOSH FY 2020 Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
	FY 2019-OB-02 FY 2018-OB-07 FY 2017-02	<i>Safety Lapse Time</i> 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.		Converted to a finding
	FY 2019-OB-03 FY 2018-OB-07 FY 2017-02	<i>Health Lapse Time</i> 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.		Converted to a finding

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
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).	The VIDOSH director will generate OIS reports on a weekly basis to monitor and close case files in a timely manner.	Not Completed	Open
FY 2019-02	<i>Staffing</i> VIDOSH staffing level is allocated for eight employees, but one enforcement staff, one consultant, two administrative staff, and one manager is onboard (five total).	VIDOSH must fill current staffing vacancies with qualified staff.	VIDOSH hired a health compliance officer who will be onboard by September 28, 2020. VIDOSH will fill the other vacant positions, including the consultant vacancy.	Not Completed	Open
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.	The VIDOSH director will ensure that all required communications relating to a complaint are documented in the case file. VIDOSH staff will receive refresher training on requirements following an inspection.	Not Completed	Open

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-04	<p><i>Insufficient Case File Documentation</i></p> <p>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.</p>	<p>Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).</p>	<p>The VIDOSH director is responsible for ensuring that all required case file documentation is complete. VIDOSH staff will receive refresher training on case file documentation.</p>	<p>Not Completed</p>	<p>Open</p>
FY 2019-05	<p><i>Inadequate Evidence to Support Violations</i></p> <p>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.</p>	<p>Ensure the case files include required documentation in accordance with VIDOSH's Field Operations Manual (FOM).</p>	<p>The VIDOSH director is responsible for ensuring that all required documentation to support violations is in the case files. VIDOSH staff will receive refresher training regarding case file documentation such as evidence to support violations.</p>	<p>Not Completed</p>	<p>Open</p>



## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-06	<p><i>Citations for All Apparent Violations</i></p> <p>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.</p>	<p>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.</p>	<p>The VIDOSH director will ensure that OSHA 300 logs are maintained in the case file or a citation will be issued. VIDOSH staff will receive refresher FOM training.</p>	Not Completed	Open
FY 2019-07	<p><i>Adequate Verification or Evidence of Abatement</i></p> <p>VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in seven of the 15 (47%) 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>The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis, while monitoring the work and ensuring adequate verification/evidence of abatement is obtained from the employer. Follow-up inspections will be conducted and FTAs will be issued when abatement is not received.</p>	Not Completed	Open

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
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>	<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.</p>	<p>The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis, while monitoring the work and ensuring adequate verification/evidence of abatement is obtained from the employer. Follow-up inspections will be conducted and FTAs will be issued when abatement is not received. The Labor Commissioner will be informed of FTA violators who will channel the information to the Office of the Governor for further action.</p>	Not Completed	Open
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</p>	<p>VIDOSH must ensure that procedures as stated in the Field Operations Manual (FOM) Chapter VII (1903.14(a)) are followed regarding PMA requests.</p>	<p>The VIDOSH director will review the PMA process (per the FOM requirements) with staff. PMAs will be approved after all required interim steps have been met.</p>	Not Completed	Open

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-09	<p><i>Petition for Modification of Abatement (PMA) (Cont'd)</i>                      five of the seven (71%) PMA case files reviewed.</p> <p>Examples of the missing interim steps were:</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 reason/s additional time is necessary.</li> <li>• Safeguards to protect exposed workers in the meantime (if necessary).</li> <li>• Certification that a copy of the petition was posted at the worksite and/or served to the authorized representative.</li> </ul>				

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-10	<p><i>Worker Notification of Inspection Results</i></p> <p>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>	<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.</p>	<p>The VIDOSH director is responsible for ensuring that a copy of the citation and notification of the inspection results is provided to union representatives and documented in the case file. VIDOSH staff will receive refresher training on communication with union representatives.</p>	Not Completed	Open
FY 2019-11	<p><i>Federal Standards and Federal Program Changes (FPCs)</i></p> <p>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>	<p>VIDOSH must respond to all standards and FPCs within the established timeframe.</p>	<p>The VIDOSH director will utilize the State Plan Application (SPA) by entering information on all federal standards and FPCs within the established timeframe. VIDOSH will develop a public webpage that reflects up-to-date federal standards' and FPC information and ensure it is maintained on a consistent basis.</p>	Not Completed	Open
FY 2019-12	<p><i>Consultation Case File Documentation</i></p> <p>The documentation in the consultation case files reviewed was insufficient.</p>	<p>VIDOSH must ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.</p>		Not Completed	Open

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
	<p><i>Consultation Case File Documentation (Cont'd)</i> Specifically:</p> <ul style="list-style-type: none"> <li>• All eight (100%) case files lacked evidence of supervisory review and approval.</li> <li>• One of one (100%) case files with a union failed to include evidence that a union representative was contacted and provided the opportunity to participate.</li> <li>• Three of the four (75%) initial case files that required a Form 33 to be completed had incorrectly scored attitudes based on included comments.</li> </ul>		<p>The consultant vacancy will be filled and the new consultant will receive training to ensure that documentation in the case files is in accordance with CSP 02-00-003. The VIDOSH director will ensure procedures are being followed and case files are completed in accordance with CSP 02-00-003.</p>		

