

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

**State of New Jersey  
Public Employees Occupational Safety and Health (PEOSH)**



**Evaluation Period: October 1, 2018 – September 30, 2019**

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## I. Executive Summary

The purpose of this report is to assess the New Jersey Public Employees Occupational Safety and Health (PEOSH) State Plan's performance for Fiscal Year (FY) 2019, and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) reports.

PEOSH continues to have a presence in state and local government (SLG) workplaces through its inspection activity, partnerships, and outreach activity. There were no work-related fatalities of SLG workers in FY 2019. PEOSH conducted 363 inspections in FY 2019 which was only 44% of the 650 inspection goal. This number is considerably lower than the 629 inspections conducted in FY 2018. PEOSH continues to experience challenges with staff retention – particularly safety enforcement staff. In FY 2018, PEOSH lost three safety inspectors due to retirement. During the third quarter of FY 2019, PEOSH hired two additional safety enforcement compliance officers; however, these new hires have to receive the required training prior to conducting inspections. In FY 2019, PEOSH lost one health inspector due to resignation from the New Jersey Department of Health (NJDOH). In FY 2020, PEOSH received authorization and is in the process of hiring two health enforcement compliance officers. It is important to note that PEOSH's consultation program exceeded its projected consultation visits goal by 71 visits.

PEOSH also continues to excel in outreach and training, and its compliance assistance and training staff conducted significant outreach in targeted high-hazard industries. In addition, PEOSH also continues to be a leader in the realm of homeland security in New Jersey. PEOSH personnel continue to serve as key members of the emergency response community and have served in leadership roles in a number of local, state, and federal emergency response efforts and activities. This participation helps to ensure effective PEOSH integration into the emergency response community.

During the FY 2019 performance period, PEOSH continued to be very responsive to providing requested information to OSHA in a timely manner and actively participating in the quarterly meetings. PEOSH made addressing any outstanding FAME findings a priority. PEOSH program administration maintains a high-level of performance.

PEOSH made significant progress to address the previous three findings and five observations from the FY 2018 Follow-up FAME Report. Two findings were completed and one finding was continued. Two new findings related to hazard identification and worker retaliation case file documentation were identified during OSHA's comprehensive case file review. Therefore, a total of three findings are included in this report.

Out of the previous five observations identified in the FY 2018 Follow-up FAME Report, three were closed and two were continued. OSHA identified two new observations during this year's evaluation; therefore, there are a total of four observations 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

PEOSH is administered by the Public Safety and Occupational Safety and Health Division of the New Jersey Department of Labor and Workforce Development (NJDLWD) in partnership with the Consumer Environmental Occupational Health Service (CEOHS) of the New Jersey Department of Health (NJDOH). Robert Asaro-Angelo is currently the commissioner who oversees the NJ State Plan which includes two offices: a labor (safety) central office and a health central office – both located in Trenton, New Jersey. These offices cover all state and local government sector enforcement and consultation activities in New Jersey.

PEOSH covers both safety and health disciplines. Private sector enforcement is retained under federal jurisdiction, while private sector consultative services are provided by the NJDLWD Consultation Services Bureau under section 21(d) of the OSH Act. Private sector consultation services are administered under a separate grant. A review of that program is not included in this report. The New Jersey State Plan agreement requires PEOSH to adopt all applicable OSHA safety and health standards – either identically or as alternative standards “at least as effective as” the federal standards.

PEOSH does not contain provisions for the issuance of monetary penalties for state and local government sector employers found not to be in compliance with applicable standards on a first instance basis, except in cases of willful or repeat violations. There is also a provision for penalties on all failure to correct violations. PEOSH’s review proceedings are similar to OSHA review procedures. The table below presents PEOSH’s funding history over the past five years:

FY 2015-2019 PEOSH Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Plan Funds (\$)	Total Funding (\$)	Percentage of State Plan Contribution
2019	\$1,959,300	\$1,959,300	\$1,020,494	\$4,939,094	61%
2018	\$1,921,400	\$1,921,400	\$1,013,965	\$4,856,765	60%
2017	\$1,921,400	\$1,921,400	\$1,252,679	\$5,095,479	62%
2016	\$1,921,400	\$1,921,400	\$1,165,793	\$5,008,593	62%
2015	\$1,912,800	\$1,912,800	\$629,688	\$4,455,288	60%

In the FY 2019 grant application, PEOSH allocated for 14.05 enforcement staff and had 10.55 onboard; four safety and health consultants were allocated and 3.50 was onboard. PEOSH has half a full-time employee whistleblower investigator position onboard. PEOSH does not meet staffing expectations (20 safety/seven health); however, as a state and local government-only State Plan, PEOSH is not subject to required benchmark levels.

### B. New Issues

None.

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

#### A. Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2019 is a comprehensive year and as such, OSHA was required to conduct an on-site evaluation and case file review. A three person OSHA team, which included the Assistant Regional Administrator for Whistleblower (ARA/WB), was assembled to conduct a comprehensive on-site case file review. The on-site case file review was conducted at the PEOSH Trenton, New Jersey State Plan office during the timeframe of February 10 through February 13, 2020. A total of 71 safety, health, and whistleblower inspection case files were reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period (Oct 1, 2018 through September 30, 2019). The selected population included:

- 37 enforcement case files (24 safety and 13 health – fatalities/hospitalization, complaints, planned, referrals, and PMA)
- Eight whistleblower case files
- 19 consultation case files
- Seven phone/fax non-formal complaints

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

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

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

## B. Review of State Plan Performance

### 1. PROGRAM ADMINISTRATION

#### a) Training

PEOSH continues to provide compliance safety and health officers (CSHOs) the opportunity to attend the OSHA Training Institute (OTI) for safety and health technical training. During FY 2019, staff attended numerous OTI courses. In addition, PEOSH took advantage of a number of training opportunities locally taught by OTI staff, as well as taking full advantage of applicable OSHA in-house webinars.

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

Data entry and OIS 93 forms were complete and correctly entered in OIS in the two health enforcement files and one health consultation file where sampling was conducted. It was noted in the one health consultation file that pre- and post-calibration information was not entered on the Form 93 but was included in the diary entries. PEOSH was successful in closing this finding from the FY 2018 Follow-up FAME (FY 2018-01) by instructing NJDOH staff to enter sampling data collected.

PEOSH uses OIS data for tracking purposes. The FRL for average lapse time for safety is +/- 20% of the three-year national average of 47.61 days which equals a range of 38.08 days to 57.13 days. During FY 2019, PEOSH's average lapse time for citations was calculated at 17.94 days for safety – an increase from 13.93 days in FY 2018, but still considerably lower than the three-year national average of 47.61 days. The FRL for average lapse time for health is +/- 20% of the three-year national average of 57.23 days which equals a range of 45.78 days to 68.68 days. The health lapse time was calculated at 76.80 days compared to 69.65 days in FY 2018 and is higher than the acceptable FRL range. (SAMM #11)

#### **Observation 19-01:** *Health Lapse Time*

In FY 2019, the average health lapse time (SAMM #11) for citations was calculated at 76.80 days which is above the FRL range of 45.78 days to 68.68 days.

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

In FY 2020, OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

#### c) State Internal Evaluation Program (SIEP) Report

The New Jersey SIEP consists of field audits conducted to evaluate CSHO performance to key job elements. This program was initiated to determine if program operations conform to policies and procedures established by the State Plan. These assessments were performed and documented in FY 2019 and FY 2018.

#### d) Staffing

PEOSH's staffing decreased considerably during FY 2018 when three safety enforcement staff retired leaving a total of five safety enforcement compliance officers (CO). By the third quarter of FY 2019, two additional hires were onboard bringing the total to seven safety compliance officers. In FY 2019, PEOSH lost one health inspector due to resignation from NJDOH. PEOSH received authorization in FY 2020 and is in the process of hiring two additional health enforcement compliance officers. In FY 2019, there were 32.07 FTEs allocated compared to 33.37 in FY 2018. PEOSH currently has 26.82 FTEs onboard. During FY 2019 and FY 2018, PEOSH did not experience furloughs or hiring freezes.

## 2. ENFORCEMENT

#### a) Complaints

During this evaluation period, PEOSH responded to 94 complaints with an average response time of 37.37 days from notification. This represents a significant increase from 14.60 days in FY 2018. The 37.37 day response time is skewed due to the high number of indoor air quality (IAQ) complaints (60-70 per quarter) that were received by NJDOH during the year. These IAQ complaints are initially handled as phone/fax complaints; if no response is received from the employer after five/10 days, an inspection is conducted. PEOSH's response to all non-IAQ complaints averaged less than five days which is within the negotiated level of five days for serious/120 days for other-than-serious hazards (SAMM #1a).

The average number of days to initiate complaint investigations was 4.68 days which is above the negotiated level of one day (SAMM #2a). All seven (100%) phone/fax complaint investigation case files reviewed were completed in a timely manner.

During FY 2019 and FY 2018, 100% of imminent danger complaints or referrals were responded to by PEOSH within one workday (SAMM #3), and did not receive any denials of entry (SAMM #4).

Eight complaint case files were reviewed during this evaluation. The case file review showed that PEOSH sent a response to the complainants in a timely manner.

#### *Complaint Notification*

#### **Observation 19-02 (FY 2018-OB-01):**

In two of the eight (25%) complaint files reviewed, the letter sent to the complainant did not address complaint items when no citation was issued.

