

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

State of Oregon
Oregon Occupational Safety and Health Division (Oregon OSHA)



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this report is to assess the activities of the Oregon Occupational Safety and Health Division (Oregon OSHA) for Fiscal Year (FY) 2015 and its progress in resolving outstanding findings and recommendations from previous Federal Annual Monitoring Evaluations (FAMES). As part of this comprehensive evaluation, the Occupational Safety and Health Administration (OSHA) reviewed a portion of Oregon OSHA's enforcement inspection files and whistleblower case files to verify corrective actions for the FY 2014 findings. This report also assesses the State Plan's achievement of its annual performance plan goals and its progress toward the goals in its Five-Year Strategic Plan.

Overall, Oregon OSHA's performance with respect to activities that are mandated by the Occupational Safety and Health Act and its implementing policies and regulations continues to be acceptable with exceptions as noted in this report below.

During this evaluation period, a review of the State Plan's Fall Protection standard in residential construction was completed and concerns were identified. The Regional Administrator sent a letter requesting that the State Plan provide information on the effectiveness of their standard and the State Plan provided a detailed response. Oregon OSHA adopted a new Fall Protection standard and Slide Guard Use Rules in Construction on March 1, 2016.

The FY 2015 FAME Report on Oregon OSHA includes one finding and two observations. The FY 2014 FAME Report included a total of four observations. Three of the FY 2014 observations were related to the whistleblower program and one of the observations was related to the safety and health enforcement program. Oregon OSHA completed corrective actions for three of the observations and one of the observations is continued in FY 2015. OSHA identified one new observation in FY 2015 that relates to Oregon OSHA's safety and health enforcement program.

B. State Plan Introduction

The State of Oregon, under an agreement with OSHA, operates an occupational safety and health program through the Oregon Consumer and Business Services Department, Occupational Safety and Health Division (Oregon OSHA). The Oregon State Plan received initial approval on December 28, 1972, and was certified on September 24, 1982 after all developmental steps as specified in the plan had been completed. In May of 2005, after a full opportunity for public review and comment, and a comprehensive program evaluation, OSHA granted final approval to the Oregon State Plan, with the exception of temporary labor camp enforcement. The temporary labor camp standard was subsequently revised by Oregon OSHA to meet federal concerns; as of yet, the State Plan has not pursued a formal change to remove that narrow limitation on its final approval. Final approval is a significant achievement, confirming that Oregon OSHA's program in

actual operation is at least as effective as the federal program with respect to issues covered by that approval.

The Administrator of Oregon OSHA is appointed by the director of the Oregon Consumer and Business Services Department and serves as the designee for the State Plan. The current Administrator is Mr. Michael Wood.

Over the years, Oregon OSHA has adopted a number of major safety and health standards which, while deemed as effective as comparable federal standards, also have significant differences. Oregon OSHA has also adopted a number of state-initiated rules for which there are no federal counterparts, including Forest Activity Standards, Agricultural Standards, and Firefighter Standards. Oregon OSHA's rules, the Oregon Safe Employment Act, letters of interpretation, and recent rule activity can be accessed via the Rules and Compliance section of the Oregon OSHA website.

In Oregon, the Bureau of Labor and Industries (BOLI) have statutory responsibility for accepting, processing and making determinations on complaints alleging occupational safety and health workplace retaliation. Rules pertaining to the processing of these complaints, also known as whistleblower complaints, are contained in Division 438 of Oregon's Administrative Rules. Oregon OSHA reimburses BOLI for costs associated with conducting whistleblower investigations.

Oregon OSHA exercises jurisdiction over state and local government workplaces and private sector employers not covered by OSHA in Oregon. OSHA's inspection authority is limited to federal agencies, the U.S. Postal Service, contractors on U.S. military reservations, private employers and federal government employers at Crater Lake National Park, and private sector maritime employment on or adjacent to navigable waters, including shipyard operations and marine terminals. OSHA also covers private sector establishments on Native American reservations and tribal trust lands, including Native American-owned enterprises.

In FY 2015, the State Plan allocated funds for seventy-seven compliance officers, twenty-seven 100% state funded consultants, and four 21(d) consultants. The program covers approximately 1,701,000 workers and 98,900 employers in 151,654 locations throughout the State Plan. In FY 2015, Oregon OSHA's federally-approved state OSHA program was funded at \$24,389,246, of which \$5,228,838 were federal funds.

Oregon OSHA has staffed the consultation program with 27 consultants that are 100% state-funded and four additional consultants who provide private sector consultation under Section 21(d) of the Act.

C. Data and Methodology

The opinions, analyses, and conclusions described herein are based on information obtained from a variety of sources, including:

- State Activity Mandated Measures (SAMM) report data (Appendix D)

- FY 2015 Mandated Activities Report for Consultation (MARC) data
- State Information Report (SIR) data
- FY 2015 State Annual OSHA Report (SOAR) prepared by Oregon, which contains details of the State Plan's achievements with respect to its annual goals
- FY 2015 Oregon OSHA Annual Performance Plan
- Grant Assurances
- Quarterly monitoring meetings between OSHA and the State Plan
- Case file reviews of inspection and retaliation case files

In addition to reviewing the SAMMs and Oregon OSHA's implementation of its Annual Performance Plan and Five-Year Strategic Plan, OSHA conducted on-site reviews of the State Plan's enforcement and whistleblower programs to assess the quality of documentation, violation classification, penalty calculations, abatement verification, settlements and other factors.

From January 28-29, 2016, two OSHA whistleblower investigators conducted a retaliation case file review of 20 case files. All cases reviewed were randomly selected from a list provided from the Integrated Management Information System (IMIS) database of all closed whistleblower cases from FY 2015.

A comprehensive case file review of Oregon OSHA's inspections was also conducted, from January 12-13, 2016. The whistleblower case file review occurred at BOLI's Portland, Oregon, office; the enforcement case file review was conducted on-site at Oregon's Salem, Oregon, headquarters. These assessments resulted in one new finding and two new observations, which are discussed in the body of this report.

Case File Review Methodology

The inspection case file review covered three major categories: fatality inspections, complaint inspections, and programmed inspections. The number of case files reviewed was 18 fatality inspections, 10 complaint inspections, 3 referrals, and 53 programmed inspections for a total of 84 case files reviewed. An additional fatality case file was reviewed because it was related to another identified fatality on the review list. The State Plan monitoring Access database for case file review was used to evaluate the case files.

The fatality case files were identified using the OSHA Information System (OIS) detailed fatality/catastrophe scan report for the period October 1, 2014, through September 30, 2015, which generated a list with 21 establishments. The list was further narrowed to include only closed cases, with 20 case files identified for review.