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
	<p><i>Consultation Case File Documentation (Cont'd)</i>                      All (100%) of the initial case files with extension requests were incorrectly processed. The extension requests received from the employers were missing the required elements and/or the program failed to respond to the request in writing. No evidence was included that an updated "List of Hazards" with new correction dates was forwarded to the employer.</p>				
FY 2019-13	<p><i>Corrections of Serious Hazards</i>                      Case files did not reflect adequate documentation that serious hazards were corrected. Specifically:</p> <ul style="list-style-type: none"> <li>• VIDOSH did not conduct follow-up employer visits in a timely manner. The four (100%) 2019 follow-up consultation case files were in response to uncorrected hazard notices issued in 2017.</li> </ul>	<p>VIDOSH should ensure that the consultant follows procedures and completes case files in accordance with CSP 02-00-003.</p>	<p>The new consultant will receive training to ensure that adequate correction of serious hazards is obtained in accordance with CSP 02-00-003. During case file review, the VIDOSH director will ensure procedures are adhered to and case files are completed in accordance with CSP 02-00-003.</p>	Not Completed	Open

## Appendix C - Status of FY 2019 Findings and Recommendations

### VIDOSH FY 2020 Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
	<p><i>Corrections of Serious Hazards (Cont'd)</i></p> <ul style="list-style-type: none"> <li>• Failure to obtain timely correction. Two of the four (50%) initial case files had outstanding hazards that were 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 hazard correction. Three of six (50%) case files were closed without adequate correction for all serious hazards from the employer or documented as corrected during follow-up employer visits.</li> </ul>				

## Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2020 Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Virgin Islands – <b>VIDOSH</b>			FY 2020	
<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)	10.88	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)	8.75	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)	0	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	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)	0%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 2.38	+/- 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 0.76 to 1.14 for OTS.
		Other: 0.25	+/- 20% of Other: 0.95	
<b>6</b>	Percent of total inspections in state and local government workplaces	100%	10%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.



## Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2020 Follow-up FAME Report

<b>7</b>	Planned v. actual inspections – safety/health	S: 9	+/- 5% of S: 40	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 38 to 42 for safety and from 19 to 21 for health.
		H: 15	+/- 5% of H: 20	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,964.86	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 \$1,967.64	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 \$3,513.45	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 \$5,027.02	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 \$6,190.91	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
<b>9</b>	Percent in compliance	S: 83.33%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further
		H: 33.33%	+/- 20% of H: 37.15%	

## Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2020 Follow-up FAME Report

				review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
<b>10</b>	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 2020. The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 110.17	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 92.10	+/- 20% of H: 60.39	
<b>12</b>	Percent penalty retained	N/A	+/- 15% of 67.51%	N/A – The State Plan did not impose any monetary penalties in FY 2020. The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.

## Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

### VIDOSH FY 2020 Follow-up FAME Report

17	Percent of enforcement presence	N/A	+/- 25% of 1.09%	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.
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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 9, 2020, as part of OSHA's official end-of-year data run.

# Appendix E - FY 2020 State OSHA Annual Report (SOAR)

VIDOSH FY 2020 Follow-up FAME Report

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# VIDOSH

**STATE OSHA ANNUAL REPORT  
(FY 2020 SOAR)**

**US Virgin Islands Department of Labor  
VI Division of Occupational Safety and Health - VIDOSH  
(State and Local Government Only)**

*December 19<sup>th</sup>, 2020*

**Gary Molloy  
Commissioner  
Nesha Christian-Hendrickson Esq.  
Assistant Commissioner,  
Dean R. Andrews  
Director, VIDOSH**

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

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#### CONTENTS

<b>INTRODUCTION</b> - Purpose of State Program, History and Background	<b>3</b>
Mandated Activities	<b>4</b>
Virgin Islands State and Local Government Agencies Injury Rates Highlights	<b>9</b>
State Plan Annual Summary toward Strategic Plan Goals	<b>10</b>
<i>FY 2020</i> VIDOSH Plan Results-Strategic Goal# 1	<b>15</b>
<i>FY 2020</i> Plan Results-Strategic Goal# 2	<b>16</b>
Promote a Safety and Health culture within the U.S. Virgin Islands State and Local Government Workplaces	
Outcome Goal Targets	<b>17</b>
Outreach Programs and Seminars	<b>17</b>
VIDOSH Staff Training	<b>21</b>
Progress Towards Strategic Plan Accomplishments	<b>22</b>
Federal Liaison Mentorship	<b>22</b>
Timely Enforcement and Hazard Abatement	<b>22</b>
Staffing Responsibility	<b>22</b>
Mandated Activities	<b>22</b>
<b>Conclusion</b>	<b>24</b>

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up 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 is currently administered by VIDOSH, which is part of the U.S. Virgin Islands Department of Labor (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 following 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 provides for the adoption of federal standards applicable to state and local government, with the 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. The adopted standard and procedures are also posted on the VIDOSH webpage.

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.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

The Fiscal Year (FY) 2020 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>FY20 GOAL</b>	<b>FY20 ACTUAL</b>
<b><u>ENFORCEMENT</u></b> <i>Public Sector Inspections</i>	40	9	20	15	60	24
<b><u>CONSULTATION</u></b> <i>Public Sector Visits</i>	7	4	1	1	8	5

#### FY 2020 VIDOSH Unprogrammed Inspections

<b><u>ENFORCEMENT</u></b> <i>Public Sector Complaint</i>	<b>TYPE</b>	<b>ACTUAL</b>
	Health	4
	Safety	12
<b>TOTAL</b>		<b>16</b>
<b><u>ENFORCEMENT</u></b> <i>Public Sector Follow-up</i>	<b>TYPE</b>	<b>ACTUAL</b>
	Health	6
	Safety	2
<b>TOTAL</b>		<b>8</b>

#### FY 2020 VIDOSH Violations Types – 80 instances

<b>Violations Type Safety</b>	<b>Violations Type Health</b>	<b>Violations Type Total</b>
Other 2	Other 2	Other 4
Serious 11	Serious 27	Serious 38
Willful 0	Willful 0	Willful
Repeat 0	Repeat 0	Repeat
SWRU 27	SWRU 11	SWRU 38
<b>Total All Violations: 40</b>	<b>Total All Violations: 40</b>	<b>Total All Violations: 80</b>

VIDOSH's average number of Serious/Willful/Repeat (S/W/R) violations for FY 2020 was 2.38, which is 60% above the National Reference.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

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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*.