#### **Federal Monitoring Plan 19-02:**

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

action.

b) Fatalities

Seven of the eight fatalities recorded in FY 2019, and nine of the 11 fatalities recorded in FY 2018 were appropriately determined to be non-work related. No investigations were initiated due to pre-existing medical conditions, suicide, or motor vehicle accidents.

During FY 2019, PEOSH did not investigate any work-related fatalities. In FY 2018, one-day response time to the two work-related fatalities was 100%. (SAMM #10)

c) Targeting and Programmed Inspection

PEOSH conducted 363 inspections in FY 2019, 44% of the projected goal of 650 inspections. Safety staff conducted 233 inspections (53% of the goal), and the industrial hygiene staff conducted 130 inspections (87% of the goal), (SAMM #7). The State Plan's low performance indicator is attributed to three safety enforcement staff retiring in FY 2018, leaving only five safety enforcement compliance officers. Two additional hires were onboard by the third quarter of FY 2019; however, these new hires must receive the required training prior to conducting inspections.

PEOSH focused its inspection resources within the five state and local government agencies targeted for enforcement interventions as follows:

- Transportation – 12 inspections
- Local Fire Protection – 22 inspections
- Public Works Departments – 14 inspections
- Water and Sewage Treatment Facilities – 42 inspections

*Hazard Identification/Sampling*

**Finding 19-01:**

During the health enforcement case file review, five of six (83%) case files had potential hazards where sampling should have been done, and two files noted that sampling needed to be done but was not due to sampling equipment not being calibrated.

**Recommendation 19-01:**

PEOSH/DOH staff should ensure that sampling should be performed when potential hazards exist. In addition, a maintenance/calibration contract with the manufacturer or outside vendor needs to be implemented to ensure equipment is calibrated and ready for use.

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



percent in-compliance for safety is 18.57% which is substantially lower than the FRL. The FRL for percent in-compliance for health inspections is +/- 20% of the three-year national average of 36.12% which equals a range of 28.90% to 43.35%. PEOSH's percent in-compliance for health is 29.35% which is also below the FRL (SAMM #9).

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

#### d) Citations and Penalties

A review of case files with violations showed a continued improvement in documentation to support the violations from previous years. Of the 37 enforcement case files reviewed, 27 had citations issued.

##### *Adequate Evidence to Support Violations*

Only three of the 27 (11%) case files with violations did not have adequate evidence to support violations. The missing information on the violation worksheet pertained to: not specifying the personal protective equipment (PPE) that should have been used, not identifying who was exposed along with the required Hepatitis B vaccination information, and not listing chemicals or having data sheets in the case file. Due to the low number of case files, OSHA has closed this observation (FY 2018-OB-02).

##### *Missed Violations*

Missed violations were noted in three of the 27 (11%) case files reviewed (three of eight NJDOH files/zero of 19 NJDLWD files) with violations. The missed violations included unlabeled cylinders, lack of exit signs, and housekeeping in a bathroom. Due to the low number of case files, OSHA has closed this observation (FY 2018-OB-03).

PEOSH's violations continue to be above average. The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of the three-year national average of 1.79 for serious/willful/repeat (S/W/R) violations which equals a range of 1.43 to 2.15. PEOSH's S/W/R average is 3.92 violations which is above the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.97 which equals a range of 0.78 to 1.16. PEOSH's OTS average is 2.43 which is also above the FRL range (SAMM #5).

##### *Appropriateness of Violation Classification*

The severity/probability noted in three of the 27 (11%) case files reviewed with violations did not match to the injury/illness assessed. The probability was marked lesser when two workers were exposed to a chlorine gas leak and were hospitalized, no injury/illness was noted for lack of providing the Hepatitis B vaccination and a high/greater was given for lack of a written hazard communication program but no chemicals were listed. Due to the low number of case files, OSHA has closed this observation (FY 2018-OB-04).

PEOSH does not issue monetary penalties except in cases of willful or repeat violations. There were no willful or repeat violations issued during FY 2019; therefore, no penalties were issued by PEOSH (NJ FY 2019 SOAR).

e) Abatement

The review of case files during this evaluation period revealed that adequate verification/evidence of abatement was obtained in the case files that had citations. Follow-up inspections were performed when indicated.

*Petition for Modification of Abatement (PMA)*

A finding from the FY 2018 Follow-up FAME (FY 2018-02) noted that PMAs were granted without the required interim steps necessary to protect workers. During this FAME on-site review, five of the five (100%) case files reviewed with PMAs had the required information to grant the extension. PEOSH was successful in closing this finding from the FY 2018 Follow-up FAME (FY 2018-02) by developing and utilizing a PMA request form which requires each element of a PMA request to be satisfied prior to granting the extension.

f) Worker and Union Involvement

PEOSH continues to follow proper procedures outlined in their FOM with regard to appropriate notification being provided to workers and their union representatives. Of the 37 case files reviewed, 25 (68%) involved unions. Union representation was involved in 100% (SAMM #13) aspects of the inspection process.

### **3. REVIEW PROCEDURES**

The Office of Public Employees Occupational Safety and Health (OPEOSH) has concluded that to better serve and to make workplaces safer and healthier, any areas that incur penalties for violations should utilize consultation services in their workplaces. As a result, and to encourage the use of these consultation services, OPEOSH may at an informal conference offer a reduction in the amount of the imposed penalties of up to 75% provided that the offending authority agrees to total consultation services for all facilities within its control. This agreement would include both the NJDLWD and NJDOH consultation units. Should the offending authority agree to a partial consultation involving only the facility where violations were cited, a penalty reduction would be limited to 25% of the original penalty. In FY 2019, there were two penalties issued by NJ PEOSH. Subsequently, there were two penalty settlement agreements that resulted in full safety and health consultations.

a) Informal Conferences

PEOSH has no first instance sanctions and therefore conducts very few informal conferences. PEOSH held two informal conferences during FY 2019 compared to one informal conference conducted in FY 2018. The two informal conferences resulted in full safety and health consultations in exchange for a 75% reduction in the penalty. The total penalty collected in FY 2019 was \$35,229.25 (NJ SOAR, FY 2019 and FY 2018).

b) Formal Review of Citations

During FY 2019 and FY 2018, PEOSH did not have any contested cases (NJ SOAR, FY 2019 and FY 2018).

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

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal Program Changes (FPCs) within a six-month timeframe. State Plans that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During this period, PEOSH responded in a timely manner with the required notice of intent to adopt. The tables below provide a complete list of the federal directives and standards which required action during this performance period:

a) Standards Adoption

Standard	Response Due Date	State Plan Response Date	Intent to Adopt	Adopt Identical	Adoption Due Date	State Plan Adoption Date
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	7/22/2019	Y	Y	11/14/2019	7/22/2019
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	8/12/2019	N	N	N/A	This rule is not applicable to SLG State Plans since they do not issue penalties
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/9/2019	Y	Y	5/9/2019	5/9/2019

b) Federal Program Change (FPC) Adoption

<b>FPC Directive/Subject</b>	<b>Response Due Date</b>	<b>State Plan Response Date</b>	<b>Intent to Adopt</b>	<b>Adopt Identical</b>	<b>Adoption Due Date</b>	<b>State Plan Adoption Date</b>
<b><i>Adoption Required</i></b>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	11/26/2018	Y	Y	4/1/2019	3/1/2019
<b><i>Equivalency Required</i></b>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	8/6/2019	Y	Y	11/22/2019	8/6/2019
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	8/6/2019	Y	Y	11/22/2019	8/6/2019
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	8/6/2019	Y	Y	11/22/2019	8/6/2019
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/11/2018	N	N	N/A	This rule is not applicable to SLG State Plans since the NAICS codes do not apply

<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	4/4/2019	N	N/A	N/A	Adoption not required

## 5. VARIANCES

Variance requests were not received or processed during FY 2019 and FY 2018 (NJ SOAR, FY 2019 and FY 2018).

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

One hundred percent (100%) (SAMM #6) of all inspections conducted by PEOSH occurred within SLG workplaces during FY 2019 and FY 2018. PEOSH does not contain provisions for the issuance of monetary penalties for SLG employers found not to be in-compliance with applicable standards on a first instance basis, except in cases of willful or repeat violations. There is also a provision for penalties on all failure to correct violations. If an employer incurs penalties for violations, PEOSH may (at an informal conference) offer a reduction in the amount of the imposed penalty – providing the employer agrees to total consultation services for all facilities within the municipality.

## 7. WHISTLEBLOWER PROGRAM

PEOSH investigated 17 allegations of workplace retaliation during FY 2019 – two more than FY 2018. During this evaluation period, Region II’s Assistant Regional Administrator for the Whistleblower Protection Programs reviewed eight case files all completed during FY 2019. Of the eight case files reviewed, three were administratively closed (no full field investigation) and five were docketed full field investigations. All docketed case files completed in FY19 were dismissed (100%) including the five that were reviewed.

Case files contained evidence that complaints were being thoroughly screened and docketed where appropriate. Seven of the eight (88%) Reports of Investigation (ROI) were thorough and properly analyzed. PEOSH’s program and policies are at least as effective as OSHA’s.

### *Sound Legal Reasoning*

There were four alleged adverse actions, only one was included in the analysis of the investigation and the determination. That particular adverse action was not timely filed and should have been dismissed because it fell outside of the statute of limitations. The other three adverse actions were filed within the statute of limitations, but only one was potentially actionable. The evidence obtained appeared to support a dismissal for the

reasons noted in the determination letter; however, without evidence that the adverse action was investigated, this could not be noted. The complainant was afforded the right of appeal but did not exercise that right.