The OIS Inspection One-Liner report supplied the population for complaint and programmed inspection case files for review. Parameters used in OIS were: all establishments, all Oregon State Plan offices, safety and health inspections, and the inspection date period of October 1, 2014, through September 30, 2015. After retrieving this data, it was further refined by selecting complaint and programmed inspections which resulted in a citation being issued; a few cases were selected where citations were

not issued. The total review population list for programmed inspections was 2537 with citations issued in Fiscal Year 2016, and the total review population list for complaint inspections was 1604, with citations issued in 2769 inspections. To accomplish a random selection of case files from the considered population, the case files were chosen for review using the "rand between" function in Excel.

D. Findings and Observations

This section summarizes OSHA's findings and recommendations for the evaluation period of FY 2015 and the strategic plan period of 2011 to 2015. Overall, Oregon OSHA met or exceeded the majority of its FY 2015 annual performance goals and strategic plan period goals and fulfilled its obligations with regard to activities mandated by OSHA.

There is one finding for Oregon OSHA in FY 2015, pertaining to appeal rights for whistleblower complainants. In addition, there are two observations (one continued and one new) that pertain to issues that were not considered to directly impact the effectiveness of the State Plan and were included for purposes of future State Plan monitoring. One of the observations is related to the whistleblower program and one is related to Oregon OSHA's enforcement program. Details of findings, recommendations, and observations are further discussed in the body of the report and in Appendices A and B of the report.

II. Major New Issues

The State Plan completed efforts to adopt a revised fall protection standard that would be at least as effective as that of OSHA. OSHA issued STD 03.11.002 on December 16, 2010, which cancelled the alternative fall protection requirements for residential construction. The directive became effective on June 16, 2013, and advised State Plans that they must have a compliance directive on fall protection in residential construction that, in combination with applicable State Plan standards, results in an enforcement program that is at least as effective as OSHA's program.

Oregon OSHA standards and enforcement policies on fall protection in residential construction raised concerns and on June 3, 2015, a letter was sent to Oregon OSHA. On October 8, 2015, Oregon OSHA responded that it did not adopt STD 03.11.002 because the State Plan had not adopted the OSHA directive allowing alternatives to the fall protection standards. In addition, the State Plan contends they do not need a compliance directive specific to residential construction because they do not have a standard specific to residential construction and treat residential fall hazards the same as any other construction activity fall hazard.

On March 1, 2016, Oregon OSHA adopted a new revised fall protection standard that removed the use of slide guards alone as an alternative form of fall protection and lowered the fall trigger height from 10 feet to 6 feet. Thus, the observation pertaining to this issue, FY 2014-OB-04, has been closed.

III. Assessment of State Plan Performance

A. STATE PLAN ADMINISTRATION

From 2014 to 2015, Oregon OSHA provided 48 hours of safety and health training to 93 percent of its professional staff, exceeding the fiscal year goal of 90 percent. Oregon OSHA has continued to offer training opportunities to all professional staff, whenever possible, through webinars, e-learning, and participation in local courses and conferences. The State Plan also maintains a commitment to basic training for new workers through the internal training program.

Oregon's State Plan was funded at about \$24.6 million, \$5.2 million of which were federal funds. There were 42 Oregon OSHA positions funded entirely by the state.

Oregon OSHA has 49 safety enforcement positions authorized and the State Plan allocates funding to this level. As of July of 2015, there were 42 safety positions filled. For health enforcement Oregon OSHA has 28 positions authorized and they allocate to this level. Of these, 26 positions were filled as of July 2015.

Oregon OSHA has 31 consultation positions (19 safety and 12 health consultants); four are funded under 21(d) and 27 are 100% state-funded. As of the end of FY 2015, all consultation positions were filled.

The State Plan transitioned from entering data into the NCR/IMIS system to entering data into the OSHA Information System (OIS) during the third quarter of FY 2015. Oregon OSHA opted to develop their own data collection system which is set-up to interface with OIS and transfer data to federal system. The first inspection opening date was 9/29/2014 in OIS, because the State Plan held on to the inspections and then transmitted them later when the interface was set up and available. The interface program was developed by the State Plan, working in collaboration with the OIS development team.

Oregon OSHA operates its own laboratory to analyze industrial hygiene samples. The laboratory is accredited by the American Industrial Hygiene Association and is a participant in the Proficiency Analytical Testing (PAT) Program. The laboratory was rated as proficient for all contaminant categories of the PAT program and passed all fields of testing for Rounds 192 through 194 covering the past year. The State Plan has also been rated proficient for the BAPAT (Bulk Asbestos) program and has passed the previous four rounds of the program. (Rounds A92312, A93-412, A94-113, and A95-213).

The State Plan has an effective internal auditing system that continually evaluates their internal policies and procedures.

B. ENFORCEMENT

1) Complaints

Oregon OSHA has four-tiered criteria for measuring complaint responsiveness: imminent danger complaint inspections must be initiated within 24 hours in 95% of cases; serious complaint inspections must be initiated within five working days in 95% of cases; other-than-serious complaint inspections must be initiated within 30 working days in 95% of cases; and phone/fax response must be initiated within 10 working days in 95% of cases. The State Plan’s negotiated goal is to send a response letter within 10 working days to complainants in 90% of cases. Oregon OSHA reports on its performance during quarterly meetings and annually in its annual report. Please note that SAMM data does not capture this measure in the same way that Oregon OSHA tracks it, as the values are averaged together on the SAMM report. Oregon OSHA’s results, when separated by complaint type, were as follows:

Percent of timely responses from the FY2015 SOAR

- 100% for imminent danger complaints.
- 94.4% for serious hazard complaints.
- 98.7% for other-than serious hazard complaints; and
- 98.0% for phone/fax investigations.

**Table 1
Complaints (SAMM 1, 2, 3)**

	FY 2013	FY 2014	FY 2015	Goal
SAMM 1: Avg. Days to Initiate Inspection	4.94 days	5.15 days	6.93	95% Serious w/in 5 days, OTS within 30 days
SAMM 2: Avg. Days to Initiate Investigation	5.24 days	4.22 days	*N/A	95% w/in 10 working days
SAMM 3: Imminent Danger Response	99% 77/78	100% 54/54	100% 62/62	95% w/in 24 hours

**Data from the Oregon OSHA MAM shows 6.12 days for this metric. There is no value listed in the Appendix D SAMM data as this data is not currently translating from the state system (OTIS) into OIS.*

The State Plan exceeded its goals for performance in all three categories. Oregon’s performance continues to be acceptable.

2) Fatalities and Catastrophes

In FY 2015, Oregon OSHA investigated 21 fatalities, responding timely (within one day) in 21 out of the 21 cases (100%). Oregon OSHA’s performance is acceptable.