The Global COVID-19 pandemic has impacted the United States Virgin Islands much like the remaining United States and territories. The ongoing global viral pandemic of coronavirus disease COVID-19 spread throughout the U.S. territory of the Virgin Islands.

The pandemic caused a substantial strain on VIDOSH which was already understaffed. During VIDOSH's initial months of the global pandemic (March to June); VIDOSH was on the frontline of the territories COVID-19 efforts in absence of federal funds. VIDOSH continued to do what is right, which was to provide essential support to the territory during this pandemic which included several COVID-19 shutdowns. VIDOSH continuously provided state and local government agencies Occupational Safety and Health support; and provided essential guidance to the Office of the Governor during the COVID-19 pandemic. The division expended countless man-hours providing support to the overall success of the Virgin Islands' efforts to flatten the curve.

In February, the Honorable Governor Albert Bryan Jr. established a Coronavirus (COVID-19) Task Force led by the Health Commissioner and comprised of cabinet members, agency officials, disease specialists, and included VIDOSH. On March 16<sup>th</sup> the Virgin Islands declared a state of emergency, closing the territory's schools and other state and local government facilities. VIDOSH fulfilled the role of the Emergency Operation Center Safety Officer; much like previously during 2017 Hurricane's Irma and Maria.

VIDOSH provided instrumental occupational advisement to the Office of the Governor when the territory received the initial COVID-19 testing capability. The division ensured the OSHA established COVID-19 guidelines were incorporated and complied with. On April 2<sup>nd</sup>, President Donald Trump approved the Major Disaster Declaration for the U.S. Virgin Islands, which allowed the territory to receive federal assistance to mitigate the COVID-19 virus. Three days later the Virgin Island had its first COVID-19 death. This was a somber moment for the territory; VIDOSH created a COVID-19 webpage portal for the state and local government stakeholders. Additionally, Governor Bryan sent a letter to House Speaker Nancy Pelosi, Senate Majority Leader Mitch McConnell; House Minority Leader Kevin McCarthy, and Senate Minority Leader Charles Schumer requesting additional federal assistance to help offset the devastating loss of the U.S. Virgin Islands' Tourism industry. The territory's loss of revenue also created shortfalls in the territory's funds further impacting budgetary funds used to correct some of the legacy abatement issues plaguing the territory state and local government stakeholders.

A change in the territories enforcement of occupational safety and health shifted in support of the COVID-19 pandemic. VIDOSH played a critical role during this time by implementing administrative engineering controls, work practice, and disseminating personal protective equipment (PPE). Additionally, VIDOSH worked collaboratively with the Virgin Islands



## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

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Territorial Emergency Management Agency (VITEMA) director to solve newly forged hazards like operating a hurricane shelter during a COVID-19 pandemic.

During the national PPE, shortage (e.g. mask, overalls, face-shields, and/or gloves), VIDOSH provided guidance of essential PPE for first responders and key state and local government stakeholders. VIDOSH provided OSHA approved alternate solutions for the N-95 mask.

By April, the Office of the Governor implemented six (6) COVID-19 executive orders. The Governor's COVID-19 Task Force which included the VIDOSH Director provided support to a real-world maritime distress call of an individual suffering from COVID-19 related respiratory distress aboard a vessel at sea. The crew member was transported and admitted to the Schneider Regional Medical Center in critical condition. The vessel the individual was aboard was denied entry into Puerto Rico and the safe evacuation of the crew member and the territories' efforts saved his life.

June 1<sup>st</sup>, the official start of the hurricane season, VIDOSH was poised with the challenges in a COVID-19 pandemic. During July, the COVID-19 cases exploded on the U.S. mainland, Governor Bryan instituted restrictions for travelers arriving from Florida, Texas, and Arizona, who were required to present proof of a negative COVID test upon arrival or go into 14-day quarantine. VIDOSH provided occupational safety and health oversight on the first responders' PPE compliance; guidance was provided from the Territorial Personal Equipment Taskforce. VIDOSH provided support to the Office of the Governor, resulting in the territory establishing a 10% positivity rate as the threshold. The territories effort of addressing the COVID-19 pandemic was compounded by the receipt of visitors from any state at that rate or higher, which at this point was: Alabama; Arizona; Florida; Georgia; Idaho; Kansas; Mississippi; Nevada; South Carolina; and Texas. During this timeframe, VIDOSH provided OSHA guidance to first responders and other state and local government stakeholders. VIDOSH provided intervention support at the territory's local airports; where the territory had a throughput of 1,500 plus passengers daily; over 10,500 passengers weekly into and out the territory. VIDOSH and the Department of Health (DOH) implemented measures to provide a safe work environment for the frontline state and local government employees working at the airports and seaports.

VIDOSH's Mandatory Activities COVID-19 Addendum were approved in June and the mechanism allowed the division to draw down well needed federal funds starting in July. In light of the COVID-19 pandemic, VIDOSH's role of managing the new COVID-19 addendum was negatively impacted by staff shortage and the reality that some employers may face difficulties complying with OSHA standards due to the ongoing health emergency. VIDOSH implemented several measures to overcome the ability to perform face to face services with state and local government stakeholders. This was not an easy feat for the division; many times, the departments were plagued by the impairments of the COVID-19 pandemic. At times the newly assigned Mandatory Activities Addendums requirements were difficult to achieve; due to the division not having a crystal ball vision on what was next with COVID-19. During July, the Virgin Islands COVID-19 positivity surged drastically, the increased cases led to the delay of the reopening of

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

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public schools and/or other state and local government departments/agencies from August 10 to mid-September. On July 1<sup>st</sup> Virgin Islands set a record for the highest number of coronavirus cases confirmed in a single day. This was a challenge for a territory of only a hundred thousand plus people. At times the VIDOSH program was compared to the other Region II programs with multiple COVID-19 related fatalities and OSHA complaints. During the said times the Virgin Islands saw up to a 3,533% jump in confirmed coronavirus cases; the highest percentage point increase in COVID-19 cases in all of the United States and its territories. During these times many department/agency employees were not available due to their nonessential roles during the shut down. Hence the division's effectiveness based on the Mandatory Activities Addendum was at times questioned and viewed as not as effective.