**Observation 19-03:**

In one of the five (20%) docketed workplace retaliation case files reviewed, it is unclear if the determination reached was based on substantive evidence in the case file and sound legal reasoning.

**Federal Monitoring Plan 19-03:**

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

*Case File Documentation and Organization*

In all eight (100%) case files reviewed, closure dates (noted in OSHA IT Support System (OITSS)) predated the issuance date of the determination letter, inferring supervisory review of the investigation had not yet been completed. In all case types, both docketed investigations and administrative closures, the determination date should match the date the determination letter was issued. In four of the eight (50%) case files, the files did not contain documentation of the actual filing date or the filing date in OITSS did not match the actual filing date. This did not impact PEOSH's ability to investigate the claim. However, an inaccurate filing date could negatively affect both the complainant's and respondent's due process rights if the complaint was later determined to have been filed outside of the statute of limitations (180 days) or resulted in litigation. In two of five (40%) docketed cases the Reports of Investigation did not document supervisory review. In five of the five docketed cases 100%, case files did not document proof that respondents were issued determination letters.

**Finding 19-02:**

Worker retaliation case files did not accurately reflect the correct case closure date, contain proof of complaint filing date, document that supervisory review was conducted prior to the issuance of determination letters, or document that respondent received the determination letters.

**Recommendation 19-02:**

PEOSH should follow its procedures detailed in the PEOSH Whistleblower Manual, Chapter 4, Case Disposition and Chapter 5, Documentation and Commissioners Determination.

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

No CASPAs were filed against PEOSH during FY 2019 and FY 2018 (NJ SOAR, FY 2019 and FY 2018).

## **9. VOLUNTARY COMPLIANCE PROGRAM**

PEOSH does not administer a Voluntary Compliance Program.

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

PEOSH's SLG workers' consultation program exceeded its Annual Performance Plan projections in both FY 2019 and FY 2018. PEOSH conducted 183 safety and 18 health visits for a total of 201 consultation visits during FY 2019 – 71 visits (55%) above the projected goal of 130 visits. The 165 visits included 84 initial, 38 follow-up and 79 training and assistance visits. In FY 2018, 127 safety and 26 health visits were conducted for a total of 153 consultation visits – 73 visits (91%) above the projected 80 visits. The 153 visits included 105 initial, three follow-up and 45 training and assistance visits (NJ SOAR, FY 2019 and FY 2018). The percentage of visits with hazards abated within a timely manner was 100% in FY 2019 and 97.17% in FY 2018 (MARC #4a). During this evaluation period, 19 consultation case files were reviewed. The case files were broken down as follows: three (safety) training and assistance (T/A), 14 initial (11 safety/three health), and two follow-up (one safety/one health) visits.

### *Consultation Case File Documentation*

A previous FAME finding was that consultation case file documentation was lacking. PEOSH addressed and completed 50% of the identified areas of concern, including: a completed Form 33 in all 14 of the required case files; hazard assessment evidence in all three of the T/A case files reviewed; and noise sampling was performed when required and included in the three case files reviewed. Remaining areas of concern that were not rectified were: documentation of adequate abatement in eight of the 11 (73%) safety consultation files when there was at least one hazard identified; in one of the two (50%) safety case files, extension requests were missing information (for example, interim protections and/or the reason for the delay); and one health case file with serious hazards documented, there was no evidence that the List of Hazards was forwarded to the union.

During this year's FAME, two new documentation issues were noted, including: five of 11 (45%) initial safety visits lacked evidence of the reason as to why notices were not issued when the case file noted possible hazards; and 13 of 14 (93%) initial safety visit case files lacked evidence that the employer was informed of their Days, Away, Restricted, and Transferred (DART) and Total Recordable Case (TRC) rates, and the rate comparison to the national average for the employers North American Industrial Classification System (NAICS) code.

**Finding 19-03:**

Consultation case file documentation was lacking.

**Recommendation 19-03:**

PEOSH should improve documentation in its consultation case files by adhering to PEOSH's consultation policies and procedures manual. Supervisors should review consultation case files to ensure appropriate documentation is included.

*Consultation Reports*

**Observation 19-04 (FY 2018-OB-05):**

There were delays in issuing consultation reports. In four of the 19 (21%) consultation case files reviewed, reports were not issued to the employer within 20 calendar days of the closing conference. In addition, in seven of the 19 (37%) consultation case files reviewed, opening conference dates were different from the closing conference dates.

**Federal Monitoring Plan 19-04:**

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



## Appendix A – New and Continued Findings and Recommendations

### NJ PEOSH FY 2019 Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-#
FY 2019-01	<p><i>Hazard Identification/Sampling</i> Health enforcement case files noted potential hazards where sampling should have been performed, but was not due to sampling equipment not being calibrated.</p>	PEOSH/DOH staff should ensure that sampling should be performed when potential hazards exist. In addition, a maintenance/calibration contract with the manufacturer or outside vendor needs to be implemented to ensure equipment is calibrated and ready for use.	New
FY 2019-02	<p><i>Case File Documentation and Organization</i> Worker retaliation case files did not accurately reflect the correct case closure date, contain proof of complaint filing date, document that supervisory review was conducted prior to the issuance of determination letters, or document that the respondent received the determination letter.</p>	PEOSH should follow its procedures detailed in the PEOSH Whistleblower Manual, Chapter 4, Case Disposition and Chapter 5, Documentation and Commissioners Determination.	New
FY 2019-03	<p><i>Consultation Case File Documentation</i> Consultation case file documentation was lacking.</p>	PEOSH should improve documentation in its consultation case files by adhering to PEOSH's consultation policies and procedures manual. Supervisors should review consultation case files to ensure appropriate documentation is included.	FY 2018-03

## Appendix B – Observations Subject to New and Continued Monitoring

NJ PEOSH FY 2019 Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2019-OB-01		<p><i>Health Lapse Time</i> In FY 2019, the average health lapse time (SAMM #11) for citations was calculated at 76.80 days which is above the FRL range of 45.78 days to 68.68 days.</p>	In FY 2020, OSHA will continue to monitor this issue utilizing quarterly SAMM reports.	New
FY 2019-OB-02	FY 2018-OB-01 FY 2017-OB-01	<p><i>Complaint Notification</i> In two of the eight (25%) complaint files reviewed, the letter sent to the complainant did not address complaint items when no citation is issued.</p>	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2019-OB-03		<p><i>Sound Legal Reasoning</i> In one of the five (20%) docketed workplace retaliation case files reviewed, it is unclear if the determination reached was based on substantive evidence in the case file and sound legal reasoning.</p>	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New
FY 2019-OB-04	FY 2018-OB-05 FY 2017-OB-05	<p><i>Consultation Reports</i> There were delays in issuing consultation reports. In four of the 19 (21%) consultation case files reviewed, reports were not issued to the employer within 20 calendar days of the closing conference. In addition, in seven of the 19 (37%) consultation case files reviewed, opening conference dates were different from the closing conference dates.</p>	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued

## Appendix B – Observations Subject to New and Continued Monitoring

NJ PEOSH FY 2019 Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-#	Observation	Federal Monitoring Plan	Current Status
	FY 2018-OB-02	<p><i>Adequate Evidence to Support Violations</i> Evidence to support violations was inadequate in six (19%) of the 31 case files reviewed in FY 2017 that had citations issued (zero of nine NJDOH files/six of 22 NJDLWD files). All six case files had citations issued for 1910.38(b) and 1910.39(b). No other standard referenced. The 1910.38 provisions are applicable and may be referenced only when another OSHA standard requires an Emergency Action Plan (EAP).</p>		Closed
	FY 2018-OB-03	<p><i>Missed Violations</i> Missed violations were noted in four of the 27 (15%) case files reviewed (four of 13 NJDOH files/zero of 24 NJDLWD files) with violations. The missed violations included unlabeled cylinders, lack of exit signs, and housekeeping in a bathroom.</p>		Closed
	FY 2018-OB-04	<p><i>Appropriateness of Violation Classification</i> In FY 2017, severity/probability given on the violation worksheet did not match to the injury/illness assessed in six of the 31 (16%) case files reviewed that had violations (five of nine NJDOH files/one of 22 NJDLWD files).</p>		Closed

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

### NJ PEOSH FY 2019 Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2018-01	<i>OIS Data/Information</i> Data/information was incomplete and/or not entered into OIS. Incomplete data entry or missing OIS 93 forms were observed in all six (100%) of the enforcement health case files where sampling was performed. In addition, both of the consultation files with sampling conducted were missing OIS 93 form or evidence of data entry into OIS.	PEOSH enforcement and consultation should ensure that when sampling is performed complete data is entered in the OIS 93 form and copies of the sampling results are provided to both the employer/worker/complainant.	DOH staff has been instructed to enter sampling data collected. All sample results will be provided to the employer, worker, and complainant.	September 30, 2019	Completed
FY 2018-02	<i>Petition for Modification of Abatement (PMA)</i> PMAs are being granted without the required interim steps necessary to protect workers in seven of the nine (78%) case files reviewed (five of seven NJDOH files/two of two NJDLWD files).	PEOSH should ensure the procedures as stated in its Field Operations Manual (FOM) Chapter 7, III “Petition for Modification of Abatement” are followed for any requested PMA.	All CSHOs have been instructed to utilize the PMA request form developed by PEOSH which requires each element of a PMA request to be satisfied prior to granting the extension.	September 30, 2019	Completed
FY2018-03	<i>Consultation Case File Documentation</i> Documentation in the consultation case files was lacking.	PEOSH should ensure consultants complete case files in accordance with CSP 02-00-003 to improve documentation of case files.	One or more attributes on Form 33 will be completed. All case files will include adequate hazard abatement documentation. Employers will be required to complete a standardized “abatement extension request” form. Consultants will forward the List of Hazards to the union/worker representative, and document the action in the case file. All T&E visits not preceded by an initial consultation visit will include documentation of an enforcement visit in the case file. Noise levels and recommendations for worker protections will be documented when applicable.	Not Applicable	Open (As of September 30, 2019)

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

NJ PEOSH FY 2019 Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: New Jersey - PEOSH			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	37.37	5 days for serious hazards; 120 days for other than serious hazards	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)	14.64	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)	4.68	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)	1.11	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)	100%	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: 3.92	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 2.43	+/- 20% of Other: 0.97	
<b>6</b>	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.