As part of this FAME Report, the Portland Area Office conducted a case file review to evaluate fatality and incident cases in the state of Oregon. OSHA’s review of 18 fatality inspection case files found well-documented investigations that clearly explained the events leading to the incident. The documentation supported the findings and citations where appropriate. The State Plan actively includes family members in the fatality investigation process by providing an initial letter to the family and a follow-up letter when the investigation is closed. It is standard procedure for Oregon OSHA’s compliance officers to make contact with the families of victims at the onset of an inspection and at the close of an investigation to inform families of any findings.

Bureau of Labor Statistics (BLS) Rates

An overview of Oregon’s private industry TCIR¹ and DART² rates for calendar years 2010 through 2014, as well as for industries, is provided in the table that follows. At the close of this monitoring period, 2014 was the most recent year for which data was available. (Data source: www.bls.gov)

Table 2

	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	% Change, 10-12	% Change, 10-14
Private Industry							
TCIR	3.9	3.8	3.9	4.1	3.9	0%	0%
DART	2.2	2.1	2.2	2.2	2.2	0%	0%
Construction, NAICS³ 23							
TCIR	4.5	4.3	4.5	5.9	4.4	0%	-2%
DART	2.5	2.3	2.5	3.5	2.7	0%	8%
Manufacturing, NAICS 31-33							

1 TCIR is the total case incident rate, which represents the number of recordable injuries and illnesses per 100 full-time workers, calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all workers during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

2 DART is the days away from work, job transfer, or restriction rate, which represents the number of such cases per 100 full-time workers. Calculation of the DART rate is similar to that of TCIR.

3 NAICS is the North American Industry Classification System

TCIR	4.4	5.0	4.4	4.5	4.6	0%	5%
DART	2.6	2.9	2.7	2.5	2.6	4%	0%
State and local government							
TCIR	4.6	4.7	4.2	4.3	4.5	-9%	-2%
DART	2.2	2.3	2.0	2.3	2.5	-9%	14%

The data for the last five years in general is holding steady with no major trend up or down. The total incident rates range from an increase of 5% in manufacturing to a decrease of 2% in construction and state and local government. The DART data shows an increase of 8% in construction and 14% in state and local government with no change in the other categories.

3) Targeting and Programmed Inspections

During FY 2015, Oregon OSHA conducted 3,189 safety and 860 health inspections for a total of 4,049 inspections statewide. This represents 94% of Oregon’s annual performance goal of conducting 4,300 inspections during this period. There may be data differences between the data in the FY 2015 SOAR and the annual FY 2015 SAMM, as these reports were run at different times.

Over the past several years, the State Plan has continued to establish reasonable inspection goals in order to achieve the appropriate performance based on previous staffing challenges and past performance. See Table 3 below.

**Table 3
Inspections Conducted FY 2012 – 2015**

Inspections	FY 2012	FY 2013	FY 2014	FY 2015
Goal	4,050	4,050	4300	4300
Conducted	4,100	4,194	4241	4049
Difference	50	144	-59	-251

During the FY 2015 case file review, OSHA found two enforcement cases where serious violations were identified and documented in the case files, but a related citation was not issued. Although this issue was found in two isolated cases, this reinforces the need for a thorough supervisory review of the inspection case files to ensure that where serious hazards are found and documented, citations are issued as appropriate. OSHA does not consider this issue to be a recurring issue and therefore no observation is warranted at this time. This issue was discussed with the State Plan at the time of the case file review, and it is believed these were isolated occurrences.

4) Citations and Penalties

The State Plan issues citations in a timely manner. The lapse time from opening conference to citation issuance for safety inspections in Oregon was 27 work days for FY 2015. This is better than the corresponding national average of 43 days. For health inspections, Oregon averaged 38 days from opening conference to citation issuance. This is better than the corresponding national average of 54 days. Both safety and health lapse times have slightly decreased each year since FY 2012, with both indicators remaining acceptable.

The following tables represent Oregon OSHA’s performance history for both industrial hygiene and safety citation lapse times (SAMM 11).

**Table 4
Citation Lapse Time (SAMM 11)**

	FY 2013	FY 2014	FY 2015	FY 2015 National Data
Safety	31.9 days	29 days	27 days	43 days
Health	39.8 days	45 days	38 days	53 days

Observation FY 2015-OB-01: Oregon OSHA’s average number of serious, willful, and repeat violations per inspection with violations (SAMM 5) is 1.19, which is more than 20% below the further review level of 1.92. This is the second year in a row that the rate has been below the national average.

Federal Monitoring Plan 2015-OB-01: OSHA will continue monitoring Oregon OSHA during FY 2016 to identify possible causes of this disparity to ensure that violations are being correctly classified.

Oregon OSHA’s rate of classifying violations as “other-than-serious” remains within acceptable range of the national average of .87.

**Table 5
Average Violations per Inspection with Violations (SAMM 5)**

	FY 2013	FY 2014	FY 2015	FY 2015 National Data
S/W/R	1.15	1.25	1.19	1.92
Other	1.38	1.25	1.22	.87

Oregon OSHA rates for closing cases without citing violations (recorded as in-compliance inspections) were 29.37% of safety inspections and 25.35% of health inspections. Oregon OSHA’s in-compliance rates during FY 2015 have remained within

the further review level range of the national average for safety inspections and slightly lower than this range for health inspections. Both outcomes are considered acceptable. Table 6 below shows the data for in-compliance rates for the last three years.

**Table 6
Percent In-Compliance (SAMM 9)**

	FY 2013	FY 2014	FY 2015	FY 2015 National Data
Safety	30%	31.1%	29.37%	28.47%
Health	26.5%	26.1%	25.35%	33.58%

Oregon OSHA’s average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$433.28 in FY 2015. The Further Review Level (FRL) is -25% of the National Average (\$2,002.86), which equals \$1,502.14. Penalty levels are at the core of effective enforcement, and State Plans are therefore required to adopt penalty policies and procedures that are “at least as effective as” (ALAE) those contained in the FOM, which was revised on October 1, 2015 to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection.

Note that with the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA is now required to raise its maximum penalties in 2016 and to increase penalties according to the Consumer Price Index (CPI) each year thereafter. State Plans are required to follow suit. As a result of this increase in maximum penalties, OSHA will be revising its penalty adjustment factors in Chapter 6 of the FOM. Following completion of the FOM revision and after State Plans have the opportunity to adopt the required changes in a timely manner, OSHA will be moving forward with conducting ALAE analysis of State Plan penalty structures, to include evaluation of average current penalty per serious violation data.