VIDOSH provided frontline Occupational Safety and Health guidance. VIDOSH continues to work with Worker Compensation to capture the occupational-related COVID-19 injuries. VIDOSH and Worker Compensation worked collaboratively with the Department of Finance Government Insurance Division in the procurement of the VENTIV Risk Management System. The foremost VENTIV Risk Management Software will deliver innovative *risk management*, claims admin, auditing, and safety management- a first to date for territory. The OSHA module will provide real-time injury and illness data; providing the director with data for stakeholder inspection activities. VIDOSH implementation of addressing the unsafe acts with inspections will result in fewer unsafe conditions within the impacted state and local government establishments. The measures are in line with the division's strategies to decrease the worker compensation rate by 1% per year over a five (5) year period.

The VIDOSH Director participated continuously in National and Regional OSHA teleconferences. VIDOSH will continue to provide innovative means to protect the state and local government employees. VIDOSH created a state and local government employee COVID-19 Safety Poster as well as a local web portal to disseminate OSHA and the DOH COVID-19 Information. VIDOSH provided an online mechanism for the state and local government employees to file complaints. The division created a USAFE campaign to facilitate safety health measures; with a newly formed [usafe@dol.vi.gov](mailto:usafe@dol.vi.gov) email address. The said email address provides stakeholders (i.e., state and local government, regional and national offices) with a sole email address to contact the division. Furthermore, the streamlined communications measures improved the division deliverables.

Below are the results of the FY 2020 Mandatory Grant Activities:

- **Mandatory Activity #1: In accordance with VIDOSH's FY2020 Annual Performance Plan, VIDOSH will conduct no less than five (5) enforcement inspections per month, 15 enforcement inspections per quarter, and 60 total enforcement inspections in FY 2020.**

VIDOSH lost one safety enforcement compliance officer during January FY 2020 therefore the goal of 60 inspections was not met. VIDOSH conducted 24 (40%) of the enforcement inspections during FY 2020. Due to the resignation of VIDOSH's sole Industrial Hygienist assigned to enforcement in January; the division was left with only

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

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one Compliance Safety and Health Officer (CSHO) position. The initial Mandatory Activity #1 was suspended due to the COVID-19 Pandemic activities. New COVID-19 Mandatory # 1 Activities were issued.

- **Mandatory Activity #1: (COVID-19 Addendum)** In accordance with VIDOSH's FY2020 Grant Mandatory Activities and Schedule for Completion Updated Addendum. VIDOSH will conduct no less than two (2) enforcement inspections per month for a total of eight (8) inspections for the remainder of the fiscal year

VIDOSH conducted eight (8) enforcement inspections (100%) per the parameters of the VIDOSH's FY2020 Grant Mandatory Activities and Schedule for Completion Updated Addendum.

- **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. VIDOSH closed six (6) inspections with overdue abatement. VIDOSH accomplished 100% written contact with the applicable department/agencies with overdue abatement. These efforts brought the legacy abatement inspections front and center during a period when budget shortfalls were being redressed due to the impact of COVID-19. Moreover, VIDOSH's abatement efforts were impacted negatively by the COVID-19 Pandemic.

- **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 110.17 days (50%) above the National Reference + 20 % of 55.24 days. The health YTD lapse time is 92.10 days (42%) above the National Reference + 20 % of 65 days. VIDOSH's efforts were impacted negatively by the COVID-19 pandemic.

- **Mandatory Activity #3: (COVID-19 Addendum)** VIDOSH will conduct four (4) consultation visits (1 per month) for the remainder of the fiscal year.

VIDOSH completed two (2) of four (4) consultation visits. VIDOSH completed a total of five (5) consultation visits in FY 2020. VIDOSH's efforts to meet the confines outlined in the Mandatory Activity #3 (COVID-19 Addendum) were negatively impacted by the resignation of the VIDOSH consultant. Furthermore, the Government of the Virgin Islands COVID-19 Executive Orders precluded the effort to complete the requirements.

- **Mandatory Activity #4** VIDOSH will drawdown federal grant funds totaling the awarded grant

VIDOSH draw down abilities were suspended due to the COVID-19 pandemic. Due to the nationwide OSHA changes and/or the impact of the global pandemic VIDOSH's

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

allotted drawdown was suspended from February to June. However, VIDOSH continued to operate in the confines of the pandemic without federal compensation. Additional COVID-19 mandates were created and implemented in July.

- **Mandatory Activity #4: (COVID-19 Addendum) VIDOSH will conduct at least two (2) Intervention and Compliance Assistant activities per month for a total of eight (8) by the end of the fiscal year.**

VIDOSH implemented several new communication measures to provide intervention and compliance assistance to state and local government stakeholders. VIDOSH provided a daily briefing to the COVID-19 Emergency Operation Center. Working collaboratively with the DOH, VIDOSH and the DOH worked with the Office of the Governor to produce a state of the art commercial depicting COVID-19 workplace hazards and the associated safety and health measures.

