# FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**State of Connecticut**

**Division of Occupational Safety and Health**

**(CONN-OSHA)**



**Evaluation Period: October 1, 2023 – September 30, 2024**

**Initial Approval Date: January 4, 1974**

**Conversion to State and Local Government Plan: November 3, 1978**

**Program Certification Date: August 21, 1986**

**Prepared by:**

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**Table of Contents**

[I.Executive Summary 3](#_Toc119418663)

[II.State Plan Background 3](#_Toc119418664)

[III.Assessment of State Plan Progress and Performance 4](#_Toc119418665)

[A. Data and Methodology 4](#_Toc119418666)

[B. Findings and Observations 5](#_Toc119418667)

[C. State Activity Mandated Measures (SAMM) Highlights](#_Toc119418668) 6

[Appendix A – New and Continued Findings and Recommendations](#_Toc119418669) 7

[Appendix B – Observations Subject to Continued Monitoring](#_Toc119418670) 8

[Appendix C - Status of FY 2023 Findings and Recommendations 1](#_Toc119418671)0

[Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report 1](#_Toc119418672)1

## Executive Summary

The primary purpose of this report is to assess the Connecticut State Plan’s (CONN-OSHA’s) progress in Fiscal Year (FY) 2024 in resolving outstanding findings from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

In FY 2024, CONN-OSHA continued to operate at a high level. No major issues or staffing changes arose, and as in prior years, the State Plan met all performance metrics. Furthermore, CONN-OSHA accomplished all long-term goals even though its five-year strategic plan does not expire until the end of FY 2025.

Thus, the State Plan focused on the four observations from the previous FAME Report, including three pertaining to case file documentation and one to abatement. During FY 2024, CONN-OSHA took proactive measures to resolve these issues by reaching out to one of OSHA’s assistant area directors for refresher training. However, a case file review is necessary to fully evaluate performance on these observations; therefore, all four have been continued in this report.

## State Plan Background

CONN-OSHA became operational on January 4, 1974, and covered the private sector and state and local government. It operated effectively in that manner until 1977 when the Connecticut State Labor Council sponsored a bill in the state legislature to restrict enforcement of Connecticut's safety and health program to state and local government only. The bill was enacted with an effective date of June 30, 1978. Connecticut’s previously approved 18(b) Plan was withdrawn on October 2, 1978, and officially converted to a State and Local Government Only State Plan on November 3, 1978.

In August 1986, CONN-OSHA was officially recognized by the U.S. Department of Labor as having completed all structural and developmental aspects of its approved State and Local Government Only State Plan, giving CONN-OSHA the distinction of being the first State and Local Government Only State Plan in the nation. CONN-OSHA is administered by the State of Connecticut, Department of Labor under the leadership of the Commissioner of Labor. In FY 2023, CONN-OSHA covered approximately 63,024 state government workers and 141,208 local government workers.**[[1]](#footnote-1)**

The State Plan operates out of a state office building located in Wethersfield, Connecticut. CONN-OSHA adopts and enforces safety and health standards and provides consultation and outreach services to the state and local government workforce. The Connecticut Occupational Safety and Health Review Commission hears and rules on appeals from citations, notifications, and penalties issued by CONN-OSHA.

CONN-OSHA is staffed with a director, program manager, six compliance safety and health officers (CSHOs), two 23(g) consultants, and two compliance assistance specialists. The Connecticut Department of Labor operates a Workplace Anti-Retaliation Program covering state and local government workers pursuant to the Connecticut Occupational Safety and Health Act of 1973 (Chapter 571, Sections 31-367 through 31-385). Attorneys who administer the Workplace Anti-Retaliation Program are employed by the Legal Division, a separate division within the Connecticut Department of Labor.

Based on FY 2024 financial close-out forms, the State Plan’s total funding was $2,867,076. In FY 2024, CONN-OSHA’s federal award was $931,116. The State Plan matched the federal award and contributed an additional $1,004,844. In summary, OSHA contributed $931,116, and CONN-OSHA contributed $1,935,960 ($931,116 plus $1,004,844) to the State Plan’s total funding.

**New Issues**

None.

## Assessment of State Plan Progress and Performance

### Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform 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 comprehensive 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 (SAMM) Report
* Mandated Activities Report for Consultation
* State OSHA Annual Report
* State Plan Annual Performance Plan
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan

### Findings and Observations

This report does not contain new or continued findings or recommendations, nor does it contain any new observations. Thus, Appendix B—which describes observations and related federal monitoring plans—contains the four continued observations from FY 2023.

**Continued FY 2023 Observations**

**Observation FY 2024-OB-01 (formerly Observation FY 2023-OB-1):** In FY 2023, in 26 (65 percent) of 44 inspection case files, worker interviews were not properly documented, as required in the CONN-OSHA FOM, Chapter 5.

**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 on-site case file review during the FY 2025 comprehensive FAME and will be continued.

**Observation FY 2024-OB-02 (formerly Observation FY 2023-OB-02):** In FY 2023, in 13 (33 percent) of 40 case files that had violations cited, the violation worksheet did not adequately describe all relevant facts pertaining to the violation, as required in the CONN-OSHA FOM, Chapter 5.

**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 on-site case file review during the FY 2025 comprehensive FAME and will be continued.

**Observation FY 2024-OB-03 (formerly Observation FY 2023-OB-03)**: In FY 2023, in 17 (47 percent) of 36 cases reviewed for abatement, CONN-OSHA did not follow its policy in the CONN-OSHA FOM, Chapter 5 for assigning the shortest interval within which the employer can reasonably be expected to abate the hazard and/or did not document the reason for granting abatement periods longer than 30 days.

**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 on-site case file review during the FY 2025 comprehensive FAME and will be continued.

**Observation FY 2024-OB-04 (formerly FY 2023-OB-04):** In FY 2023, in 12 (39 percent) of 31 case files reviewed for informal conferences, there were no summaries or notes on the main issues discussed, as required by the CONN-OSHA FOM, Chapter 7.

**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 on-site case file review during the FY 2025 comprehensive FAME and will be continued.

### State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon further review level (FRL) which can be either a single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2024 SAMM Report and includes the FRL for each measure. In FY 2024, CONN-OSHA performed satisfactorily on all SAMMs.

### Appendix A – New and Continued Findings and Recommendations

FY 2024 CONN-OSHA Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 2023-# or**  **FY 2023-OB-#** |
|  | None. |  |  |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 CONN-OSHA Follow-up FAME Report

| **Observation #**  **FY 2024-OB-#** | **Observation #**  **FY 2023-OB-#**  **or FY 2023-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2024-OB-01 | FY 2023-OB-01 | In FY 2023, in 26 (65 percent) of 44 inspection case files, worker interviews were not properly documented, as required in the CONN-OSHA FOM, Chapter 5. | During quarterly meetings, OSHA will discuss with the State Plan the need for CONN-OSHA to follow the CONN-OSHA FOM, Chapter 5 guidance on worker interviews. | Continued |
| FY 2024-OB-02 | FY 2023-OB-02 | In FY 2023, in 13 (33 percent) of 40 case files that had violations cited, the violation worksheet did not adequately describe all relevant facts pertaining to the violation, as required in the CONN-OSHA FOM, Chapter 5. | On a quarterly basis, OSHA will review with the State Plan the CONN-OSHA FOM, Chapter 5 requirements for completing the violation worksheet. | Continued |
| FY 2024-OB-03 | FY 2023-OB-03 | In FY 2023, in 17 (47 percent) of 36 cases reviewed for abatement, CONN-OSHA did not follow its policy in the CONN-OSHA FOM, Chapter 5 for assigning the shortest interval within which the employer can reasonably be expected to abate the hazard and/or did not document the reason for granting abatement periods longer than 30 days. | On a quarterly basis, OSHA will reinforce the need for the State Plan to follow the CONN-OSHA FOM’s requirements for assigning abatement periods and documenting abatement periods granted for more than 30 days. | Continued |
| FY 2024-OB-04 | FY 2023-OB-04 | In FY 2023, in 12 (39 percent) of 31 case files reviewed for informal conferences, there were no summaries or notes on the main issues discussed, as required by the CONN-OSHA FOM, Chapter 7. | On a quarterly basis, OSHA will discuss with the State Plan the CONN-OSHA FOM, Chapter 7 requirement for documenting the main issues discussed during informal conferences. | Continued |

### Appendix C - Status of FY 2023 Findings and Recommendations

FY 2024 CONN-OSHA Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
|  | None. |  |  |  |  |

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### Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 CONN-OSHA Follow-up FAME Report

| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| --- | --- | --- | --- | --- |
| 1a | Average number of work days to initiate complaint inspections (state formula) | 1.69 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 1.58 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of work days to initiate complaint investigations (state formula) | 0.65 | 1 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | 0.53 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 3 | Percent of complaints and referrals responded to within one workday (imminent danger) | N/A | 100% | The further review level is fixed for all State Plans.  N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2024. |
| 4 | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 3.88 | +/- 20% of 1.74 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU. |
| 5b | Average number of violations per inspection with violations by violation type (other) | 0.91 | +/- 20% of 0.94 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS. |
| 6 | Percent of total inspections in state and local government workplaces | 100% | 100% | Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces. |
| 7a | Planned v. actual inspections (safety) | 134 | +/- 5% of  Grant 120 | 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 114 to 126 for safety. |
| 7b | Planned v. actual inspections (health) | 118 | +/- 5% of  Grant 100 | 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 95 to 105 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | N/A | +/- 25% of  $3,793.81 | 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  $2,498.51 | 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  $4,322.61 | 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  $6,114.84 | 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  $7,533.58 | N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average. |
| 9a | Percent in compliance (safety) | 8.96% | +/- 20% of  32.83% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 26.27% to 39.40% for safety. |
| 9b | Percent in compliance (health) | 9.32% | +/- 20% of  44.18% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health. |
| 10 | Percent of work-related fatalities responded to in one workday | 100% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 34.22 | +/- 20% of  56.02 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23 for safety. |
| 11b | Average lapse time (health) | 37.65 | +/- 20% of  67.21 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health. |
| 12 | Percent penalty retained | N/A | +/- 15% of  70.81% | NA – 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. |
| 13 | Percent of initial inspections with worker walk-around representation or worker interview | 100% | 100% | The further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 17 | Percent of enforcement presence | N/A | N/A | NA – This is a State and Local Government State Plan and is not held to this SAMM. |

1. Source: [Bureau of Labor Statistics' Quarterly Census of Employment and Wages](https://data.bls.gov/PDQWeb/en) [↑](#footnote-ref-1)