**Table 7
Average Initial Penalty per Serious Violations (SAMM 8)**

FY 2013	FY 2014	FY 2015	FY 2015 National Data
\$406.49	\$356.25	\$433.28	\$2002.86

5) Abatement

Oregon OSHA requires that each hazard be abated, and that adequate verification of the correction is included in the case file. OSHA’s FY 2015 review of inspection case files revealed adequate Hazard Abatement Letters (HAL) and supporting documentation in the case files. Additionally, Oregon OSHA has a statute that requires employers to abate

cited serious hazards during the appeals process. For FY 2015, there are no outstanding abatements over 60 days. Oregon OSHA is thus meeting their goal in this area and their overall performance in this area continues to be acceptable.

6) Worker and Union Involvement

During Oregon OSHA's inspections, workers are given the opportunity to participate either through interviews or by having worker representatives accompany inspectors. Workers are also afforded the opportunity to privately express their views about the workplace away from the employer. Worker involvement was documented in the case files, and whenever enforcement staff was unable to involve workers in the inspection process, explanations were documented.

C. REVIEW PROCEDURES

Oregon's Administrative Code and Oregon OSHA's Compliance Manual afford employers the right to administrative and judicial review of alleged violations, proposed penalties, and abatement periods. These procedures also give workers or their representatives the opportunity to participate in review proceedings and to contest citation abatement dates.

1) Informal Conferences

Oregon OSHA has similar informal conference procedures as OSHA, with the exception that the Oregon OSHA appeals unit schedules the informal conference with the employer, and generally only the appeals officer and compliance officer attend. Employers have the right to discuss citations informally with Oregon OSHA, the right to contest citations and penalties, and the right to object to assigned abatement dates. In Oregon, most employer citation appeals are resolved by informal settlement.

During case file reviews, any changes made to citation classification, deletions, or penalty reduction were well documented. OSHA did not identify any concerns, and finds this performance acceptable.

2) Formal Review of Citations

Oregon OSHA has a formal review process in place for employers to appeal citations. Oregon OSHA's policies and procedures are acceptable and OSHA did not discern any trouble patterns in regards to violations being vacated due to problems with original citations or inadequate State Plan defense.

D. STANDARDS AND FEDERAL PROGRAM CHANGES (FPC) ADOPTION

The State Plan is required to notify OSHA of its intent to adopt standards and Federal Program Changes (FPCs) within 60 days of OSHA's issuance of the direct final rule or issuance of an automated notice to the State Plan. The State Plan then has up to six months to adopt a standard or FPCs with submission of such to OSHA within 60 days of adoption.

1) Standards Adoption

Oregon OSHA has acceptable procedures for promulgating standards that are at least as effective as those issued by OSHA. The State Plan’s timely response rate for both notification of intent regarding adoption of standards and ensuring timely adoption is 100%. The State Plan therefore has an excellent record for adopting federal standards within the required time frame. Oregon OSHA has not had a delinquent standard in the past several years.

Table 8 lists the standards issued by OSHA that required a response during FY 2015 and Oregon’s response.

**Table 8
Status of 2015 Federal Standards Adopted**

Standard:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Cranes and Derricks in Construction – Operator Certification Final Rule (9/26/2014)	10/21/2014	Y	Y	3/26/2015	Adopted 11/7/2014 with effective date of 11/9/2014. (AO 7-2014)
Occupational Injury and Illness Recording and Reporting Requirements NAICS Update and Reporting Revisions (9/19/14) Adoption Required	3/18/2015	Y	Y	11/4/2015	3/18/2015 OR-OSHA already had an equivalent reporting requirement (437-001-0704)
Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment (7/11/2014)	6/10/2014	Y	N	1/11/2015	Adopted 10/9/2015 with effective date of 1/1/2016. (AO 3-2015)

2) OSHA or State Plan-Initiated Changes

A total of six federal program changes (FPCs) required adoption in FY 2015. Oregon OSHA’s acknowledgement of intent was 100% timely for the FPCs due during FY 2015 and their adoption and submission of FPCs due during FY2015 was 100% timely.

There were five FPCs that required adoption and submission in FY 2014. Oregon OSHA’s acknowledgement of intent was 100% timely and their adoption and submission was 100% timely for FPCs due during FY 2014.

The table below lists FPCs from FY 2014 and FY 2015 which required a response from Oregon OSHA in this FAME period and in the FY 2014 FAME period and the outcome.

**Table 9
Status of Federal Program Changes (FPCs) Adoption**

FPC Directive/Subject:	State Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Submission
					Date:
CPL-03-00-018 REVISION - National Emphasis Program - Primary Metal Industries (issued 10/20/14)	12/19/2015 (timely)	N	N/Alt	4/20/2015	Alternative approach already in place
CPL-02-01-057 Compliance Directive for the Cranes and Derricks in Construction Standard (issued 10/17/2014) Equivalency required	10/29/2014 (timely)	Y	N	4/17/2015	4/20/2015
TED-01-00-019 Mandatory Training Program for OSHA Compliance Personnel (7/21/2014)	7/31/2014 (timely)	Y	N	1/21/2015	1/20/2015
CPL-02-01-056 Inspection Procedures for Accessing Communication Towers (7/17/2014)	9/15/2014 (timely)	Y	N	1/17/2015	1/16/2015
CPL-02-00-158 Inspection Procedures for the Respiratory Protection Standard (6/26/2014)	8/28/2014 (timely)	Y	N/Alt	12/24/2014	12/29/2014
CPL-02-00-157 Shipyard Employment Tool Bag Directive (4/1/2014)	4/1/2014 (timely)	Y	Y	10/1/2014	2/21/2014
CPL-02-14-01 Site-Specific Targeting 2014 (SST-14) (3/6/2014)	3/4/2014	N	N	9/6/2014	3/4/2014
CPL-03-02-003 OSHA Strategic Partnership Program for Worker Safety and Health (11/6/2013)	12/27/2013	N	N	5/6/2014	12/27/2013
CPL-02-01-055 Maritime Cargo Gear Standards and 29 CFR Part 1919 Certification (9/30/2013)	11/12/2013	Y	Y	3/30/2014	11/12/2013

CPL-02-01-155 Inspection Scheduling for Construction Directive	10/22/2013	N	N	9/6/2013	4/15/2014
CPL-03-00-017 National Emphasis Program Occupational Exposure to Isocyanates (6/20/2013)	8/5/2013	Y	N	12/20/2013	12/10/2013

Additionally, Oregon OSHA submitted 14 State-initiated changes this period. All State Plan-initiated changes were submitted timely.

E. VARIANCES

The State Plan did not issue any variances in FY2015.

F. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

In FY 2015, Oregon OSHA conducted 3.56% of inspections in the state and local government sector (SAMM 6). The percent of inspections in the state and local government sector is close to meeting the State Plan negotiated goal of conducting 3.58% of inspections in the state and local government sector. Over the last five years, the State Plan has consistently conducted an acceptable number of inspections in the state and local government sector.

Oregon imposes monetary penalties for state and local government agencies similar to the penalties imposed to private employers.

G. WORKPLACE RETALIATION PROGRAM

Section 654.062 (5) of the Oregon Safe Employment Act provides for retaliation protection equivalent to that provided by OSHA. Oregon OSHA contracts with the Oregon Bureau of Labor and Industries (BOLI), Civil Rights Division, for whistleblower complaint investigations.

Oregon’s timeliness of completed retaliation cases has remained significantly higher than the national average since FY 2013. Oregon OSHA’s annual goal is to complete 80% of whistleblower cases within 90 calendar days, which it has exceeded for the past two years. The average number of days to complete a whistleblower investigation in FY 2015 was 86 days, significantly better than the national average of 269 days.

Oregon’s merit rate of 7% is considerably lower than the national average merit rate of 24%. During the monitoring period in Oregon 97 out of 107 cases, or 91% of cases, were dismissed. The national dismissal rate was 51% of cases. These measures will continue to be monitored to ensure that cases are being classified and handled as required in the Oregon OSHA Program Directive A-288 Whistleblower Investigation Manual. The

following table is a summary of retaliation – related SAMM data during FY 2013- FY 2015.

Table 11
Whistleblower Investigations (SAMMs 14, 15, 16)

	FY 2013	FY 2014	FY 2015	FY 2015 National Average
Completed Within 90 Days (SAMM 14)	78 %	83 %	83 %	36%
Merit Cases (SAMM 15)	12.5 %	13 %	7 %	24%
Average Number of Calendar Days to Complete Investigation (SAMM 16)	73	81	86	269

OSHA conducted an on-site monitoring review of Oregon OSHA’s whistleblower program for FY 2015. The purpose of the case file review was to determine if the State Plan had taken corrective action with regard to the previous year’s observations, as well as to gauge the State Plan’s current implementation of policies and procedures for investigation of whistleblower cases. During this year’s case file review, 20 whistleblower case files were reviewed by OSHA.

In FY 2014, OSHA made three observations related to the whistleblower program. Review of the observations during FY 2015 is summarized below.

Observation FY 2015-OB-02 stems from issues first identified as a finding in FY 2012, which was converted to an observation in FY 2013. Oregon OSHA was not adequately testing all evidence prior to dismissing or closing a retaliation case nor were justifications documented. In FY 2015, two incidents were found where the investigation should have continued. Because this is a continuing issue and due to the high dismissal rate in Oregon compared to the national average this item will remain open.

Observation FY 2015-OB-02 (Observation FY 2014-OB-01): Oregon OSHA is not ensuring that all evidence is adequately tested prior to dismissing or closing a retaliation case and is not documenting justification for case closure. In 2 of 20 cases files reviewed (10%) this continued to be an issue.

Federal Monitoring Plan 2015-OB-02: OSHA will further address this item with Oregon OSHA and BOLI through additional monitoring of the retaliation program in FY 2016.

In two investigations reviewed by OSHA (10%) in FY 2015, the BOLI investigator failed to identify evidence of retaliation. One case involved a fatality inspection where the complainant alleged that he refused to falsify training records so the company could

avoid liability for the fatality. No Oregon OSHA appeal rights were given to the complainant upon dismissal of his complaint (which is the subject of a new finding, FY 2015-01). This case was dually-filed with OSHA.

The other case involved the reporting of an injury and the discharge of the complainant shortly after an inspection by Oregon OSHA based on the complaint filed by the complainant.

The investigator relied heavily on the fact that the complainant's safety concern was not validated by the Oregon OSHA inspection; moreover, the investigator failed to appreciate that reporting an injury is protected activity under the law. Oregon OSHA issued citations against the employer for failure to keep accurate injury and illness logs. The facts of the case demonstrate that the investigator needed to investigate further. Because of the serious impact on complainants of disregarding evidence, this is the subject of a continued observation.

Observation FY 2014-OB-02 pertained to initial interviews not being completed with complainants to include obtaining a thorough understanding of the complainant's protected activity. No new issues were observed in the FY 2015 case file review. Therefore, this item is considered closed.

Observation FY 2014-OB-03 pertained to the consistency of whistleblower settlement agreements with the Whistleblower Investigation Manual with regard to provisions for waiving future employment. The program review during FY 2015 revealed that this item was adequately addressed and it is considered closed.

OSHA has one new finding regarding the whistleblower program based on the review of case files in FY 2015.

Finding FY 2015-01: In the FY 2015 case file review, it was discovered that appeal rights were not given to complainants in 4 out of the 20 cases reviewed (20%). This issue is especially important considering the high rate of case dismissal.

Recommendation FY 2015-01: Ensure that when safety and health whistleblower complaints are dismissed, complainants are informed of their right to request a review of their investigation by Oregon OSHA, as required by the Oregon OSHA Program Directive A-288 Whistleblower Investigation Manual.

H. COMPLAINTS ABOUT STATE PROGRAM ADMINISTRATION (CASPA's)

One new CASPA was filed in FY 2015 and one CASPA from FY 2014 was closed during FY 2015.

The allegation in CASPA OR-2015-01, which was filed on February 23, 2015, was related to BOLI's retaliation section's handling of a retaliation complaint. Oregon

submitted a State Plan Change regarding its Whistleblower Manual Directive A-288 in response to the CASPA and it was closed by OSHA on October 7, 2015

CASPA O-195 was filed in 2014 and was related to OR-OSHA's handling of a complaint regarding tuberculosis protocols at a hospital. The CASPA was found to be valid and corrective action was taken by the State Plan. Closure letters from OSHA to the State Plan and the complainant were sent in January of 2015.

I. VOLUNTARY COMPLIANCE PROGRAM

In addition to the 100% state-funded consultation program and the 21(d) consultation program, Oregon OSHA has a Voluntary Protection Program (VPP) and a Safety and Health Achievement Recognition Program (SHARP) that recognizes and encourages employers with exemplary safety and health programs. The State Plan's policies and procedures for these programs are adequate and there are no concerns with Oregon OSHA's performance in this area. During FY 2015 Oregon added one new company to their VPP for a total of 20 VPP sites at the end of the fiscal year. In the same period, there were 30 SHARP participants, 142 graduates (employers who had completed the SHARP program), and 29 employers were working towards SHARP certification.

Oregon OSHA continues to form collaborative relationships with industry groups in targeted industry sectors as well as make full use of advisory stakeholder groups to assist in rulemaking resulting from legislative activity. At the end of FY 2015, Oregon OSHA had 36 active partnerships and had developed 4 alliances.