### **FY 2020 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 2020 is 100%.

Inspections with employee involvement during walk-around activities – 24 inspections:

<b>Union Involvement:</b>	<b>Total</b>
American Federation of Teachers	1
Association of Firefighters	1
Law Enforcement Supervisor Union	1
Police Benevolent Association	1
Our Virgin Islands Labor Union	6
Seafarers International Union	12
Seafarers International Union-UIW	1
STT/STJ PBA	1
STT/STJ LESU	1
United Steelworker (USW)	13
United Steelworkers - Supervisors	6
VI Nurses Associations	1
VI Licensed Practical Nurses	5
Water and Power Authority Employees Association	2
<b>Grand Total</b>	<b>52</b>

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

#### FY 2020 VIDOSH Inspection NAICS Code

Primary NAICS	NAICS Description	#Insp
541512	Computer System Design	1
611110	Public Schools, Elementary Or Secondary	4
611310	Colleges, Universities, And Professional Schools	2
622110	Hospitals	1

Primary NAICS	NAICS Description	#Insp
713990	Gaming	
921130	Public Finance Activities	5
921190	General Public Administration	3
922120	State Police	2
923120	Parks And Recreation Commission, Government	1
923130	Community Social Service Program Administration	1
924120	Parks And Recreation Commission, Government	1
926110	Administration Of General Economic Programs.	1
926140	Regulation Of Agricultural Marketing And Commodities	1
<b>Grand Total</b>		<b>24</b>

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

The FY 2020 injury rates reflected a general decrease and/or zero to no increase 11 of 24 (46%). The rating formula = Number of Cases x 200,000 ÷ Total Hours Worked ÷ # of Workers. 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, COVID-19 interventions, 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>52</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
• 2020	10	179	5.3
<b>Dept. of Agriculture--926140</b>	<b>7</b>		
• 2014	3	27.5	10.9

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2015	1	27.5	3.6
• 2016	2	27.5	7.3
• 2018	--	27.5	--
• 2019	--	27.5	--
• 2020	1		3.5
<b>Dept. of Education--61111 - 61171</b>	<b>69</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
• 2020	7	1352	0.5
<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
• 2020	0		0.0
<b>Dept. of Human Services--92311 - 92314</b>	<b>65</b>		
• 2014	14	448	3.1
• 2015	11	448	2.5
• 2016	19	448	4.2
• 2018	6	448	1.3
• 2019	3	448	.64
• 2020	12	448	2.4
<b>Dept. of Justice/Attorney General-- 928110</b>	<b>1</b>		
• 2014	1	178	0.6
• 2018	--	178	--
• 2019	--	178	--
• 2020	--		--
<b>Dept. of Labor-- 926150</b>	<b>67</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
• 2020	5	77	6.2

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
<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	--
• 2020	--		
<b>Dept. of Public Works--921190</b>	<b>22</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
• 2020	1	139	0.7
<b>Dept. of Sports, Parks &amp; Recreation--924120</b>	<b>8</b>		
• 2014	2	123	1.6
• 2015	1	123	0.8
• 2016	3	123	2.4
• 2018	--	123	--
• 2019	--	123	--
• 2020	2	123	1.57
<b>Dept. of Tourism-- 926110</b>	<b>1</b>		
• 2014	1	33	3.0
• 2018	--	33	--
• 2019	--	33	--
• 2020	--		
<b>Governor Juan F. Luis Hospital--923120</b>	<b>395</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
• 2020	100	451	21.3
<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

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2018	3	325	0.9
• 2019	--	325	--
• 2020	--	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	--
• 2020	--	104	--
<b>Superior Court of the Virgin Islands--92211 – 92219</b>	<b>19</b>		
• 2014	5	346	1.4
• 2015	2	346	0.6
• 2016	5	346	1.4
• 2018	6	346	1.7
• 2019	--	346	--
• 2020	1	346	0.28
<b>Territorial Public Defender--92211 – 92219</b>	<b>3</b>		
• 2015	2	35	5.7
• 2016	1	35	2.9
• 2018	--	35	--
• 2019	--	35	--
• 2020	--	--	--
<b>V. I. Board of Education--61111 – 61171</b>	<b>1</b>		
• 2015	1	15	6.7
• 2018	--	15	--
• 2019	--	15	--
• 2020	--	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	--
• 2020	--	--	--
<b>V. I. Bureau of Motor Vehicles--926120</b>	<b>2</b>		
• 2015	2	54	3.7
• 2018	-	54	--
• 2019	--	54	--



## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2020	--	54	--
<b>V. I. Fire Services--922160</b>	<b>7</b>		
• 2015	3	250	1.2
• 2016	1	250	0.4
• 2018	2	250	0.8
• 2019	--	250	--
• 2020	1	250	0.38
<b>Virgin Islands Police Department--92212</b>	<b>119</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
• 2020	36	761	4.55
<b>V. I. Port Authority--488310</b>	<b>18</b>		
• 2014	4	325	1.2
• 2015	5	325	1.5
• 2018	6	325	1.8
• 2019	--	325	--
• 2020	3	325	0.89
<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	--
• 2020	2	173	1.1
<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
• 2020	8	750	1.02

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

The table above describes the agencies' injury data from CY 2014 to CY 2020. Eleven (11) of the 24 state and local government agencies' injury rates have decreased values.