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

### NJ PEOSH FY 2019 Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
7	Planned v. actual inspections – safety/health	S: 233	+/- 5% of S: 500	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 475 to 525 for safety and from 142.50 to 157.50 for health.
		H: 130	+/- 5% of H: 150	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,871.96	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,915.86	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,390.30	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$4,803.09	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,938.59	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.

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

### NJ PEOSH FY 2019 Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
9	Percent in compliance	S: 18.57%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 29.35%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one workday	N/A	100%	N/A – The State Plan did not have any work-related fatalities in FY 2019.  The further review level is fixed for all State Plans.
11	Average lapse time	S: 17.94	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 76.80	+/- 20% of H: 57.23	
12	Percent penalty retained	100%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.

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

### NJ PEOSH FY 2019 Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
16	Average number of calendar days to complete an 11(c) investigation	285	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.23%	N/A – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a three-year national average.

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



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

**NEW JERSEY**

**New Jersey Department of Labor and Workforce Development  
Labor Standards and Safety Enforcement  
Division of Public Safety and Occupational Safety and Health  
Office of Public Employees Occupational Safety and Health**

*In partnership with the*

**New Jersey Department of Health  
Public Health Services Branch  
Division of Epidemiology, Environmental and Occupational Health  
Consumer, Environmental and Occupational Health Service  
Environmental and Occupational Health Assessment Program**

**December 2019**

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

### NJ PEOSH FY 2019 Comprehensive FAME Report

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#### **INTRODUCTION**

The purpose of the New Jersey Public Employees Occupational Safety and Health (PEOSH) Act, N.J.S.A. 34:6A-et seq. is to ensure that all New Jersey public employees are provided with a safe and healthful work environment, free from recognized hazards. In New Jersey, the Federal Occupational Safety and Health Administration (OSHA) responds to private sector safety and health concerns and has no jurisdiction over public employees' safety and health matters.

Major provisions of the PEOSH Act include the promotion of occupational safety and health; the adoption of federal OSHA standards, (29 CFR 1910) General Industry Standards, (29 CFR 1926) Construction Standards, (29 CFR 1928) Agricultural Standards, (29 CFR 1915) Shipyard Standards, (29 CFR 1917) Marine Terminal Standards, (29 CFR 1918) Long shoring Standards, (29 CFR 1919) Gear Certification Standards, and (29 CFR 1924) Standards for workshops/rehabilitation facilities; the promulgation of standards in the absence of federal standards if existing standards are not strict enough; employee rights to request an inspection; and employer responsibilities.

In accordance with the New Jersey Public Employees Occupational Safety and Health Act employers have an obligation to provide public employees with a workplace free from recognized hazards which may cause serious injury or death and to comply with occupational safety and health standards adopted under the Act.

An employee, group of employees, or employee representative has the right to request an inspection of a public facility by notifying, in writing, the appropriate agency charged with investigating safety or health concerns; remain anonymous to the employer after signing the complaint; be present during the inspection; and be protected from discriminatory action as a result of filing a safety or health complaint.

Two state agencies are responsible for implementing the PEOSH Act. The New Jersey Department of Labor and Workforce Development (NJDOL) is the lead agency responsible for administering and enforcing the law throughout the State. In addition, the NJDOL responds to complaints, conducts seminars and distributes information regarding safety hazards. The New Jersey Department of Health (NJDOH) responds to complaints, conducts seminars, and distributes information regarding health hazards.

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#### MANDATED ACTIVITIES

Activity	Safety		Health	
	Goal	Actual	Goal	Actual
Enforcement Inspection	500	*233	150	130
Consultation Visit	100	+183	30	**18
Training Program	50	++86	25	***28
Outreach Participants	1,000	1,432	1,000	860

\* The number of Safety Enforcement Compliance Officers reduced from six (6) to five (5) for the 1<sup>st</sup> quarter. Not until the 3<sup>rd</sup> quarter of FFY 2019 did the number of compliance officers increase to seven (7) as a result of new hires. New hires require in-field training accompanied by existing compliance officers for a period of four (4) to six (6) months.

\*\* NJDOH had one consultant and one trainer for FFY2019.

\*\*\* Does not include participation in the Firefighter Summit, nineteen (19) Legionella Facility Walkthroughs and forty-five (45) conference calls on Legionella investigations.

+ Includes Initial, Follow-up, and Training and Assistance visits.

++ Compliance Assistance visits where formal training was conducted.

#### ENFORCEMENT INSPECTIONS

	Safety	Health	Total
Programmed	71	28	99
Complaint	28	55	83
Referral	26	28	54
Accident	15	2	17
Fatality	1	0	1
Technical/Monitoring	0	7	7
Follow-up	92	10	102
<b>Total</b>	<b>233</b>	<b>130</b>	<b>363</b>

#### CONSULTATIONS

Visit Type	Safety	Health	Total
Initial	73	11	84
Follow-up	36	2	38
Training & Assistance	74	5	79
<b>Total</b>	<b>183</b>	<b>18</b>	<b>201</b>

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#### 2019-2023 Non-Fatal Occupational Injury and Illness Incident Rates for Industry Sectors Covered by PEOSH 5-Year Strategic Plan

<b>Incidence rates<sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types, New Jersey, 2018</b>							
		<b>Total recordable cases</b>					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2018	2019	2020	2021	2022	2023
<b>State government</b>							
Support activities for transportation	488	10.1					
<b>Local government</b>							
Water, sewage and other systems	2213	7.8					
Fire protection	92216	7.6					
Public Works Departments <sup>4</sup>	921	2.7					
<p><sup>1</sup> Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: <math>(N/EH) \times 200,000</math> where</p> <p style="margin-left: 40px;">N = number of injuries and illnesses  EH = total hours worked by all employees during the calendar year  200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).</p> <p><sup>2</sup> Totals include data for industries not shown separately.</p> <p><sup>3</sup> <i>North American Industry Classification System</i> -- United States, 2007.</p> <p><sup>4</sup> Public Works Departments (PWD) do not have an individual NAICS code. Therefore, the measure used for the PWD category is the incident rate for the occupational duties found at PWD facilities under the 921 NAICS code for recordable cases with days away from work. This incident rate for PWD occupational duties for days away from work under the NAICS 921 comprises the majority (average 80 %) of the total number of cases.</p> <p>SOURCE: N.J. Department of Labor &amp; Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, November 7, 2019.</p>							

### Analysis

PEOSH began its new 5-Year Strategic Plan in Federal Fiscal Year (FFY) 2019. Revisions from the previous Strategic plan are reflected in the removal of Nursing and Residential Care Facilities.

PEOSH continues to use data provided by NJDOL’s Office of Research and Information to evaluate industry trends in non-fatal occupational injury and illness incidence rates and identify those with the highest injury and illness rates.

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#### **Progress Toward Strategic Plan Goals**

The New Jersey Public Employees Occupational Safety and Health State OSHA Annual Report (SOAR) for FFY 2019 provides a summary of the PEOSH activities and results as they relate to the PEOSH Strategic Plan for FFY2019 – FFY2023. The strategic goals, objectives, and activities provide the focus for PEOSH enforcement, education and training, outreach, and administrative programs. Our strategic goals help us to accomplish our mission by focusing on prevention and protection in the targeted industries. Working in partnership with our customers, PEOSH focuses on providing safe and healthful workplaces for New Jersey’s public employees, and on preventing workplace injuries and illnesses.

PEOSH’s success in meeting the goals and objectives as outlined in the Strategic Plan are measured by combining results from multiple program areas in both the NJDOL and the NJDOH. The Strategic Plan is designed to integrate various activities, and to present a unified purpose and direction for all of the programmatic elements within PEOSH. For example, when a new standard is adopted, compliance inspections will be conducted to ensure compliance with the standard, training and outreach materials will be developed, and compliance assistance will be provided to educate employers and workers and to assist employers in compliance.

The strategic plan identifies three (3) fundamental goals to reduce workplace injuries, illnesses and fatalities in New Jersey. The goals, activities to meet the goals and FFY2019 outcomes are described below.

#### **Strategic Goal #1**

***Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses, and fatalities.***

**Outcome Goal:** Reduce the number of worker injuries and illnesses, by focusing statewide attention and Agency resources on the most prevalent types of injuries, illnesses, the most hazardous public occupations, and the most hazardous workplaces.

#### **Performance Goal 1.1 - State Support Activities for Transportation (NAICS 488)**

Decrease non-fatal occupational injury and illness incident rates in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 (1 % per year).