J. STATE AND LOCAL GOVERNMENT SECTOR ON-SITE CONSULTATION PROGRAM

The State of Oregon does not operate a 23(g) funded consultation program. The majority of Oregon OSHA's consultative visits are conducted by 100% state-funded consultants. These consultants provide consultation to both public and private employers. Four additional consultants provide private sector consultation under 21(d) of the Act. Oregon's 21(d) on-site consultation program will be evaluated under a separate report called the Regional Annual Consultation Evaluation Report (RACER) which is issued separately from the FAME report. Oregon OSHA's own annual report regarding the 21(d) portion of their on-site consultation program is issued under the State Plan's Consultation Annual Project Report.

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

Oregon OSHA has established three broad goals in its Five-Year Strategic Plan which covers the period from October 1, 2010 (FY 2011) through September 30, 2015 (FY 2015). These goals include short-range (annual) and long-range (five-year) objectives aimed at improving safety and health for Oregon's workers. Each year Oregon OSHA

develops and submits its annual performance plan as part of its application for federal funds. The following is OSHA's assessment of Oregon OSHA's performance compared to its FY 2015 annual goals and the broad goals from their strategic plan.

Oregon's three goals from their 2011 – 2015 Five-Year Strategic Plan are as follows:

Strategic Goal #1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal #2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal #3: Reduce workplace deaths and the risks that lead to them.

OSHA did not identify any issues or concerns regarding Oregon's performance in meeting its annual performance goals during FY 2015. All goals but one were met and were deemed acceptable. The one goal which was not met was adjusted by Oregon OSHA with the adjustment approved by OSHA in quarterly meeting discussions.

The Oregon OSHA Five-Year Strategic Plan was also evaluated and OSHA found that overall the State Plan is consistent in meeting their performance goals and annual goals with a few minor exceptions. The following is OSHA's assessment of the State Plan's performance compared to its FY 2015 annual goals and Five-Year Strategic Plan:

Annual Performance Goal (1,2,3)-1: Recognition Programs or Voluntary Programs or Self-Sufficiency: Maintain the number of SHARP and VPP participants and continue to promote employer self-sufficiency through consultations and by encouraging employers to attain VPP and SHARP status. Oregon OSHA will promote SHARP and VPP through consultation, enforcement, technical services, and education.

Results: At the end of FY 2015, a total of 201 companies achieved SHARP status. This total includes 30 current employers, 142 graduates, and two new sites that received initial SHARP status. Additionally, for the same period, a total of 20 Oregon companies were VPP approved. During the year, one new VPP site was added. Oregon OSHA recertified 7 existing VPP sites in FY 2015.

Oregon OSHA has met or exceeded their annual goal each year over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1,2,3)-2 Outreach: Educate employers and employees regarding the value of occupational safety and health by providing workshops, conferences, and other offerings for small businesses. Continue outreach efforts to small employers and vulnerable or hard-to-reach populations by increasing publications, workshops and conferences to those employers and workers.

Results: Oregon OSHA continued to develop and deploy online courses, although at a slower pace than in previous years. Oregon OSHA has had a long history of partnering with labor, business, and associations to coordinate occupational safety and health conferences throughout the state and toward that effort conducted seven conferences during this period. Oregon OSHA also continued its outreach to non-English speaking workers by making training and outreach materials available to the multicultural workforce. There were 28 new or revised publications developed to target small employers and vulnerable or hard-to-reach worker populations, of which two were developed in both the English and Spanish languages. Additionally, five new Spanish language videos were added to Oregon OSHA's collection and 422 non-English videos were loaned out during the period.

Oregon OSHA has consistently met their goal over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2, 3)-3 Partnerships: Promote occupational safety and health by maintaining and enhancing the effectiveness of existing partnerships and establishing new partnerships as opportunities present themselves, each with specific safety and/or health awareness improvement objectives. Use existing partnerships to advise Oregon OSHA management on where more specific focus would be fruitful.

Results: At the end of FY 2015, Oregon OSHA had 36 active partnerships; 20 of those partnerships are among the target industries of agriculture, construction, logging, and health care.

Oregon OSHA has consistently met their goal over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2)-1 Safety and Health Hazards: Reduce the injury and illness DART rate to 2.2 (or less) per 100 workers and total case incidence rate TCIR to 3.7 (or less) per 100 workers by 2016 through focusing on targeted high hazard industries and safety and health hazards.

Results – In FY 2015, Oregon OSHA continued its focus on inspections in high hazard industries, and surpassed the goal of 75% of safety inspections in high hazard industries. There were 2694 (82%) safety inspections and 561 (62 %) health inspections in high hazard industries. The DART rate for Calendar Year (CY) 2014, the most recent year available, was 2.3 for all sectors. Oregon OSHA feels that its approach of targeting high hazard industries and safety and health hazards has contributed to Oregon OSHA achieving a DART rate of 2.3. The TCIR rate for private industries has remained close to 3.9 from CY 2010 to CY 2014, with a low of 3.8 in calendar year 2011 and a high of 4.1 in CY 2013. The TCIR average rate for CY 2010 to CY 2014 for private industries was 3.9 and for all industries the average was 4.0

Oregon OSHA has consistently met, or been close to meeting, their goal over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (2-1) Health Hazards: Increase the number of severe chemical hazards identified (and therefore corrected) by at least 2 percent each year.

Results: In FY 2015, 848 serious health hazards were identified during enforcement visits. The five-year rolling average (FY 2011-2015) was 763. This outcome was a 17% increase in the five-year rolling average compared to the FY2010 baseline of 652. Oregon's inspection priorities and resources are targeted in high hazard industries with the current inspection scheduling system and emphasis programs.

Oregon OSHA has met or exceeded their goal each year over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2, 3)-4 Emphasis: Implement all state and local emphasis programs and appropriate national emphasis programs.

Results: Oregon OSHA conducted 784 (24 %) of all safety and 235 (26%) of all health inspections in local and national emphasis programs. Oregon OSHA conducted 802 (31%) of all consultations in local and national emphasis programs. Emphasis areas include trenching, falls in construction, struck-by in logging, assigned risk pool, farm labor housing, field sanitation, pesticide, lead, silica, diisocyanate, process safety management, combustible dust, hexavalent chromium, amputation, formaldehyde, nursing and residential care facilities, diacetyl, and severe violator enforcement program.

Oregon OSHA has consistently met their goal over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (3) -1 Fatalities: Reduce the most recent three-year average rate of workplace fatalities by 20% by 2016 and by 16% by CY 2013 through scheduled inspections and interventions at worksites in targeted industries.