- Bureau of Corrections--reflects a 5.3 FY 2020 injury rate; resulting in a 37% reduction compared to the FY 2015 rate of 8.4
- Department of Agriculture reflects a 3.5 FY 2020 injury rate; resulting in a 3% reduction compared to the FY 2015 rate of 3.6
- Department of Education reflects a 0.5 FY 2020 injury rate; resulting in a 58% reduction compared to the FY 2015 rate of 1.2
- Department of Labor a 6.2 FY 2020 injury rate; resulting in a 21 % reduction compared to the FY 2015 rate of 7.8
- Department of Human Services reflects a 2.4 FY 2020 injury rate; resulting in a 4% reduction compared to the FY 2015 rate of 2.5
- Department of Public Work reflects a 0.7 FY 2020 injury rate; resulting in a 68% reduction compared to the FY 2015 rate of 2.2
- Superior Court of the Virgin Islands reflects a 0.28 FY 2020 injury rate; resulting in a 53% uncrease compared to the FY 2015 rate of 0.6
- Virgin Islands Port Authority reflects a 0.89 FY 2020 injury rate; resulting in a 64% reduction compared to the FY 2015 rate of 2.5
- Virgin Islands Fire Service reflects a 1.0 FY 2020 injury rate; resulting in a 60% reduction compared to the FY 2015 rate of 2.5
- Virgin Islands Waste Management Authority reflects a 1.1 FY 2020 injury rate; resulting in an 8% reduction compared to the FY 2015 rate of 1.2
- Virgin Islands & and Power Authority reflects a 1.02 FY 2020 injury rate; resulting in an 87% 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's strategic goals, objectives, and activities are 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.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

#### FY 2020 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)

Performance Indicator Type	Indicator	Results
Activity Measure	# of inspections conducted in targeted NAICS	3 inspections conducted
	# of consultation visits conducted in targeted NAICS	0 consultation visits conducted
	# of outreach/training and education seminars conducted in targeted NAICS	180 outreach/training and education seminars conducted
	# of outreach materials distributed	540 pieces of outreach materials distributed
	# of alliance/partnerships established	0 alliance/partnerships 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) 1.02  NAICS 922120- (Fire/Police) 1.0/4.55  NAICS 622110 – (Hospitals) 21.3  NAICS 922140- (Bureau of Corrections) 5.3	FY 2020 data:  NAICS 926130- decrease 87%  NAICS 922120- decrease fire 60%/ increased police 82%  NAICS 622110 –increase 300%  NAICS 922140- decrease 37%
Comments	Targeted baseline is FY 2015	

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

**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.

Performance Indicator Type	Indicator	Results
Activity Measure	<p style="text-align: center;"><b>Enforcement Activities:</b></p> <p><b># of inspections conducted:</b></p> <p># of inspections conducted where workers were conferred with</p> <p style="text-align: center;"><b>Consultation Activities:</b></p> <p># of consultation visits conducted</p> <p># of consultation visits where workers were conferred with</p> <p style="text-align: center;"><b>Outreach/Seminars:</b></p> <p># of interventions conducted</p> <p># of workers participating in interventions</p> <p># of survey responses received with a positive rating</p>	<p>24 inspections conducted</p> <p>24 inspections conducted where workers were conferred with</p> <p>5 consultation visits conducted</p> <p>5 consultation visits where workers were conferred with</p> <p>189 interventions conducted</p> <p>22,382 workers participating in interventions</p> <p>0 survey responses received</p>
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 the interventions included worker involvement and labor union involvement.
Comments	Goal is measured annually	

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

#### 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, private sector employees and the community. VIDOSH provides daily safety and health outreach information during the daily Virgin Islands Territorial Emergency Management Agency (VITEMA) Emergency Operation Center meetings; a pivotal communication medium for the COVID-19 pandemic. The division provided real-time occupational safety and health guidance to the Office of the Governor as the territory navigated the uncharted waters of the COVID-19 pandemic. Additionally, VIDOSH's consultant made a significant impact on the VIDOSH Consultation Program to include providing educational presentations.

#### **FY 2020- March-October -- Monday through Saturday**

#### **Emergency Management Agency (VITEMA) Emergency Support Coordinator (ESC) and Strategic Partners**

The daily VITEMA Emergency Support Coordinators is comprised of the Office Of the Governor, VITEMA Director, Commissioners / Directors, and/or state and local government stakeholders' representatives for COVID-19 preparation and response efforts. The meeting was administered via the MS Teams Platform. The meeting provided a real-time discussion as well as a medium for the VIDOSH Director to perform territorial safety officer responsibilities while presenting and providing electronic OSHA outreach COVID-19 information to the attendees. The information was forwarded and utilized by the stakeholders outside the confines of the meeting.

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

*Attendees: (150 x's 65) 9,750*

*Number of Sessions: 150*

#### **FY 2020- July**

#### **Virgin Islands Department of Labor/Labor Investing For Tomorrow (LIFT)**

**program** VIDOSH provided occupational safety workplace training presentations via MS TEAMS to the Department of Labor Public Sector Summer Student in the LIFT program. The LIFT students were employed in the following state and local government department/agencies: Department of Public Work, WTJZ Public Television, Virgin Islands Police Department, University of the Virgin Islands and Department of Labor. The training included OSHA Employee Rights, Employee Safety practices during a COVID-19 environment, introduction to OSHA, PPE, hazard identifications, and jobs employees below 18 years old may not work in.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

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

***Attendees: 35***

***Number of Sessions: 1***

#### **FY 2020- May**

##### **Public Sector Division of Personnel—VITEMA Tropical Storm Laura**

Tropical Storm Laura's closest point of approach to the territory was 13 miles north of St. Croix at approximately 4 a.m. Saturday. The storm moved westerly at 18 miles per hour with sustained winds of 45 miles per hour with higher gusts. VIDOSH provided education/intervention details to the state and local government senior leadership during the ESCi Virtual Emergency Operation Center -The vEOC is a newly formed platform that provides VITEMA the ability to manage emergencies and or incidents. VIDOSH provided OSHA Hurricane Preparedness and Response information to the stakeholders. Information on COVID-19 and the impact of performing Hazard Assessments in the Hurricane Preparations and Operations. The information were disseminated to the department/agencies by the meeting attendees. The information was forwarded and utilized by the stakeholders outside the confines of the meeting