NJDLWD planned to:

- Identify and verify all worksites covered by NAICS 488;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services;

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- Identify organizations to form alliance/partnership; and
- Develop a baseline.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Amputations
- Heat Stress
- Highway Work Zone Safety
- Temporary Workers
- Trenching

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

All NAICS 488 work sites were identified. The employers are:

- New Jersey Turnpike Authority (includes Garden State Parkway);
- South Jersey Transportation Authority (includes Atlantic City Expressway); and
- South Jersey Port Corporation.

The baseline to be used is the 2018 NAICS 488 incidence rate of non-fatal occupational injuries and illnesses of **10.1** total recordable cases (Source: the NJDOL, Office of Research and Information) See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html).

A 5% decrease from the baseline of 10.1 will result in 9.6 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2018.

#### **Performance Goal 1.2 – Local Fire Protection (NAICS 92216)**

Decrease non-fatal occupational injury and illness incident rates in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 (1 % per year).

NJDLWD planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

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#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Heat Stress
- Highway Work Zone Safety

#### **Local Emphasis Programs (LEP):**

- Asbestos
- Firefighting-Emergency Responder Preparedness
- Noise

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 92216 incidence rate of nonfatal occupational injuries and illnesses of 7.6 total recordable cases (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

A 5% decrease from the baseline of 7.6 will result in 7.2 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2018.

#### **Performance Goal 1.3 – Public Works Departments (NAICS 921)**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 as follows (1% per year):

NJDOL planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Highway Work Zone Safety
- Amputations
- Heat Stress
- Temporary Workers
- Trenching

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#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 921 incidence rate of cases involving days away from work by occupation (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

A 5% decrease from the baseline of 2.7 will result in a 2.6 incident rate for cases with days away from work. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2018.

#### **Performance Goal 1.4 –Water and Sewage Treatment Facilities (NAICS 2213)**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 as follows (1% per year):

NJDLWD planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Amputations
- Heat Stress
- Highway Work Zone Safety
- Temporary Workers
- Trenching

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 221320 incidence rate of nonfatal occupational injuries and illnesses of **7.8** total recordable cases (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).



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A 5% decrease from the baseline of 7.8 will result in 7.4 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2018.

#### **Strategic Goal #2**

*To promote safety and health values in New Jersey's public sector workplaces.*

**Outcome Goal:** To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.

#### **Performance Goal 2.1 – Employee Involvement**

100% of PEOSH Interventions (e.g., inspections, consultations, etc.) will include employee involvement (every year).

##### **Activities:**

A summary of activities is found in the table at the end of the report.

##### **Outcome Measures:**

100% of PEOSH Interventions conducted in FFY2019 included employee involvement. The goal was met for this year.

#### **Performance Goal 2.2 – Promote Safety and Health Management System**

100% of PEOSH Consultations will include site specific recommendations to improve the Safety and Health Program Management System in place at that facility.

##### **Activities:**

A summary of activities is found in the table at the end of the report.

##### **Outcome Measures:**

In FFY2019, 100% of PEOSH Consultations included site specific recommendations to improve the Safety and Health Program Management System in place at that facility. The goal was met for this year.

#### **Performance Goal 2.3 – Compliance Assistance for High Hazard Industry Organizations/Groups**

Perform compliance assistance interventions for high hazard industry organizations / groups, specifically those named in Performance Goals 1.1, 1.2, 1.3 and 1.4 (State Support for Transportation, Local Fire Protection, Public Works, and Water and Sewer). These interventions will focus on the hazards of relevant National/Special Emphasis Programs and Campaigns (NEP/SEP), and promoting PEOSH cooperative services.

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Examples of interventions are speaking engagements, exhibitions, training sessions, etc. at high hazard industry associations/groups.

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

From NJDOL, eight (8) specific interventions were conducted which reached 675 individuals in high hazard industry organizations / groups. The goal was met for this year.

From NJDOH, six (6) specific interventions were conducted which reached 210 individuals in high hazard industry organizations / groups. The goal was met for this year.

#### **Strategic Goal #3**

*Secure public confidence through excellence in the development and delivery of PEOSH programs and services.*

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

#### **Performance Goal 3.1–Fatality Investigations/Inspections**

Initiate inspections of fatalities and catastrophes within one (1) day of notification for 100% of occurrences to prevent further injuries or deaths by the end of FFY 2023.

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

There were eight (8) public employee fatalities recorded in FFY 2019. Seven (7) were determined to be non-occupational safety or health related. No investigations were initiated due to pre-existing medical conditions, suicide, or motor vehicle accident. The investigation undertaken was initiated within one (1) day of notification meeting the Strategic Goal of 100%. The goal was met for this year.

#### **Performance Goal 3.2A–Safety Complaints Received**

As stated in the Annual Plan, the NJDOL planned to initiate 100% of safety complaint inspections within five (5) working days of notification.

#### **Activities:**

For FFY 2019, NJ PEOSH Safety Enforcement received 28 formal complaints.

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#### **Outcome Measures:**

100% of the FFY 2019 complaint investigations were initiated within five (5) days. The goal was met for this year.

#### **Performance Goal 3.2B –Health Complaints Received**

As stated in the Annual Plan, the NJDOH goal is to initiate 95% of non-IAQ/ sanitation complaint inspections within five (5) working days of notification.

#### **Activities:**

For FFY 2019, NJDOH PEOSH Program received 66 non-IAQ/Sanitation complaints. Sixty-three (63) inspections were initiated within five (5) days (average 4.68 days, range 1-5 days). The NJDOH PEOSH Program received 222 IAQ and sanitation complaints in FFY 2019.

#### **Outcome Measures:**

The goal to initiate 95% of non-IAQ/sanitation complaints was met. 95% (63/66) of the non-IAQ, non-sanitation complaints were initiated within five (5) days. The goal was met for this year.

#### **Performance Goal 3.3 – Consultation Customer Satisfaction Surveys**

Each year, 90% of public employers targeted through consultation visits rate the intervention as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey).

#### **Activities:**

All public employers who participate in initial consultations are provided with a customer satisfaction survey which rates the consultation intervention on a scale of 1 to 10. PEOSH strives to rate 7 or better on all customer satisfaction surveys that are returned by public employers.

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

NJDOL PEOSH received 151 customer satisfaction surveys for consultation, and formal training activities. 100% of the customer satisfaction surveys received rated the consultation interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

NJDOH PEOSH received 30 customer satisfaction surveys for consultation, and formal training activities. 100% of the customer satisfaction surveys received rated the consultation interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

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#### **Performance Goal 3.4 – Compliance Assistance Customer Satisfaction Surveys**

Every year, 90% of compliance assistance interventions (e.g., outreach, seminars, mass mailings, hazard bulletins, newsletters, etc.) conducted/distributed in the public sector have rated the intervention as highly effective (score of 7 or higher, on a scale of 1 thru 10 on a customer satisfaction survey).

#### **Activities:**

All public employers who participate in compliance assistance interventions are provided with a customer satisfaction survey which rates the compliance assistance intervention on a scale of 1 to 10. PEOSH strives to rate 7 or better on all customer satisfaction surveys that are returned by public employers.

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

NJDOL PEOSH received 12 customer satisfaction surveys for compliance assistance interventions. 100% of the customer satisfaction surveys received rated the compliance assistance interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

NJDOH PEOSH received 27 customer satisfaction surveys for compliance assistance interventions. 100% of the customer satisfaction surveys received rated the compliance assistance interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

#### **Assessment of State Performance of Mandated Activities**

#### **Outcome Measures:**

#### **Enforcement:**

LABOR: The NJDOL safety enforcement conducted 233 inspections which was 267 short of its goal. The number of Safety Enforcement Compliance Officers reduced from six (6) to five (5) for the 1<sup>st</sup> quarter. Not until the 3<sup>rd</sup> quarter of FFY 2019 did the number of compliance officers increase to seven (7) as a result of new hires. New hires require in-field training accompanied by existing compliance officers for a period of four (4) to six (6) months.

The NJDOL safety enforcement has received approval to backfill a compliance officer position that occurred due to a retirement and has requested approval from for the hiring of additional replacements for vacant positions.

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It is also noted that four (4) of the enforcement staff are assigned to conduct PEOSH whistleblower complaint investigations which can also displace enforcement inspection activity.

HEALTH: The NJDOH PEOSH Program conducted 130 inspections, which was below the goal of 150. One NJDOH PEOSH enforcement staff left the service in May 2019 reducing enforcement staff to four (4). Approval for one (1) CSHO trainee position has been received from our Governor's Office. NJDOH PEOSH has initiated interviewing for the new hire in December 2019 and is anticipated to begin work during FFY2020. One key staff member responsible for program administration has been hired in January 2019 to replace the prior staff member who retired in August 2018.

#### **Consultation:**

LABOR: The NJDOL PEOSH Program conducted 73 initial visits, 36 follow up visits, and 74 training and education visits.

HEALTH: The NJDOH PEOSH Program conducted 18 consultations including 11 initial visits, 2 follow up visits and 5 training and assistance visits, but was unable to attain the goal of 25.

#### **Training:**

LABOR: The NJDOL PEOSH Training Unit exceeded the goal of 100 training classes reaching 1,000 students. In FFY 2019, 160 training classes were provided to 1,432 public employees in New Jersey.

HEALTH: The NJDOH PEOSH Program conducted 28 training classes and reached 860 participants. The goal of 50 classes and 1,000 participants was not met. The NJDOH PEOSH Program had one (1) trainer for FFY 2019.

#### **Penalties:**

The Office of Public Employees Occupational Safety and Health (OPEOSH) has concluded that to better serve and to make workplaces safer and healthier, those areas that incur penalties for violations could create safer and healthier environments by using consultation services in their workplaces. As a result and to encourage the use of these consultation services, the OPEOSH may at an informal conference offer a reduction in the amount of the imposed penalties of up to 75% provided that the offending authority agrees to total consultation services for all facilities within its control. This agreement would include both the NJDLWD and NJDOH consultation units. Should the offending authority agree to a partial consultation involving only the facility where violations were cited, a penalty reduction would be limited to 25% of the original penalty.

Should a penalty reduction agreement be made at the informal conference, the Assistant Director overseeing the NJDLWD consultation services along with the NJDOH designee shall ensure that

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the proper documents are filled out and that the consultation visits are initiated in a timely manner. Upon the completion of consultation services, the Assistant Director and NJDOH designee shall advise the Chief of PEOSH of said completion so that the penalty case may be closed. PEOSH will extend abatement dates if necessary following established PEOSH guidelines.

In FFY 2019 there were two (2) penalties issued by NJ PEOSH. Subsequently, there were two (2) penalty settlement agreements that resulted in full safety and health consultations.

#### **Informal conferences:**

NJ PEOSH conducted two (2) informal conferences (noted penalties above) during FFY 2019.

#### **Monetary Penalties Collected:**

Total monetary penalties collected for FFY 2019: **\$35,229.25**

#### **Discrimination:**

NJDOL: PEOSH processed nineteen (19) discrimination complaints under its jurisdiction, eleven (11) of which were completed within 90 days. Eight (8) cases were investigated, all resulting in non-merit findings. Eleven (11) cases were administratively closed as they did not establish all of the required prima-facie elements to initiate a formal discrimination investigation. One non-merit investigation case was appealed and transferred to the Office of Administrative Law (OAL) to be heard before an administrative law judge. The appealed case was closed at the close of FFY2019. Once the hearing decision/recommendations are returned to NJDOL, the Commissioner of NJDOL may adopt, reject or modify the recommendations which will become a final determination not more than 45 days from receipt of the OAL hearing report.

The number of personnel trained to conduct discrimination complaint investigations increased from three (3) to four (4) as of May 2019. One (1) investigator attended the #1610, Interviewing Techniques for Whistleblower Investigators in June 2019 and two (2) attended the #2710 Interviewing Techniques for Whistleblower Investigators in July 2019 at the OSHA Training Institute in Chicago in accordance with OSHA Training Directive TED-01-00-020.

#### **Compliance Assistance:**

NJDOL PEOSH and NJDOH PEOSH reported the following notable Compliance Assistance Activities in FFY 2019:

On 04/04/2019, the PEOSH Assistant Chief met with representatives from a state agency to assist in development of a training schedule for employees relative to OSHA/PEOSH standards.

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On 9/16 and 9/19/19, a PEOSH consultant provided asbestos awareness training to thirty-one (31) employees to assist bringing the employer into compliance with PEOSH asbestos training standards.

On 12/10 through 12/13/19, a PEOSH consultant provided HAZCOM Train the Trainer training for employees to assist the employer in providing in-house HAZCOM training.

#### **General Issues of Concern/Note/Information:**

##### **PEOSH Advisory Board:**

For FFY 2019, PEOSH conducted a total of four (4) PEOSH Advisory Board meetings as part of their outreach program. These meetings involve employer and employee representatives from State, counties and municipalities. Several public representatives are also represented. Minutes are provided to members on health and safety topics that are presented for discussion at the meetings. Ongoing data for enforcement, consultation and training services provided by PEOSH is presented to the group. Special alerts and updates on standard adoptions are also presented.

Minutes are kept on file and are used to continually improve the level of service provided by PEOSH.

##### **New Jersey Fire Commission, Firefighter Health and Safety Advisory Council:**

The Council meets quarterly to discuss health and safety issues that affect New Jersey Firefighters and make recommendations to the NJ Fire Commission. In FFY 2019, the Council worked on issues including: Best practices concerning medical management of firefighter injuries (specifically burns), inspection of compressed breathing air cylinders following after concerns were raised about DOT / NIOSH / PEOSH compliance and permit-required confined space entry requirements as they pertain to municipal fire departments and their technical rescue teams.

##### **OSHA Outreach Training Presented:**

An updated “PEOSH Fire Service Update” was offered to municipal fire departments through the Kean University - NJDCA Division of Fire Safety’s training catalog as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100-10 Firefighter Standards, hazards specific to firefighting, and the PEOSH On-Site Consultation and Training program. The presentation has been updated in FFY2019 with new program contact information and information pertaining to departments that have junior firefighters. This program was offered on the following dates at the respective locations:

- 10/25/2018 at the Passaic County Fire Academy,
- 11/01/2018 at the Mercer County Fire Academy,
- 11/08/2018 at the Gloucester County Fire Academy,



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- 01/25/2019 at the Morris County Fire Academy,
- 04/02/2019 at the Middlesex County Fire Academy, and
- 04/08/2019 at the Camden County Fire Academy.

In all, 142 firefighters attended the training.

#### **Asbestos Management in State Owned and Leased Buildings:**

On January 16, 2019 and June 19, 2019, the Director, Program Manager and Enforcement Supervisor met with representatives of the New Jersey Department of Treasury, Division of Property Management and Construction (DPM&C) management to provide technical input on a state-wide asbestos management plan for state owned and leased facilities throughout the state that house public employees. The goal of the meeting was to prevent public employee exposure to asbestos during construction, renovation, and maintenance activities in public buildings by landlords and their contractors.

#### **Promotional Activities:**

On November 8 and 9, 2018, PEOSH employees staffed the PEOSH booth at the New Jersey Education Association exposition hall at the Atlantic City Convention Center. PEOSH Staff distributed information on consultation and training opportunities and answered questions from elected officials and support staff on available resources.

On November 13 through 15, 2018, PEOSH employees and supervisors staffed the PEOSH booth at the League of Municipalities exposition hall at the Atlantic City Convention Center. PEOSH staff distributed information on consultation and training opportunities and answered questions from elected officials and support staff on available resources.

On February 27, 2019, the PEOSH Assistant Chief delivered a presentation to the NJ Utilities Authority Joint Insurance Fund Safety Committee meeting on Injury/Illness recordkeeping requirements.

On March 28, 2019, the PEOSH Assistant Chief delivered a presentation to the NJ Public Works Association annual meeting on PEOSH Commonly Cited Hazards highlighting PEOSH Consultation and Training resources.

#### **Other Activities:**

On March 19, 2019, NJDOL and NJDOH PEOSH attended the Safe Patient Handling Conference at Rutgers University in Piscataway, New Jersey. Conference objectives were to educate workers on musculoskeletal disorder risks through effective patient assessments, identify process changes needed to implement an effective Safe Patient Handling program, and to utilize appropriate patient handling equipment to ensure worker safety.



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May 31, 2019, NJDOL and NJDOH PEOSH attended the New Jersey Department of Transportation's Employee Safety & Health Fair.

#### **Certified Education Facilities Manager Training:**

The NJDOH PEOSH Program enforces the New Jersey Indoor Air Quality Standard, which applies to all public and charter schools in New Jersey. While the standard is intended to protect the health of teachers and custodians, compliance with the standard also is protective of the health of public school children throughout the state from indoor contaminants, including mold. One of the requirements of the standard is for the employer to identify and train a Designated Person responsible for complying with the standard. This responsibility typically falls on the Facilities Manager. Every school district is required to employ a Certified Educational Facilities Manager (CEFM), a certification granted by Rutgers University. The PACNJ, NJSB&GA and PEOSH IAQ Designated Person Course is approved for four (4) CEU's toward maintenance of this certification.

The NJDOH PEOSH Program continued its' training partnership with the Rutgers CEFM program to provide indoor air quality training as part of the CEFM curriculum. NJDOH PEOSH Program staff taught six (6) courses throughout the state in FFY 2019. This partnership allows PEOSH to more efficiently reach our target audience while minimizing the cost of compliance to school districts. The CEFM program benefits from this partnership by being able to offer students up-to-date regulatory guidance directly from the regulatory agency and being able to assure that students who achieve the certification will meet the training requirements of the Indoor Air Quality Standard. Assuring that facilities managers in New Jersey Schools have a basic understanding of the importance of good indoor air quality is anticipated to have a benefit to all occupants of our public schools by reducing preventable and costly chronic diseases associated with poor indoor air quality, including asthma.

#### **Hazard Communication - Train the Trainer Program:**

The New Jersey Hazard Communication Standard requires that each employer train potentially exposed employees using Hazard Communication trainers who are "Technically Qualified" as defined in NJAC 12:100-7. In addition, all Hazard Communication trainers need training on the new GHS classification, SDSs and labels as well as Hazardous Substance Fact Sheets (HSFS). The new course focuses strictly on the health & safety topics: chemical health hazards (recognition, evaluation & control), hazard information (SDS, HSFS, labels & GHS classifications), the requirements of both the Hazard Communication and NJ Right to Know standards. NJDOH PEOSH Program staff taught one (1) course throughout the state in FFY2018-19.

Note: This course was performed as part of a Compliance Assistance for a public employer that participated in the PEOSH Consultation Program.

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#### **Asbestos Awareness**

Asbestos Awareness training was provided to NJ Department of Corrections staff from (two) 2 facilities over four (4) sessions attended by thirty-one (31) employees from the NJ Department of Corrections facilities. It was performed on Sept. 16 and 19, 2019, an AM and PM session each day at the Edna Mahan Corrections Facility.

Note: This course was performed as part of a Compliance Assistance for a public employer that participated in the PEOSH Consultation Program.

#### **Indoor Air Quality:**

NJDOH PEOSH continues to work with The American Lung Association, Pediatric/Adult Asthma Coalition of New Jersey (PACNJ) and the NJ School Building and Grounds Association (NJSB&GA) to present a four (4) hour Indoor Air Quality (IAQ) course. The main goal of the course is to assist school districts in understanding the NJ Indoor Air Quality Standard and provide guidance on implementation of a successful IAQ program. The presentations also stress the value of the school nurse as an active participant in the IAQ Program and the establishment of an effective IAQ Team which includes the school nurse.

The course is free and open to anyone involved in indoor air quality in schools from Superintendent to Janitor. Participation in the program is approved for four (4) CEU's toward the maintenance of several certifications required in New Jersey: Nursing, Public Health Official and the Certified Educational Facilities Manager.

PACNJ also presents information concerning the Asthma Friendly Schools Award requirements, an initiative of the American Lung Association nationwide to reduce the incidence and cost in terms of both lost school days and money resulting from asthma. Improved indoor air quality in schools, by using green cleaning products and improving conditions that trigger asthma will reduce the incidence of asthma attacks for students and teachers and improve learning.

There are six (6) requirements that must be met by a school district to be recognized as an Asthma Friendly School:

1. Asthma Training for School Nurses: Each school nurse is to complete the PACNJ Asthma Basics for School Nurses and Gadgets and Gizmos for Asthma Control online training.
2. Asthma In-Service for Faculty: Each school nurse is to conduct the PACNJ Faculty In-Service Program: Asthma Management in the Classroom: What Teachers Need to Know.
3. Asthma Treatment Plan Training: "PACNJ Asthma Treatment Plan: School Nurses Leading the Way" online training presentation and quiz is completed by school nurse.
4. Indoor Air Quality (IAQ) Training: NJ PEOSH Indoor Air Quality Designated Persons Training is completed by a School Nurse and the IAQ Designated Person

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from the school district and an Indoor Air Quality Team has been established in the school.

5. No-Idling Pledge, from the NJ Department of Environmental Protection, has been completed by the school district.
6. A nebulizer is required in each school.

NJDOH PEOSH Program staff taught twelve (12) IAQ courses to a total of 477 attendees throughout the state in FFY 2019.

#### **Homeland Security:**

##### **NJDOH Activities**

On March 6, 2019, the Program Manager participated with the OSHA Emergency Preparedness and Response (EPR) Conference Call. The agenda/discussion included Hurricane Florence response and recovery in North Carolina, new products and resources on winter weather and radiation subjects and an update on the National Exercise Program

On July 17, 2019, the Enforcement Supervisor participated with the OSHA Emergency Preparedness and Response (EPR) Conference Call. The agenda/discussion included a showcase of Hawaii's experiences with hurricanes and tropical storms, a hurricane season forecast, and an update on the National Exercise Program.

On July 18, 2019, Staff presented on 29CFR1910.134, respiratory Protection requirements and provided hands-on fit test training to twenty-five (25) NJ Primary Care Association personnel.

##### **Firefighters:**

PEOSH NJDOH training staff provided the "2018-19 PEOSH Fire Service Update." This training was offered to Kean University's Firefighter Program as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100 Firefighter Standards, hazards specific to firefighting, and PEOSH On-Site Consultation and Training Program. The presentations stressed Asbestos and Noise as well as the usual coverage of the more commonly cited PEOSH standards. In all, seventy-four (74) firefighters attended the five (5) training sessions.

##### **NJDOL Activities**

All PEOSH Consultants and PEOSH Management maintain current certification in Hazardous Waste Operations & Emergency Response (HAZWOPER) through taking 8-hour annual refreshers at the Rutgers School of Public Health.

On November 14, 2018, the Assistant Director attended a meeting of the Domestic Security Planning and Preparedness Group held at the Regional Operations Intelligence Center (ROIC) in

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Ewing, NJ. State Homeland Security Exercise Coordinator, Lauren Paglione discussed the 2018 Geospatial Information System (GIS) tabletop exercise after action report, statewide environment, GIS goals and recommendations for the Domestic Security Preparedness Task Force.

On March 6, 2019, the Assistant Director participated in the OSHA Emergency Preparedness and Response (EPR) Conference Call.

On August 21, 2019, the Assistant Director attended a meeting of the Domestic Security Planning and Preparedness Group held at the Regional Operations Intelligence Center (ROIC) in Ewing, NJ. The Chief Information Security Officer of NJCCIC (New Jersey Cybersecurity and Communications Integration Cell), Michael Geraghty presented an overview on Cybersecurity. Erin Henry, Principal Planner, NJOHSP (New Jersey Office of Homeland Security and Preparedness) briefed on 2019 THIRA (Threat and Hazard Identification and Risk Assessment) and SPR (Stakeholder Preparedness Review) methodology.

The PEOSH Consultation/Training Assistant Chief maintains current ICS-300 certification.

#### **Training Received by PEOSH Staff:**

##### **NJDOH Training**

May 14-16, 2019 – (1) Enforcement Supervisor and (2) Enforcement CSHOs attended the OSHA #2350 Expanded Health Standards Course. The course was taught by OSHA-OTI staff at the Middlesex Fire Academy in Middlesex, NJ.

August 2, 2019 – (1) Enforcement Supervisor attended Multiple Employer Responsibilities of Managing Silica Hazards Workshop. This class was held at Rutgers School of Public Health, Center for Public Health Workforce Development in Somerset, NJ.

September 16, 2019 – (1) Enforcement Supervisor and (3) CSHOs attended the OSHA #0152 Respirable Crystalline Silica-Compliance Directive and NEP Webinar.

September 23, 2019, (1) Enforcement Supervisor and (3) CSHOs attended the OSHA #0153 Combustible Dust Hazard Awareness Webinar.

September 24-27, 2019- (1) Enforcement Supervisor attended the OSHA #3095 Electrical Standards Course. The course was taught by the Rutgers School of Public Health, Center for Public Health Workforce Development in Trenton, NJ.

##### **NJDOL Training**

From 5/7-5/14/19, a PEOSH consultant attended and completed the OSHA 1420 Basic Whistleblower training in Arlington Heights, Illinois.

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From 6/11-6/13/19, a PEOSH consultant attended and completed the OSHA 1610 Whistleblower Investigation Interview Techniques in Arlington Heights, Illinois.

From 7/8-7/10/2019, a PEOSH consultant attended and completed the OSHA 502 Construction Outreach Trainer update.

From 7/16-7/25/19, (2) PEOSH consultants attended and completed the OSHA #2710 Interview Techniques for Whistleblower Investigators in Arlington Heights, Illinois.

On 8/2/2019, a PEOSH consultant attended and completed the Managing Silica Hazards course at the Atlantic OSHA Training Center/Rutgers School of Public Health.

On 8/8/2019, a PEOSH consultant attended and completed the OSHA 501 General Industry Trainer course at the Atlantic OSHA Training Center/Rutgers School of Public Health.

On 8/12-8/15/2019, several PEOSH staff attended and completed the OSHA 2264 Permit-Required Confined Space course offered by the Atlantic OSHA Training Center/Rutgers School of Public Health.

From 8/20-8/22/2019, a PEOSH Consultant attended and completed the OSHA 3080 Principles of Scaffolding course at the OSHA Training Institute in Arlington Heights, IL.

On 8/27-8/29/2019, the PEOSH Assistant Chief attended and completed the OSHA 3160 – Steel Erection course at the OSHA Training Institute in Arlington Heights, IL.

On 9/8-9/14/2019, the PEOSH Assistant Chief attended and completed the ASP/CSP Certification Preparation Courses at the American Society for Safety Professionals training facility in Park Ridge, IL.

On 9/16/2019, PEOSH staff attended and completed the OSHA 7100 Machine Guarding class taught by the Rutgers School of Public Health/Atlantic OSHA Training Center (hosted at NJLWD).

On 9/17/2019, PEOSH staff attended and completed the OSHA 7115 Lock-Out/Tag-Out class taught by the Rutgers School of Public Health/Atlantic OSHA Training Center (hosted at NJLWD).

On 9/18/2019, PEOSH staff attended and completed the OSHA 7500 Introduction to Safety and Health Management class taught by the Rutgers School of Public Health/Atlantic OSHA Training Center (hosted at NJLWD).

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On 9/14/2019 to 9/27/2019, PEOSH staff attended and completed the OSHA 3095 Electrical Safety class taught by the Rutgers School of Public Health/Atlantic OSHA Training Center (hosted at NJLWD).

#### **Standards and Regulations Adoption FFY 2018:**

10/1/18 - Occupational Exposure to Beryllium

8/5/19 - Cranes & Derricks in Construction: Operator Qualification

#### New Jersey Department of Labor & Workforce Development in conjunction with The New Jersey Department of Health FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart

**Strategic Goal:** Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses and fatalities.

**Outcome Goal:** Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.

**Performance Goal 1.1:** Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2019 as follows (1% per year): **State Support Activities for Transportation (NAICS: 488)**

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	11	1	12
	Indicator 2 – Number of initial/follow-up consultation visits conducted	0	0	0
	Indicator 3 – Number of training and assistance visits and education seminars conducted	0	0	0
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 488 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	34	0	34
	Indicator 2 - Serious hazards (Consultation)	0	0	0

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	Indicator 3 - Number of employees trained	0	0	0
Primary Outcome Measures	Reduction of injuries and illnesses in NAICS 488 by 5% by 2023 (1% per year) from 2018 baseline of <b>10.1</b> Total Recordable Cases.			
Comments:				

<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.				
<b>Outcome Goal:</b> Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.				
<b>Performance Goal 1.2:</b> Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2019 as follows (1% per year): <b>Local Fire Protection (NAICS: 92216)</b>				
Performance Indicator Type	Indicator	Result		
		Labor Total	Health	
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	11	11	22
	Indicator 2 – Number of initial/follow-up consultation visits conducted	9	4	13
	Indicator 3 – Number of training and assistance visits and education seminars conducted	3	9	12
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 92216 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	52	18	70
	Indicator 2 - Serious hazards (Consultation)	27	21	48



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	Indicator 3 - Number of employees trained	75	119	194
Primary Outcome Measures	Reduction of injuries and illnesses in NAICS 92216 by 5% by 2023 from 2018 baseline of 7.6 Total Recordable Cases.			
Comments	Activity measures include initial inspections.			

<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.				
<b>Outcome Goal:</b> Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.				
<b>Performance Goal 1.3:</b> Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2019 as follows (1% per year): <b>Public Works Departments (NAICS: 921)</b>				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	8	6	14
	Indicator 2 – Number of initial/follow-up consultation visits conducted	13	2	15
	Indicator 3 – Number of training and assistance visits and education seminars conducted	16	6	22
	Indicator 4 – Number of outreach materials distributed	0	15	15
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 921 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	285	2	287
	Indicator 2 - Serious hazards (Consultation)	21	0	21



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	Indicator 3 - Number of employees trained	168	90	258
Primary Outcome Measures	Reduction in the incident rate for cases with days away from work in NAICS 921 by occupation listing common in Public Works facilities by 5% by 2023 (1% each year).			
Comments	Activity measures include initial inspections.			

**New Jersey Department of Labor & Workforce Development in conjunction with  
The New Jersey Department of Health  
FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart**

**Strategic Goal:** Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.

**Outcome Goal:** Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.

**Performance Goal 1.4:** Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2019 as follows (1% per year): **Water and Sewage Treatment (NAICS: 2213)**

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	32	10	42
	Indicator 2 – Number of initial/follow-up consultation visits conducted	8	0	8
	Indicator 3 – Number of training and assistance visits and education seminars conducted	19	3	22
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0

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Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 2213 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	141	1	142
	Indicator 2 - Serious hazards (Consultation)	15	0	15
	Indicator 3 - Number of employees trained	390	0	390
Primary Outcome Measures	Reduction of injuries and illnesses in NAICS 2213 by 5% by 2023 from 2018 baseline of 7.8 Total Recordable Cases.			
Comments	Activity measures include initial inspections.			

**New Jersey Department of Labor & Workforce Development in conjunction with  
The New Jersey Department of Health  
FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart**

**Strategic Goal:** To promote safety and health values in New Jersey's public sector workplaces.

**Outcome Goal:** To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.

**Performance Goal 2.1:** 100% of PEOSH Interventions (e.g., inspections, consultations, etc.) will include employee involvement (every year)

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of inspections* conducted	233	130	363
	Indicator 2 – Number of inspections conducted where employees were conferred with	233	130	363
	Indicator 3 – Number of consultation* visits conducted	109	13	122
	Indicator 4 – Number of consultation visits conducted where employees were conferred with	109	13	122
	Indicator 5 – Number of education/training seminars conducted	87	28	115
	Indicator 6 – Number of education/training	87	28	115

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### NJ PEOSH FY 2019 Comprehensive FAME Report

	seminars conducted where employees were conferred with.	
Intermediate Outcome Measures	100% of PEOSH interventions include employee involvement.	100% of PEOSH interventions included employee involvement
Primary Outcome Measures	100% of PEOSH interventions include employee involvement.	100% of PEOSH interventions included employee involvement
Comments	*Includes Initial and Follow Up (Does not include Training and Education for Consultation).	

<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> To promote safety and health values in New Jersey's public sector workplaces.				
<b>Outcome Goal:</b> To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.				
<b>Performance Goal 2.2:</b> 100% of PEOSH Consultations will include site specific recommendations to improve the Safety and Health Program Management System in place at that facility.				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Percent of PEOSH Consultations that include site specific recommendations.		100%	
Intermediate Outcome Measures	Number of initial Consultation visits conducted	73	13	86
	Number of initial Consultation visits where site specific recommendations to improve Safety and Health Program Management Systems were provided.	73	13	86
Primary Outcome Measures	100% of PEOSH Consultations will include site specific recommendations.	100% of PEOSH Consultations included site specific recommendations in FFY2019.		

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Baseline	Goal is measured annually, no baseline is applicable.	
Comments	Recommendations will be included as an attachment to each consultation report.	

<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with The New Jersey Department of Health FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> To promote safety and health values in New Jersey’s public sector workplaces.				
<b>Outcome Goal:</b> To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.				
<b>Performance Goal 2.3:</b> Perform compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative Services.				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator - Number of interventions for high hazard public employers	8	6	14
	Indicator – Number of individuals affected by these interventions.	675	210	885
Intermediate Outcome Measures	Compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative services are performed.	Yes		
Final Outcome Measures	Compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative services are performed.	Yes		
Comments	Examples of interventions are speaking engagements, exhibitions, training sessions, etc. at high hazard industry associations/groups. National Emphasis Programs include work zone safety and trenching. Local Emphasis Programs include Noise and Asbestos.			

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**New Jersey Department of Labor & Workforce Development in conjunction with  
The New Jersey Department of Health  
FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart**

**Strategic Goal:** To secure public confidence through excellence in the development and delivery of PEOSH programs and services.

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

**Performance Goal 3.1:** Initiate inspections of fatalities and catastrophes within one (1) day of notification for 100% of occurrences to prevent further injuries or deaths.

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of fatalities/catastrophes reported.	8	0	8
	Indicator 2 – Number of fatalities/catastrophes investigated within one (1) day of notification.	1	0	1
Intermediate Outcome Measures	100% of investigations started in one (1) day.	100% of fatality investigations were initiated within (1) day.		
Primary Outcome Measures	100% of investigations started in one (1) day.			
Comments	Goal is measured annually, no baseline applies.			

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**New Jersey Department of Labor & Workforce Development in conjunction with  
The New Jersey Department of Health  
FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart**

**Strategic Goal:** To secure public confidence through excellence in the development and delivery of PEOSH programs and services.

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

**Performance Goal 3.2A:** Safety complaints: Initiate 100 % of formal safety complaint inspections within five (5) working days of notification.

Performance Indicator Type	Indicator	Total
Activity Measures	Indicator 1 – Number of formal safety complaints received	28
	Indicator 2 – Number of formal safety complaints initiated within five (5) working days of notification.	28
Intermediate Outcome Measures	100% of safety complaint inspections initiated within five (5) working days of notification.	100% of safety complaint inspections were initiated within (five) 5 days.
Primary Outcome Measures	100% of safety complaint inspections initiated within five (5) working days of notification.	
Comments:	Goal is measured annually, no baseline applies.	

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### NJ PEOSH FY 2019 Comprehensive FAME Report

<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>		
<b>Strategic Goal:</b> To secure public confidence through excellence in the development and delivery of PEOSH programs and services.		
<b>Outcome Goal:</b> Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.		
<b>Performance Goal 3.2B:</b> Health complaints: Initiate 95% of non-indoor air quality (IAQ), sanitation health complaint inspections within five (5) working days of notification.		
Performance Indicator Type	Indicator	Result Total
Activity Measures	Indicator 1 – Number of health complaints received	288
	Indicator 2 – Number of non-IAQ/sanitation complaints received	66
	Indicator 3 – Number of non-IAQ/sanitation health complaints initiated within five days.	63
Intermediate Outcome Measures	95% of non-IAQ, sanitation health complaint inspections initiated within five (5) working days of notification.	95% of non-IAQ, sanitation health complaints were initiated within five (5) days. The average for initiating was less than five (5) days (4.7 days).
Primary Outcome Measures	95% of non-IAQ, sanitation health complaint inspections initiated within five (5) working days of notification.	
Comments		

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<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2019 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> To promote safety and health values in New Jersey’s public sector workplaces.				
<b>Outcome Goal:</b> Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.				
<b>Performance Goal 3.3:</b> Every year, 90% of surveys received from public employers utilizing consultation and/or training services rate the service(s) as highly effective (score 7 or higher, on a scale of 1 through 10 on the customer satisfaction survey).				
	Activity Measures	Result		
		Labor	Health	Total
Performance Indicators	Indicator 1 – Total number of consultation, training, and formal compliance assistance visits	269	59	328
	Indicator 2 – Number of survey responses received	151	30	181
	Indicator 3 – Number of responses that rate the intervention as highly effective (score 7 or higher, on a scale of 1 through 10)	151	30	181
Intermediate Outcome Measures	90% of public employers rate the consultation visits as highly effective (score 7 or higher on a scale of 1 through 10).	100% of the survey responses received rated the consultation services as highly effective.		
Primary Outcome Measures	90% of public employers rate the consultation visits as highly effective (score 7 or higher on a scale of 1 through 10).	100% of the survey responses received rated the consultation services as highly effective.		
Comments				