Results: During FY 2015, inspections in trenching, falls in construction, and struck by hazards in logging accounted for 13% (563/4186) of Oregon OSHA's total enforcement inspections. Review of fatality data shows that Oregon OSHA has met the portion of the goal to reduce the three-year average rate by 16% by CY 2013. The baseline fatality rate for comparison is 2.15 (CY 2007-2009). The CY 2013 rate is 1.77, which shows a 17.7% reduction from the baseline fatality rate for CY 2013.

There was a slight increase in the actual number of compensable fatalities in 2014. In CY 2013 there were 30 accepted compensable fatalities and in CY 2014 there were 31 accepted compensable fatalities. The number of compensable fatalities in CY 2014 was 14 more than the record low of 17 in CY 2010. The CY 2014 compensable fatality rate of 1.78 is an increase from the CY 2013 rate of 1.77. From CY 2012 – CY 2014 the three-year average fatality rate is 1.78. The CY 2012 – CY 2014 average of 1.78 is a 17.2% reduction from the baseline fatality rate. While the fatality rate has dropped significantly overall since 2007, the number of compensable fatalities in CY2015 and CY2016 will need to trend downward for Oregon OSHA to reach their goal of reducing the most recent three-year average rate by 20% in 2016.

OSHA’s Assessment: The State Plan has met this goal.

Annual Performance Goal (1, 2)-2 Ergonomics: Increase awareness and reduce workplace injuries related to ergonomic factors by providing ergonomic assistance to employers.

Results: During this period, Oregon OSHA has developed a plan to reduce ergonomic hazards and targeted the health care sector, which has one of the highest claims rates for injuries. Oregon OSHA has addressed the national emphasis program in nursing and residential care facilities by conducting 22 of the 97 FY 2015 ergonomic consultations in nursing and residential care facilities.

Additionally, during this same period, Oregon OSHA’s consultation program tracked the level of ergonomic information and assistance consultants provided to employers during consultations, including basic discussions, assessments and ergonomic consultation referrals. The results of this tracking indicate that Oregon OSHA’s consultants have some level of interaction with employers regarding ergonomics during 43% of all consultative activities.

Oregon OSHA has consistently met their goal over the 2011-2015 performance period.

OSHA’s Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2, 3)-5 Timely Response: Investigations/inspections will be initiated timely in 95% of all reported fatalities and hazard complaints; complainant responses will be timely in 90% of all cases; family members will be notified 100% timely, and retaliation cases will be processed 80% timely.

Results: Timely response to imminent danger complaints and complainant response goals were met. Timely response to the fatalities was 100% (21/21). The yearly goal of timely investigations/inspections was met in 100% of all reported fatalities and hazard complaints. The percent of retaliation investigations completed within 90 days was 83%, exceeding the Oregon performance goal from the 2015 grant application of 80%.

Oregon OSHA has consistently met their goal over the 2011-2015 performance period.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2, 3)-6 Customer Service: Achieve and maintain customer satisfaction in the delivery of Oregon OSHA programs and services as evidenced by a survey rating of 90% or above on each program survey.

Results: Throughout the year, Oregon OSHA submits surveys to stakeholders for the purposes of determining the results of customer service satisfaction. Surveys were given to stakeholders regarding conferences, training courses, the use of audio-visual materials, appeals, laboratory services, consultation visits, and enforcement visits. . The overall FY 2015 customer satisfaction rating was 90% or better in all measured areas.

Oregon OSHA exceeded their goal for customer satisfaction in FY 2011 and met their goal in FY 2012 and FY 2013. In FY 2014 Oregon OSHA did not meet their goal, but OSHA considered the result to be acceptable since slight variations in survey results may occur from year to year as they did with the laboratory survey and the appeals survey. Oregon OSHA once again exceeded their goal for customer satisfaction in FY 2015.

OSHA's Assessment: The State Plan met this goal.

Annual Performance Goal (1, 2, 3)-7 Staff Development: Ensure 90% of safety and health staff receives 48 hours of safety and health professional development training over two years.

Results: 93% percent of the safety and health staff received 48 hours of professional development training during fiscal years 2014 and 2015. Oregon OSHA's safety and health staff includes consultation, enforcement, appeals, technical, and training safety and health professionals.

Over the 2011 to 2015 performance period Oregon OSHA has not always met their annual performance goal for staff development. However, as noted in the FY 2011 FAME, with Oregon OSHA's use of innovative technologies, a commitment to an array of training opportunities, and the training histories of safety and health staff, it is evident that CSHOs and consultants are capable and knowledgeable in their respective fields. Oregon OSHA did not meet their staff training goal in 2011 and 2013. Oregon OSHA met their staff training goal in 2012 and 2014.

Due to the cyclical nature of staff training, in FY 2015 Oregon OSHA requested and was approved for a change in their annual goal to be that 90% of staff receives 48 hours of safety and health professional development training over two years. Oregon OSHA has a two-year cycle for an all-staff training symposium which accounts for a large portion of staff training hours. Adjusting the annual goal to incorporate 48 hours of training over a two-year period is logical considering this training cycle, and OSHA has agreed and approved this change to Oregon OSHA's goal. OSHA will continue to monitor this in FY 2016 to ensure staff training is received.

OSHA's Assessment: The State Plan met this goal.

V. Other Special Measures of Effectiveness and Areas of Note

As part of OSHA's FY 2015 comprehensive evaluation and monitoring of Oregon OSHA's inspection activities, OSHA's Portland Area Office compliance officers conducted a series of 15 accompanied visits with Oregon OSHA compliance staff. The accompanied visits were conducted with compliance officers from the five Oregon OSHA field offices. The Oregon OSHA CSHOs were evaluated throughout the entire inspection process, from the opening conference to the closing conference. For a sample of the inspections, the case file developments of the observed inspections were also reviewed. The inspections encompassed a variety of industries including: three scheduled, one complaint, one referral, one follow-up, and two emphasis inspections.

In general, the OSHA CSHOs found that the Oregon OSHA CSHOs followed the State Plan's policies and procedures. The Oregon OSHA CSHOs were observed to be very professional and made efforts to put the employers at ease during the inspection. All inspections were opened and closed using an inspection checklist and most serious hazards were consistently recognized and documented. On a few occasions, it was noted the Oregon OSHA CSHOs did not identify or recognize some serious hazards which were observed during the inspection by the OSHA CSHOs who were present. Once the hazards were brought to the attention of the Oregon OSHA CSHOs by the OSHA CSHOs, these hazards were addressed with the employers appropriately.