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

***Attendees: 75***

***Number of Sessions: 1***

#### **FY 2020- May -July**

##### **Coronavirus Disease 2020 (COVID-19) Pandemic's Personal Protective Equipment Plan**

The Office of the Governor, VITEMA, VIDOL, Virgin Islands Department of Health (VIDOH), and the Centers for Disease Control and Prevention (CDC) play a vital leadership role in the Virgin Islands' strategies in response to the COVID-19 pandemic. The VITEMA Director, formed a PPE Task Force to address the multilateral PPE occupational concerns and practices. The VITEMA Emergency Operations Section Chief was designated by the Director of VITEMA to fill the role of PPE Taskforce Coordinator. The taskforce includes key leadership members with subject matter experts from various departments/agencies (e.g., Virgin Islands Fire Service, DOL, DOH, VITEMA, Department of Property and Procurement). These taskforce members also perform critical positions within the VITEMA Incident Command; Committed to the Virgin Islands COVID-19 response. The PPE Taskforce worked collaboratively with stakeholders to develop the newly required COVID-19 guidance. VIDOSH Director provided safety and health presentations to the Task Force addressing the COVID-19 hazards. The guidance was compiled and presented to the Office of the Governor and the information was disseminated for all 7,000 plus state and local government employees in the way of Executive Orders, media presentations, official press releases as well as the day to day operations.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

*Locations: St. Croix, St. Thomas, St. John, and Water Island*

*Attendees: (30 x's 65) 2,250*

*Number of Sessions: 30*

#### **FY 2020- May**

##### **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, state and local government departments/agencies.

*Locations: St. Croix,*

*Attendees: 5,000*

*Number of Sessions: 1*

#### **FY 2020 June**

##### **Division of Personnel –Human Resources Professionals**

Reopening of Government—in a COVID-19 environment and Injury Tracking Application (ITA) VIDOSH Director provided education/intervention details to the state and local government human resources professionals. The Division of Personnel Director coordinated with VIDOSH ensuring the state and local government departments/agencies availability to maximize impact. As the state and local government departments/agencies reopened, VIDOSH provided an OSHA intervention to the participants including OSHA employee/employer responsibilities, COVID-19 employee protection information , OSHA online recordkeeping presentation, and the hazard assessment measures associated with the COVID-19 Occupational Risks Pyramid. State and local government departments and/or agencies will utilize the OSHA ITA. The measures impacted the 7,000 plus sector stakeholders

*Locations: St. Croix,*

*Attendees: 57*

*Number of Sessions: 1*

#### **FY 2020 June**

##### **Office of the Governor Open Doors” Phase of Territory’s Plan to Safely Resume Operations in Response to COVID-19—Training film presentation.**

The DOH and the DOL worked collaboratively to create a state of art digital media presentation. The collaborative digital media production video is in response to the Office of the Governor’s request. The video will be played on the media outlet and the Government Access channel providing U.S. Virgin Islands COVID-19 educational information for the 'Open Doors” Phase of Territory's Plan to Safely Resume Operation.

**Commissioner of Health**—Provided presentations focusing on the DOH oversight responsibilities during the pandemic.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

**Department of Labor VIDOSH Director**—Provided a presentation addressing VIDOSH’s state and local government department/agencies role and COVID-19 Occupational Safety and Health information.

**Territorial Epidemiologist**—Provided a presentation on the coronavirus and the hazards during the Territory 'Open Doors’ Phase of Territory's Plan to safely resume operations in responses to COVID-19. U.S. Virgin Islands.

**Department of Health Medical Director**— Provided a presentation on the prevention and the steps to stop the spread of coronavirus in the healthcare and business setting.

**Department of Health Territorial Director Chronic Disease** —Provided a demonstration of the donning and doffing of PPE during the COVID-19 environment.

**Department of Health Environmental Health Director**— Provided information for employers and employees in the hospitality and restaurant industry. Detailed occupational environmental information was provided to assist the impacted employees. The measures impacted the 7,000 plus sector stakeholders.

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

*Attendees: 25*

*Number of Sessions: 1*

**FY 2020- July**

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

VIDOSH provided occupational safety workplace training to the VIDOL summer employees. The training addresses OSHA standards to prevent injuries and illnesses. Topics included PPE, record keeping, workplace safety, and hazard identifications.

*Locations: St. Croix,*

*Attendees: 40*

*Number of Sessions: 2*

**FY 2020 - August**

#### **2020 USVI CENSUS OFFICE**

VIDOSH conducted an OSHA presentation to the senior staff of the United States Virgin Islands Census Office addressing the COVID-19 Pandemic. The subject of the presentation was an introduction to OSHA and the hazards of the COVID-19 briefing. The training was in support of a task from the Office of the Governor and also supporting the DOH. The presentation provided guidance on office operations and the COVID-19 workplace environment including the duties of employees conducting field operations.



## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

*Locations: St Croix, St. Thomas*

*Attendees: 60*

*Number of Sessions: 2*

#### **VIDOSH Staff Training**

VIDOSH staff participated in the following Webinars

- IT State Enforcement Teleconference: The recurring monthly meeting is to keep the lines of communication open between OITS, OIS, and our enforcement colleagues. This meeting will ordinarily be held every 2<sup>nd</sup> Tuesday of the month.
- IT State Consultation Teleconference: The recurring monthly meeting is to keep the lines of communication open between OITS, OIS, and our consultation colleagues. This meeting will ordinarily be held every 3<sup>rd</sup> Wednesday of the month.

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

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

VIDOSH 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 FY 2020, Grant Addendum VIDOSH was able to demonstrate continuous improvement. The improvement was demonstrated by the corrective measures in place to close overdue abatement 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); and Bureau of Corrections (NAICS 922140) all experienced a reduction in reportable workers compensation claims. Hospitals - (NAICS 622110) experienced an increase.

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 resulted 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. VIDOSH's further attendance at Occupational Safety and Health State Plan Association, (OSSPHA) 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 state and local government agency conferences. Additionally, VIDOSH will increase and conduct-customized conferences to meet the state and local government worker requirements.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

#### **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 measures remain open due to the unforeseen obstacles of the cumbersome FEMA hazard mitigation process. Additionally, the state and local government department's/agencies' budgets have been impacted by the COVID-19 pandemic.

The Virgin Islands has seen a significant downturn in revenue from the worldwide decline in the tourist industry due to the negative impact of the COVID-19 pandemic. Immense financial safe gap measures had to be implemented to balance the territories' budget requirements while addressing the COVID-19 pandemic. Operating in new norm, COVID-19, the territory had to adjust to a new occupational situation like a hurricane in a COVID-19 environment, The Virgin Islands has less room than the federal government to increase spending in response to downturns from COVID-19.

In many cases, the damaged facilities are authorized temporary non-permanent repairs preventing permanent abatement. These instances create an impasse since there is a severe shortage of commercial rental space therefore departments/agencies have to remain in the temporary/damaged facilities. The COVID-19 pandemic financial impact has hamstrung the department's operational budget also, resulting in a reduction of available operational dollars.

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 recovery efforts as well.

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. VIDOSH created four Key Point Indicators (KPI's ) to provide higher visibility at the executive level; the said KPI's are reported monthly to the Virgin Islands Office of Budget and Management. These KPIs measure and document how VIDOSH achieves its Mandatory Mandate objectives and how the division accomplishes its success at reaching targets. 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 outlined in FY 2020 23g Grant. VIDOSH has two (2) vacant safety compliance officer positions, one (1) vacant industrial hygiene compliance officer position and one vacant consultation position. VIDOSH's current staff includes one (1) director; two (2) administrative support staff, and one (1) safety CSHO on the enforcement side

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

FY 2020 was the fifth year that the VIDOSH Consultation program was operational. The program has made strides by completing five (5) visits before the resignation of the VIDOSH consultant. VIDOSH is working with the Division of personnel to fill the newly vacant consultant position. VIDOSH was part of the recent Virgin Islands Division of Personnel's first Public Safety Virtual Job Fair. The division's vacant positions were showcased, and several attendees showed interest.

Even though VIDOSH was faced with the FY2020 23g Grant Addendum restrictions and enforcement staff at 25% capacity (*due to vacant positions*); VIDOSH continued to work toward completing all enforcement efforts.

#### **Mandated Activities**

1. The VIDOSH Director and IMIS Specialist utilizes the OSHA Information System (OIS) as a monitoring tool to manage program measures regarding 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 25% staff capability. VIDOSH completed 24 enforcement inspections and five (5) consultation visits for 2020.
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 with V.I. state and local government workers compensation regularly, to capture the most frequent injuries and a high percentage of injuries by departments and the procurement of the VENTIV 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 injuries and employee lost time injury frequency rate
5. VIDOSH created A Big Picture Program Data Sheet. The tool provides key data points associated with the program's targets, accomplishments, and mandatory mandates. The tool is compiled from extrapolated data from OIS, and the Director's objectives. This tool will improve the divisions' communication with the Region and other sources requiring updates.

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

VIDOSH staffing vacancies: currently VIDOSH has three (3) vacant CSHO positions and one (1) vacant consultant position. VIDOSH was successful in its efforts to obtain FY 2020 funds for these vacancies. Subsequently, the funds from one of the newly funded positions are being adjusted to bridge the financial obligations associated with the VIDOSH FY 2020 employee union salary increases.

## Appendix E - FY 2020 State OSHA Annual Report (SOAR)

### VIDOSH FY 2020 Follow-up FAME Report

---

#### **VIDOSH Planned Strategies for FY 2021**

- The roll-out of the VENTIV Risk Management Software will provide VIDOSH with the ability to analyze and summarize real-time worker compensation injuries and illnesses along with occupational hazards to prioritize inspections per target agency.
- Training state and local government stakeholders on the use of the newly launched VENTIV Risk Management System; providing a paperless environment; allowing the stakeholders to upload vital information such as the First- Injury-Report via an electronic portal.
- Review State Plan Application (SPA) for the review and updates of CPLs.
- Retooling of the VIDOSH webpage will provide a customer-driven approach reflecting customized tabs to reflect emergency management and COVID-19 mandates.
- Ensure newly assigned CSHO's are fully trained on hazard recognition and OIS data training.
- Provide online training opportunities for the administrative support staff via electronic means.
- VIDOSH will utilize VENTIV Risk Management Software mechanisms to identify safety and health trending data. The trending injury and illness data will be compiled by categories (NAICS code, body parts, incidents).
- Develop a model safety and health management program to include customer evaluation measures.
- VIDOSH plans to develop and improve the identifying 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 state and local government workplaces.
- VIDOSH will utilize Subject Matter Experts to address educational topics key to safety and health training providing virtual outreach. These experts would be used only when VIDOSH does not have the personnel with the expertise to address these topics.

#### **Conclusion**

FY 2020, 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 protects the state and local government workers and stakeholders of the Virgin Islands. VIDOSH will continue working with the Region regarding the impact of the COVID-19 pandemic and FEMA's financial impact on the territory's economy resulting in a reduction of dollars. VIDOSH will continue to issue failure to abate citations with penalties even though the timely receipt of FEMA recovery funds and/or the COVID-19 pandemic's may impact the receipt of the assessed penalty. 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. 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

## **Appendix E - FY 2020 State OSHA Annual Report (SOAR)**

### VIDOSH FY 2020 Follow-up FAME Report

---

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.