Oregon OSHA CSHOs addressed hazards outside their discipline if they were comfortable in doing so, or made a referral to the other discipline as needed. Employer and worker interviews and appropriate industrial hygiene samples were found to be appropriately collected. Classification of serious hazards and assignment of abatement dates were consistently appropriate. The Oregon OSHA CSHOs provided compliance assistance as needed with the employers during the inspections. OSHA considers the actions and performance of the Oregon OSHA compliance officers to be acceptable.

Appendix A – New and Continued Findings and Recommendations

FY 2015 Oregon OSHA Comprehensive FAME Report

FY 20XX-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2015-01	No appeal rights were given to complainants in 4 out of 20 (20%) whistleblower complaint investigations. This issue is especially important considering the high rate of case dismissal.	Ensure that when safety and health whistleblower complaints are dismissed, complainants are informed of their right to request a review of their investigation by Oregon OSHA, as required by the Oregon OSHA Program Directive A-288 Whistleblower Investigation Manual.	

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 Oregon OSHA Comprehensive FAME Report

FY 2015-OB-X	FY 2014-OB-X	Observation	Federal Monitoring Plan	Current Status
FY 2015-OB-01		Oregon OSHA’s average number of serious, willful, and repeat violations per inspection with violations (SAMM 5) is 1.19, which is more than 20% below the further review level of 1.92. This is the second year in a row that the rate has been below the national average.	OSHA will continue monitoring Oregon OSHA during FY 2016 to identify possible causes of this disparity to ensure that violations are being correctly classified.	New
FY 2015-OB-02	FY 2014-OB-01	Oregon OSHA is not ensuring that all evidence is adequately tested prior to dismissing or closing an 11(c) retaliation case and is not documenting justification for case closure. In 2 of 20 cases files reviewed (10%) this continued to be an issue.	OSHA will further address this item with Oregon OSHA and BOLI through additional monitoring of the retaliation program in FY 2016.	Continued
	FY 2014-OB-02	An initial interview with an 11(c) retaliation complainant must be completed to include obtaining a thorough understanding of the complainant’s protected activity.	OSHA will further address this item with Oregon OSHA and BOLI through additional monitoring and case file review of the retaliation program in FY 2015. This item will either be converted to a finding in the next period or closed out dependent on the outcome.	Closed
	FY 2014-OB-03	Whistleblower settlement agreements should be consistent with the Whistleblower Investigation Manual with regard to provisions for waiving future employment. BOLI should ensure the factors outlined in Chapter 6 are addressed and documented in the case file.	OSHA will further address this item with Oregon OSHA and BOLI through additional monitoring and case file review of the retaliation program in FY 2015.	Closed

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 Oregon OSHA Comprehensive FAME Report

	FY 2014-OB-04	Oregon OSHA's standards and enforcement program for fall protection in residential construction may not be at least as effective as OSHA's. OSHA and Oregon OSHA have been in dialogue about this issue, and it is currently under review by OSHA.	Region X has continued to work with the OSHA National Office to determine whether Oregon OSHA will be required to change its Fall Protection Standard. OSHA will send a letter to Oregon OSHA outlining the next steps.	Closed
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Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 Oregon OSHA Comprehensive FAME Report

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

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

FY 2015 Oregon OSHA Comprehensive FAME Report

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

All of the Oregon State Plan’s enforcement data was captured in OIS during FY 2015. The Oregon State Plan opened 4,049 enforcement inspections, and they were all captured in OIS.

U.S. Department of Labor

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

State Plan: Oregon - OREGON OSHA			FY 2015	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	6.93	5 days for serious hazards; 30 days for other than serious hazards	State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.52	N/A	State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure.

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

FY 2015 Oregon OSHA Comprehensive FAME Report

2a	Average number of work days to initiate complaint investigations (state formula)	*N/A	10	<p>State Plan data is pulled from OIS.</p> <p>Further review level is negotiated by OSHA and the State Plan.</p> <p>*Data from the Oregon OSHA MAM shows 6.12 days for this metric. There is no value listed in the SAMM as this data is not currently translating from the state system (OTIS) into OIS.</p>
2b	Average number of work days to initiate complaint investigations (federal formula)	N/A	N/A	<p>State Plan data is pulled only from OIS.</p> <p>This measure is for informational purposes only and is not a mandated measure.</p> <p>There is no value listed in the SAMM as this data is not currently translating from the state system (OTIS) into OIS.</p>
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	<p>State Plan data is pulled from OIS.</p> <p>Further review level is fixed for all State Plans.</p>
4	Number of denials where entry not obtained	0	0	<p>State Plan data is pulled from OIS.</p> <p>Further review level is fixed for all State Plans.</p>
5	Average number of violations per inspection with violations by violation type	SWRU: 1.19	+/-20% of SWRU: 1.92	<p>State Plan data is pulled from OIS.</p> <p>Further review level is based on a one-year national rate, pulled only from OIS.</p>
		Other: 1.22	+/-20% of Other: .87	
6	Percent of total inspections in state and local	3.56%	+/-5% of 3.58%	<p>State Plan data is pulled from OIS.</p>

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

FY 2015 Oregon OSHA Comprehensive FAME Report

	government workplaces			Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
7	Planned v. actual inspections – safety/health	S: 3,189	+/-5% of S: 3,400	State Plan data is pulled from OIS.
		H: 860	+/-5% of H: 900	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$433.28	+/-25% of \$2,002.86	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	a. Average current serious penalty in private sector (1-25 workers)	\$327.97	+/-25% of \$1,402.49	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	b. Average current serious penalty in private sector (26-100 workers)	\$451.39	+/-25% of \$2,263.31	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,052.86	+/-25% of \$3,108.46	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$848.59	+/-25% of \$3,796.75	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
9	Percent in compliance	S: 29.37%	+/-20% of S: 28.47%	State Plan data is pulled from OIS.
		H: 25.35%	+/-20% of H: 33.58%	Further review level is based on a one-year national rate, pulled only from OIS.

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

FY 2015 Oregon OSHA Comprehensive FAME Report

10	Percent of work-related fatalities responded to in one workday	0%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
11	Average lapse time	S: 27.25	+/-20% of S: 42.78	State Plan data is pulled from OIS.
		H: 38.02	+/-20% of H: 53.48	Further review level is based on a one-year national rate, pulled only from OIS.
12	Percent penalty retained	96.32%	+/-15% of 67.96%	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.
13	Percent of initial inspections with worker walk around representation or worker interview	98.47%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	83%	100%	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	7%	+/-20% of 24%	State Plan data is pulled from WebIMIS. Further review level is based on a three-year national average, pulled from WebIMIS.
16	Average number of calendar days to complete an 11(c) investigation	86	90	State Plan data is pulled from OIS. Further review level is fixed for all State Plans.
17	Percent of enforcement presence	3.79%	+/-25% of 1.35%	State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS.