

**FY 2020**  
**Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

Maine State Plan  
(MEOSH)



**Evaluation Period: October 1, 2019 – September 30, 2020**

**Initial Approval Date: August 5, 2015**

**State Plan Certification Date: N/A**

**Final Approval Date: N/A**

**Prepared by:**  
**U. S. Department of Labor**  
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## I. Executive Summary

The primary purpose of this report is to assess the Maine State Plan's (MEOSH's) progress in Fiscal Year (FY) 2020 in resolving outstanding findings from the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

Needless to say, COVID-19 had a significant impact on the State Plan in FY 2020. By mid-March, most of Maine's state and local government workforce began working remotely, and the State Plan halted all programmed inspections and consultation visits in accordance with state protocols.

Thus, by the end of FY 2020, MEOSH had achieved only 25 percent of its fiscal year-end goal of 125 inspections. Similar to inspection and consultation activity, MEOSH scaled back compliance assistance activities and suspended classes at its training facility. COVID-19 also disrupted MEOSH's plans to request departmental approval to hire an additional compliance officer, which would have enabled the chief inspector to devote more time to her supervisory duties and the workplace retaliation program. Due to the pandemic, the state imposed hiring restrictions; thus, MEOSH could not move forward with such a request.

Most of the issues identified in the FY 2019 Comprehensive FAME Report pertained to insufficient case file documentation, and in FY 2020, the State Plan focused on addressing the one finding and two observations from that report. However, they have been continued in this report because the Occupational Safety and Health Administration (OSHA) did not conduct an on-site case file review to verify the extent to which they have been resolved. In FY 2020, MEOSH did not have any new findings or observations.

## II. State Plan Background

In August 2015, MEOSH received initial approval as a developmental State and Local Government Only State Plan under the Occupational Safety and Health (OSH) Act of 1970. The Maine Department of Labor implements MEOSH, and the Director of the Department's Bureau of Labor Standards (the Bureau) is the State Plan designee. The State Plan is headquartered in Augusta.

### *Coverage*

The State Plan covers approximately 2,400 state and local government employers and 81,181 workers (22,082 workers in state government and 59,099 workers in local government).<sup>1</sup> Volunteers under the direction of a state or local government employer are also covered. MEOSH does not cover federal government workers, including those employed by the United States Postal Service and civilian workers on military bases. These workers are covered by OSHA, which also exercises authority over private sector employers in the state.

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<sup>1</sup> Source: Center for Workforce Research and Information: <https://www.maine.gov/labor/cwri/qcew1.html>

### *Staffing*

The MEOSH Director and the program manager are the State Plan's first-line supervisors. MEOSH has two safety compliance officers and one health compliance officer, as well as two safety consultants and one health consultant. One of the safety compliance officers helps the managers supervise the other two compliance officers and also assists the Director of the Bureau with handling workplace retaliation complaints. Two administrative staff also support the State Plan.

### *State Plan Standards*

The State Plan has adopted OSHA's occupational safety and health standards. They generally follow but are not necessarily identical to OSHA's standards. MEOSH has a unique respiratory protection standard and video display terminal standard. The State Plan has also adopted Maine's standards for state and local government dive team operations and driving training requirements for fire apparatuses.

### *Enforcement and Whistleblower Protection Programs*

MEOSH conducts workplace inspections. If violations are identified, citations and proposed assessments of penalties are issued. State and local government employers may contest citations and proposed penalties before the Board of Occupational Safety and Health.<sup>2</sup> MEOSH's Field Operations Manual (FOM) is equivalent to OSHA's FOM, with the following exceptions: MEOSH did not adopt OSHA's penalty adjustment factors in Chapter 6, and the State Plan's informal conference proceedings in Chapter 7 differ from OSHA's.

MEOSH enforces Title 26, Chapter 6, §570 of the Maine Revised Statutes (M.R.S.), which outlines the provisions that an employer cannot discharge or in any manner discriminate against a worker filing a complaint, testifying, or otherwise acting to exercise rights granted by the M.R.S. MEOSH adopted 29 CFR 1977, Discrimination Against Employees Under the OSH Act of 1970, in FY 2019.

### *Funding*

The State Plan began FY 2020 with \$407,900 in base-level funding; in April 2020, this total increased to \$490,000 due to a base-level funding adjustment. MEOSH also received one-time funding of \$2,861; therefore, the State Plan's total federal funding award in FY 2020 was \$492,861. In addition to matching the total federal funding award, the state contributed \$80,828, which brought the total funding amount up to \$1,066,550. Thus, the state contributed 54 percent of the MEOSH's total funding in FY 2020, which was in keeping with its contribution in previous years.

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<sup>2</sup> MEOSH also covers county government and quasi-municipal agencies.

## New Issues

None.

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

#### A. Data and Methodology

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

- State Activity Mandated Measures (SAMM) Report (Appendix D)
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- OSHA Information System (OIS) Reports
- OSHA IT Support System Reports (Case Summary, Activity Measures, Investigation Data and Length of Investigation)
- Quarterly monitoring meetings between OSHA and the State Plan

#### B. Findings and Observations

Appendix A describes new and continued findings and recommendations and lists the one finding which was continued from the previous FAME Report. Appendix B describes the two observations subject to continued monitoring and the related federal monitoring plans. Appendix C describes the status of the FY 2019 finding and recommendation in detail.

#### FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

##### Continued FY 2019 Finding

**Finding FY 2020-01(formerly FY 2019-01, FY 2018-OB-03, FY 2017-OB-05, and FY 2016-OB-04):** In FY 2019, in eight (44 percent) of the 18 inspections where the union was at the workplace, the compliance safety and health officer (CSHO) did not document whether union representatives were given the opportunity to participate in all phases of the inspection.

**Status:** MEOSH's managers met with staff to review Chapter 3 of the MEOSH FOM, which discusses the need for CSHOs to document the opportunity given to employee representatives to

participate in all phases of the inspection. The managers have also been reviewing case files to ensure documentation of these opportunities. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 Comprehensive FAME and is awaiting verification.

## OBSERVATIONS

### Continued FY 2019 Observations

**Observation FY 2020-OB-01 (formerly FY 2019-OB-01, FY 2018-01, and FY 2017-02):** None of the three complaint inspections that were not in compliance contained documentation that the complainant had been notified of the results of the inspection.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 Comprehensive FAME. This observation will be continued.

**Observation FY 2020-OB-02 (formerly FY 2019-OB-02, FY 2018-03, and FY 2017-05):** In FY 2019, the CSHO did not properly assess the severity of the alleged violation in 10 (29 percent) of 34 cases that were not in compliance.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 Comprehensive FAME. This observation will be continued.

### **C. State Activity Mandated Measures Highlights**

Each SAMM has an agreed upon FRL which can be either a single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2020 SAMM Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

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

Discussion of State Plan Data and FRL: The negotiated FRL for this SAMM is five days. In FY 2020, the State Plan's average was 5.14 days, which was slightly outside (above) the FRL.

Explanation: OSHA is not concerned that MEOSH's average was a bit higher than the FRL.

## **SAMM 2a – Average number of work days to initiate complaint investigations (state formula)**

Discussion of State Plan Data and FRL: The negotiated FRL is one work day. MEOSH's average in FY 2020 was zero work days.

Explanation: SAMM 2a (state formula) calculates the number of work days from the date MEOSH receives the complaint to the date the State Plan initiates the investigation by notifying the employer of the complaint. This SAMM pertains only to complaints that do not have a related inspection.

From the onset of COVID-19 in March 2020 to the end of the fiscal year, MEOSH responded to questions from employers and workers regarding masks, social distancing, and other pandemic-related activities, but the State Plan did not handle any complaints that required an investigation. Thus, MEOSH's result for SAMM 2a was zero, which is not cause for concern.

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

Discussion of State Plan Data and FRL: The FRL is based on a three-year national average. MEOSH's FY 2020 average of 1.61 met the FRL range of 1.43 to 2.15 for serious, willful, repeated, unclassified (SWRU) violations. For other-than-serious (OTS) violations, the State Plan's average of 3.61 was outside (above) the FRL range of 0.76 to 1.14.

Explanation: OSHA would be concerned with MEOSH's performance on SAMM 5 if the State Plan had a high average for OTS violations and a comparatively low average for SWRU violations. This result could indicate that the State Plan had a tendency to classify some serious violations as OTS violations. In FY 2020, MEOSH had a high average for OTS violations; however, the State Plan's average for SWRU violations was well within the FRL range. Therefore, MEOSH's performance on this metric was acceptable.

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

Discussion of State Plan Data and FRL: The FRL is based on a number negotiated by OSHA and the State Plan through the grant application. In FY 2020, MEOSH planned to conduct 100 safety inspections and 25 health inspections. The FRL range was from 95 to 105 for safety inspections and from 23.75 to 26.25 for health inspections; MEOSH conducted 19 safety inspections and 12 health inspections. The State Plan's totals for safety and health inspections were outside (below) the FRL ranges.

Explanation: MEOSH did not meet the FRL for safety and health inspections in SAMM 7 for a couple of reasons. First, the chief inspector, who is also a safety compliance officer, has taken on multiple duties over the past few years, such as assisting the managers with supervising the other two CSHOs and handling MEOSH's workplace retaliation program. Thus, the number of inspections that the chief inspector has been able to conduct has been declining. Secondly, the State Plan stopped conducting inspections in mid-March 2020 due to the pandemic. Because of

COVID-19 and MEOSH's plan to request approval to hire an additional CSHO, OSHA is not overly concerned with the State Plan's results for SAMM 7.

### **SAMM 9 – Percent in compliance**

Discussion of State Plan Data and FRL: The FRL is based on a three-year national average. In FY 2020, the FRL range was from 24.82 percent to 37.24 percent for safety and from 29.72 percent to 44.58 percent for health. MEOSH's in-compliance rate of 22.22 percent for safety inspections was outside (below) the FRL, and the State Plan's in-compliance rate of 8.33 percent for health inspections was also outside (below) the FRL range.

Explanation: Both results were positive. Low in-compliance rates indicate the State Plan is targeting the most hazardous workplaces, and compliance officers are adept at identifying and citing violations.

### **SAMM 11– Average lapse time**

Discussion of State Plan Data and FRL: Lapse time is the number of work days from the opening conference date to the earliest issuance date. The FRL is based on a three-year national average. In FY 2020, the FRL range was from 40.46 to 60.70 work days for safety inspections and from 48.31 to 72.47 work days for health inspections. MEOSH's average of 71.92 work days for safety inspections was outside (above) the FRL, and the State Plan's average of 54.07 work days for health inspections was within the FRL range.

Explanation: Based on OIS data, the chief inspector's average lapse time in FY 2020 was 113 days, compared to 44 days for the other safety compliance officer and 54 days for the health compliance officer. As noted earlier, the chief inspector's workload is substantial, which has increased her lapse time. In FY 2020, lapse time for health inspections also increased, but remained within the FRL. This is because the managers were mentoring the health compliance officer on citation issuance. OSHA is not concerned with MEOSH's performance on SAMM 11 because lapse time for safety inspections should decrease once the State Plan receives approval to hire another CSHO.

### **SAMM 14 - Percent of 11(c) investigations completed within 90 days**

Discussion of State Plan Data and FRL: The FRL of 100 percent is fixed for all State Plans. In FY 2020, MEOSH's percent for this SAMM was zero.

Explanation: In FY 2020, only one workplace retaliation complaint was filed with MEOSH, and that case has remained open since the third quarter. The investigation has been delayed by the hospitalization of the complainant. Additionally, the investigator has had limited time to devote to this case because she has been handling her other duties. OSHA is not overly concerned because the State Plan intends to request approval to hire another CSHO, which would free up time for the chief inspector to devote to the workplace retaliation program.



### **SAMM 15 - Percent of 11(c) complaints that are meritorious**

Discussion of State Plan Data and FRL: In FY 2020, the FRL range for SAMM 15 was from 14.40 percent to 21.60 percent and was based on a three-year national average. MEOSH's percent of 11(c) complaints that were meritorious was zero.

Explanation: MEOSH received only one complaint in FY 2020, and no other workplace retaliation cases were opened or closed during the fiscal year. The State Plan is still investigating this one complaint and has not yet determined whether it has merit. Thus, MEOSH's result for SAMM 15 is not cause for concern.

### **SAMM 16 – Average number of calendar days to complete an 11(c) investigation**

Discussion of State Plan Data and FRL: The FRL of 90 calendar days is fixed for all State Plans. In FY 2020, MEOSH's average number of calendar days to complete an investigation was zero.

Explanation: In FY 2020, MEOSH did not complete any workplace retaliation investigations; thus, the outcome is zero calendar days. The State Plan will be able to handle workplace retaliation cases more efficiently once a new CSHO is on board. Therefore, OSHA is not overly concerned with MEOSH's average for this metric.

## Appendix A – New and Continued Findings and Recommendations

### FY 2020 MEOSH Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-01	In FY 2019, in eight (44 percent) of the 18 inspections where the union was at the workplace, the CSHO did not document whether union representatives were given the opportunity to participate in all phases of the inspection.	Follow the guidance in Chapter 3 of the MEOSH FOM to ensure that employee representatives are given the opportunity to participate in all phases of the inspection, and include documentation in the case file that this guidance was followed. <i>Corrective action is complete and awaiting verification.</i>	FY 2019-01 FY 2018-OB-03 FY 2017-OB-05 FY 2016-OB-04

## Appendix B – Observations and Federal Monitoring Plans

FY 2020 MEOSH Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-# or FY 2019-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01 FY 2018-01 FY 2017-02	None of the three complaint inspections that were not in compliance contained documentation that the complainant had been notified of the results of the inspection.	On a quarterly basis, OSHA will discuss the need for MEOSH to follow the guidance in Chapter 9 of the MEOSH FOM to send a letter to the complainant. OSHA will also reinforce the need to ensure that a copy of the letter or documentation that the letter was sent (such a notation on the case diary sheet) is in the case file.	Continued
FY 2020-OB-02	FY 2019-OB-02 FY 2018-03 FY 2017-05	In FY 2019, the CSHO did not properly assess the severity of the alleged violation in 10 (29 percent) of 34 cases that were not in compliance.	On a quarterly basis, OSHA will reinforce the need to ensure compliance with the guidance in Chapter 6 of the MEOSH FOM to assess the severity and probability of the alleged violation.	Continued

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

### FY 2020 MEOSH Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2019-01	In FY 2019, in eight (44 percent) of the 18 inspections where the union was at the workplace, the CSHO did not document whether union representatives were given the opportunity to participate in all phases of the inspection.	Follow the guidance in Chapter 3 of the MEOSH FOM to ensure that employee representatives are given the opportunity to participate in all phases of the inspection, and include documentation in the case file that this guidance was followed.	MEOSH's managers reviewed Chapter 3 of the MEOSH FOM with CSHOs to ensure that employee representatives are given the opportunity to participate all phases of the inspection. These opportunities will be documented in the safety and health narrative and field notes.	July 15, 2020	Awaiting Verification March 11, 2021

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

### FY 2020 MEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Maine – <b>MEOSH</b>			FY 2020	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	5.14	5	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	4.71	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	0	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2020.  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: 1.61	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.76 to 1.14 for OTS.
		Other: 3.16	+/- 20% of Other: 0.95	
<b>6</b>	Percent of total inspections in state and local government	100%	100%	Since this is a State and Local Government State Plan, all inspections are in

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

### FY 2020 MEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
	workplaces			state and local government workplaces.
<b>7</b>	Planned v. actual inspections – safety/health	S: 19	+/- 5% of S: 100	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 95 to 105 for safety and from 23.75 to 26.25 for health.
		H: 12	+/- 5% of H: 25	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,964.86	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,967.64	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,513.45	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$5,027.02	N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average.
	<b>d.</b> Average current serious penalty in private sector	N/A	+/- 25% of \$6,190.91	N/A – This is a State and Local Government State Plan.

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

### FY 2020 MEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
	(greater than 250 workers)			The further review level is based on a three-year national average.
<b>9</b>	Percent in compliance	S: 22.22%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 8.33%	+/- 20% of H: 37.15%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 71.92	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 54.07	+/- 20% of H: 60.39	
<b>12</b>	Percent penalty retained	N/A	+/- 15% of 67.51%	<p>NA – This is a State and Local Government State Plan and is not held to this SAMM.</p> <p>The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.</p>
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.

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

### FY 2020 MEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
<b>15</b>	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	N/A	+/- 25% of 1.09%	N/A – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a three-year national average.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 9, 2020, as part of OSHA’s official end-of-year data run.



# State of Maine

## State OSHA Annual Report (SOAR)

October 1, 2019 through September 30, 2020



Prepared By:

State of Maine  
Department of Labor  
Bureau of Labor Standards

Submitted: December 2020

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

FY 2020 MEOSH Follow-up FAME Report

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

#### **FISCAL YEAR 2020 EXECUTIVE SUMMARY**

The State OSHA Annual Report (SOAR) covers fiscal year (FY) 2020 (October 1, 2019 through September 30, 2020), and is submitted to OSHA in accordance with the State Plan Policies and Procedures Manual.

This SOAR contains the following sections:

- Executive Summary
- Annual Performance Plan Charts/Accomplishments
- State Internal Evaluation Program (SIEP)

In FY 2016, MEOSH developed its first five-year Strategic Plan, which extended from FY 2016 through FY 2020. This report covers the Annual Performance Plan for FY 2020, the final year of that plan.

As of October 1, 2019, MEOSH was fully staffed with four 23(g) consultants (two safety, one health and one compliance assistance specialist); the enforcement staff consisted of three compliance safety and health officers (CSHO) (one chief, one safety and one health).

The following is a summary MEOSH's progress in achieving its FY 2020 Annual Performance Plan goals, as well as the strategies used to accomplish these goals. The FY 2020 results are discussed in detail later in this report.

In FY 2020, MEOSH did not meet the annual performance plan goal of 125 inspections; the State Plan's total was 31 inspections (19 safety and 12 health) which equates to 25 percent of the goal. The State Plan did not meet the goal of 125 inspections for several reasons. First, at the end of FY 2019, MEOSH began conducting a lengthy fatality investigation that continued for several months into FY 2020; second, another workplace fatality occurred in early FY 2020, and the resulting investigation was complex and time-consuming; third, due to COVID-19, the State Plan's staff stopped conducting programmed inspections and focused on handling complaints and pandemic-related activities. Thus, since mid-March, MEOSH has only been responding to workplace complaints such as non-mask use, social distancing and other COVID-related activities. Approximately 80 % of the state government workforce shifted to working remotely. In addition, most local governments shifted to remote and reduced workday hours.

In FY 2020 MEOSH conducted eight complaint inspections, four referral inspections, one fatality investigation and one non-fatal accident inspection. Of the total number of inspections, 31 (87%) were conducted in the targeted, high-hazard areas in state and local government, including three inspections at police departments, 12 inspections at fire/rescue departments, six inspections in transportation/public works departments, and six inspections at colleges/schools.

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

### FY 2020 MEOSH Follow-up FAME Report

All targeted inspections were conducted before the onset of COVID-19 (i.e., before mid-March 2020).

In FY 2019, one of the safety CSHOs was promoted to chief safety and health inspector. The new supervisory responsibilities associated with this promotion have resulted in the CSHO spending more time in the office and less time in the field. Thus, MEOSH has been exploring the possibility of adding another CSHO position. However, due to COVID-19 and uncertainties surrounding the state budget, MEOSH did not move forward with requesting an additional enforcement position in FY 2020.

MEOSH is training compliance personnel in accordance with OSHA’s Mandatory Training Program for OSHA Compliance Personnel (TED 01-00-019). The training completed by each field staff member and the program manager in FY 2020 is listed below. All three CSHOs have completed the initial CSHO three-year training requirements.

<b>Program Manager</b>	
6/22-24/2020	*KEENE - OSHA#503 Update for General Industry Outreach Trainers

<b>CSHO 1- Chief Inspector</b>	
6/22-24/2020	KEENE – OSHA#503 Update for General Industry Outreach Trainers
7/27/2020	Virtual - OSHA eLearning – 0161 – CSHO Safety: Inspections During the Pandemic

<b>CSHO 2- Safety</b>	
6/22-24/2020	KEENE - OSHA#503 Update for General Industry Outreach Trainers
7/27/2020	Virtual - OSHA eLearning – 0161 – CSHO Safety: Inspections During the Pandemic

<b>CSHO 3- Health</b>	
6/22-24/2020	KEENE - OSHA#503 Update for General Industry Outreach Trainers
7/27/2020	Virtual - OSHA eLearning – 0161 – CSHO Safety: Inspections During the Pandemic
8/25-26/2020	KEENE - NCSH# 441 Introduction of Toxicology
9/18/2020	Virtual - OTI - 2451 – Evaluation of Safety and Health Management Systems

<b>Consultant 1- Safety</b>	
12/10/2019	KEENE – Rigging Techniques and Inspection Course
12/11-13/2019	KEENE - OSHA#2055 Cranes in Construction
6/22-24/2020	KEENE - OSHA#503 Update for General Industry Outreach Trainers

<b>Consultant 2- Safety</b>	
6/22-24/2020	KEENE – OSHA#503 Update for General Industry Outreach Trainers
6/29/2020-7/1/2020	KEENE – OSHA#502 Update for Construction Outreach Trainers
8/11/13/2020	KEENE – OSHA#3115 Fall Protection
9/21/2020	Virtual – OSHA eLearning – 0164 – OSHA Recordkeeping

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

### FY 2020 MEOSH Follow-up FAME Report

<b>Consultant 3- Health</b>	
12/11-13/2019	KEENE - OSHA#2055 Cranes in Construction
6/22-24/2020	KEENE - OSHA#503 Update for General Industry Outreach Trainers

<b>Consultant 4- CAS- SHAPE</b>	
11/5-7/2020	KEENE – OSHA#3085 Scaffolding
12/10/2019	KEENE – Rigging Techniques and Inspection Course
12/11-13/2019	KEENE - OSHA#2055 Cranes in Construction
6/22-24/2020	KEENE - OSHA#503 Update for General Industry Outreach Trainers

\*Classes conducted by the Region I OSHA Training Institute Education Center (OTIEC) are referred to as KEENE in this table, because Region I OTIEC is administered by Keene State University in Keene, New Hampshire.

All consultants completed OTI Course 1500, the basic course for consultants, during their first year of employment. In addition, all staff attended the 93<sup>rd</sup> Annual Maine Safety & Health (Virtual) Conference which included three keynote speakers and numerous breakout sessions. The conference was held in Augusta in September 2020.

SafetyWorks! (Consultation) conducted a total of 136 state and local government visits (41 safety, 24 health and 71 safety/health) which is 54% of the goal of 250 state and local government visits. This number was impacted by COVID-19 constraints. The consultation program discontinued on-site consultation visits in mid-March and conducted very few visits during the remainder of FY 2020. Staff worked remotely on reports, training programs and responding to COVID questions via our “Ask the Expert” webpage

[http://www.safetyworksmaine.com/ask\\_the\\_expert/](http://www.safetyworksmaine.com/ask_the_expert/)

The SafetyWorks! Training Institute (STI) trained 919 attendees in FY 2020. Of that total, 269 participants were from state and local government. The program also distributed 4,000 SafetyWorks! Training Institute calendars. COVID-19 also impacted STI. The facility closed in mid-March and did not reopen until the end of June 2020. Due to social distancing, class size was limited to 18 attendees, which was considerably smaller than the typical size of 48 students. STI also canceled 36 classes and two Region I OTIEC classes.

In FY 2020, SafetyWorks! planned to host a promotional booth at the following conferences:

- Maine Fire Chief/Fire Commission Conference-Cancelled due to COVID
- Maine Emergency Management Agency Conference- Cancelled due to COVID
- Maine Recycling and Solid Waste Conference & Trade Show- Cancelled due to COVID
- Construction Rodeo- Cancelled due to COVID
- Maine Municipal Association (MMA) Conference-Attended (1<sup>st</sup> quarter)
- MMA Human Resource Conference- Cancelled due to COVID
- Maine School Management Conference- Attended (1<sup>st</sup> quarter)

The Safety and Health Award for Public Employers (SHAPE) is a voluntary protection program similar to the Safety and Health Achievement Recognition Program (SHARP). The entire city/town or just an individual department may be eligible for acceptance into SHAPE. As of September 30, 2020, there were 85 sites in SHAPE.

The State of Maine activated the emergency response teams (ERT) in response to COVID-19. At

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the outset of the pandemic, MEOSH allocated staff to the ERT, but because this effort was more disease-related and CDC was heading up efforts, MEOSH eventually transitioned to on-call status. MEOSH attended quarterly State Emergency Response Commission (SERC) meetings as well as a few storm updates at the SERC.

Although MEOSH planned to establish two Alliances in FY 2020, it was unable to do so due to the pandemic. However, when it is safe to proceed, the State Plan intends to establish Alliances with Maine Department of Transportation and Maine Fire Service Institute to prepare firefighters and construction personnel for hazards that may exist in their occupations.

MEOSH, established a compliance directive on COVID-19 that was approved by the Board of Occupational Safety & Health (BOSH). MEOSH reached out to state agencies, Maine Municipal Association, Maine School Management and the Maine State Employees Association (union) for comment. The compliance directive outlined frequently cited standards related to COVID-19 inspections and also discussed ways for employers to better protect workers and comply with MEOSH’s regulations during the pandemic. The BOSH continues to update work rules submitted by MEOSH for recordkeeping, general industry and construction standards as OSHA updates these regulations.

Below is a summary of the Annual Performance Goals in MEOSH’s FY 2020 Annual Performance Plan, as well as strategies used to accomplish these goals.

**NOTE: Some state and local Days Away, Restricted or Transferred (DART) rates were not available from the Bureau of Labor Statistics for 2019.**

Strategic Goal # 1. Improve workplace safety & health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities in state government.	
Annual Performance Goal 1.1	Reduce DART rates in the following targeted industries: Police protection, highway, street, and bridge construction, administration of human resource programs (except education, public health, and veterans' affairs programs), correctional facilities, and colleges, universities, and professional schools. Prevent fatalities in these industries.
Strategy	Conduct inspections and consultations in the targeted, high-hazard industries.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of inspections: 15 (The goal was not met; due to COVID-19 and 80% of the state government workforce working remotely during the pandemic.) MEOSH has not conducted any programmed on-site inspections since mid-March. Number of consultation visits: 50 (MEOSH conducted total of 136 initial visits) Reduce the DART rates in state targeted industries by five percentage points from the 2013 baseline DART rates. Based on 2019 DART rates, MEOSH did not meet its goal of a five percent reduction from the

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	2013 baseline DART rates. Unfortunately, we are unable to determine the rates for two categories. Number of fatalities: None																																
Data Source(s)	Internal BLS Research & Statistics Unit data, BLS DART rates																																
Baseline	<p>2013 BLS DART rates in targeted state government industries. Amount of change from 2013-2019 in parentheses.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="4" style="text-align: center;">Focused State Government Industries</th> </tr> <tr> <th style="width: 35%;">Industry</th> <th style="width: 15%;">NAICS</th> <th style="width: 15%;">2013 DART Rate</th> <th style="width: 35%;">2019 DART Rate</th> </tr> </thead> <tbody> <tr> <td>Police Protection</td> <td>92212</td> <td>6.4</td> <td>3.5 <b>(-2.9)</b></td> </tr> <tr> <td>Highway, street, and bridge construction</td> <td>2373</td> <td>9.2</td> <td><b>Not Available</b></td> </tr> <tr> <td>Administration of human resource programs (except education, public health, and veterans' affairs programs)</td> <td>92313</td> <td>0.7</td> <td><b>Not Available</b></td> </tr> <tr> <td>Correctional facilities</td> <td>92214</td> <td>4.9</td> <td>4.1 <b>(-.8)</b></td> </tr> <tr> <td>Colleges, universities, and professional schools</td> <td>6113</td> <td>1.3</td> <td>0.8 <b>(-.5)</b></td> </tr> <tr> <td><b>All state government</b></td> <td></td> <td><b>3.0</b></td> <td><b>1.9 (-1.1)</b></td> </tr> </tbody> </table>	Focused State Government Industries				Industry	NAICS	2013 DART Rate	2019 DART Rate	Police Protection	92212	6.4	3.5 <b>(-2.9)</b>	Highway, street, and bridge construction	2373	9.2	<b>Not Available</b>	Administration of human resource programs (except education, public health, and veterans' affairs programs)	92313	0.7	<b>Not Available</b>	Correctional facilities	92214	4.9	4.1 <b>(-.8)</b>	Colleges, universities, and professional schools	6113	1.3	0.8 <b>(-.5)</b>	<b>All state government</b>		<b>3.0</b>	<b>1.9 (-1.1)</b>
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Comment	Over the past few years, MEOSH has not met its inspection goals in the targeted industries. As mentioned earlier, complex fatality investigations and considerable time spent on training has taken time away from inspections, and this may have limited MEOSH's ability to reduce the DART rates.																																

Strategic Goal # 1. Improve workplace safety & health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities in municipal/local government.	
Annual Performance Goal # 1.2	Reduce DART rates in the following targeted municipal government industries: police protection; fire protection;

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	highway, street, and bridge construction; elementary and secondary schools and correctional facilities. Prevent fatalities in these industries.																																
Strategy	Conduct inspections and consultations in the high hazard targeted industries.																																
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of inspections: 110 (MEOSH conducted 31 inspections and did not meet the goal) Number of consultation visits: 250 (MEOSH conducted 136 initial visits). Reduce the DART rates in local government targeted industries by five percentage points from the 2013 baseline DART rates. Based on 2019 DART rates, MEOSH did not meet its goal of a 5 percent reduction in all focus five areas from the 2013 baseline DART rates. Number of fatalities: One (public works)																																
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Strategic Goal # 2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.	
Annual Performance Goal # 2.1	Increase safety and health awareness among workers in state and municipal work sites.
Strategy	Conduct training courses at the STI on school laboratory safety, public sector work zone, trenching/excavation, fall protection, OSHA recordkeeping and other applicable courses.–
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of courses to be conducted: 100 (72 courses and nine from the Region I OTIEC were conducted, for a total of 81 courses). Number of participants to be trained: 2,000 state and local government and private employees. Of this total, 300 participants are estimated to be workers from state and local government. (The actual number of workers trained was 919 of which 269 were state and local government workers).
Data Source(s)	Course registration forms and sign-in sheets
Baseline	100 safety and health classes, 2,000 class attendees of which 300 are state and local government employees.
Comment	MEOSH’s class schedule exceeded class offerings but there were 36 class cancellations due to COVID-19. Attendance goals were not met due to the pandemic.
Strategic Goal # 2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.	
Annual Performance Goal # 2.2	Promote effective worksite-based safety and health programs in the public sector.
Strategy	Administer SHAPE for state and local government worksites.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Maintain the participation of current SHAPE sites (including those that are eligible for renewal in FY 2020); recruit new SHAPE participants.  The continued growth of SHAPE should help MEOSH obtain its goal to reduce the DART rates in state and local government targeted industries by five percentage points from the 2013 baseline DART rates.
Data Source(s)	SHAPE applications, DART rates, and results of onsite

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	audits of SHAPE sites
Baseline	MEOSH had 92 SHAPE sites in FY 2019
Comment	The goal was to increase SHAPE participation to 99. As of 9/30/2020, the State Plan had a total of 85 SHAPE sites.
Strategic Goal #2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.	
Annual Performance Goal # 2.3	Promote safety and health consultation services at various trade shows and conferences.
Strategy	Staff vendor booths at conferences attended by participants from the public sector; provide safety and health training at these conferences when possible.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<p>Number of conferences that the Maine State Plan will attend: five</p> <p>The goal was not met. The State Plan scheduled participation in seven conferences that were geared toward state and local government work sites but most of them were cancelled due to the pandemic.</p> <p>These outreach efforts should help MEOSH reduce the DART rates in state and local government targeted industries by five percentage points from the 2013 baseline DART rates.</p>
Data Source(s)	Conference registration forms
Baseline	Five conferences
Comment	MEOSH attended only two conferences, Maine School Management and Maine Municipal Association (MMA). The other conferences identified for attendance/informational booths were the Maine Fire Chiefs; Recycling/Solid Waste and Maine Emergency Management (MEMA). In addition, MEOSH had also planned on attending the Construction Rodeo (DOT/Public Works) and MMA Human Resource Conference.
Strategic Goal #2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.	

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Annual Performance Goal # 2.4	Conduct outreach to state and local government sector work sites on a variety of occupational safety and health topics
Strategy	Conduct compliance meetings statewide
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<p>Number of compliance meetings to be attended: four The goal was not met; MEOSH scheduled four public sector compliance meetings but they were cancelled.</p> <p>Establish two alliances. One in state government, the other in local government or with a school.</p> <p>These outreach efforts should help MEOSH reduce the DART rates in state and local government targeted industries by five percentage points from the 2013 baseline DART rates.</p>
Data Source(s)	Registrations received to attend breakfast meetings
Baseline	Conduct four breakfast meetings in Augusta and three satellite locations. Establish two alliances.
Comment	The four compliance courses were not provided by MEOSH manager/staff. The meetings are usually held from 8:30 to 10:30 at MDOL Augusta and three satellite MDOL locations (northern and southern Maine). These meetings are non-formal training sessions where attendees can freely ask questions about the department without concerns of enforcement. Due to the pandemic the STI session was cancelled and the three satellite locations have not yet opened for attendees. Due to the pandemic, the State Plan could not meet with potential Alliance partners.
Strategic Goal #3. Maximize MEOSH effectiveness and efficiency by strengthening staff capabilities and focusing on high hazard/injury rate establishments.	
Annual Performance Goal # 3.1	Strengthen the technical and professional skills and education of MEOSH field staff.
Strategy	Management will meet with staff to discuss their training needs. Management will also encourage/support staff in their pursuit of higher education and professional certifications.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Each year, field staff will complete at least one safety and/or health class. Staff will also attend one professional development course/seminar annually. All CSHOs will complete the initial three years of training

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	<p>and all new consultants will complete the OTI 1500 course.</p> <p>In FY 2020, this goal was met.</p> <p>Training activities should help MEOSH reduce the DART rates in state and local government targeted industries.</p>
Data Source(s)	Training records
Baseline	Mandatory training courses prescribed by TED 01-00-019. OTI requirement that all new consultants complete OTI Course #1500.
Comment	Enforcement staff continue to follow OSHA’s directive (TED 01-00-019-Mandatory Training Program for OSHA Compliance Personnel). All CSHOs have completed basic three-year CSHO training and are following phase two requirements. Staff also attended several courses offered through the Region I OTIEC and the National Safety Council of Northern New England, 93 <sup>rd</sup> Annual Safety & Health Conference.
Strategic Goal #3. Maximize MEOSH effectiveness and efficiency by strengthening staff capabilities and focusing on high hazard/injury rate establishments.	
Annual Performance Goal # 3.2	Maintain a Local Emergency Management partnership with the Maine Emergency Management Agency (MEMA).
Strategy	Management will assist MEMA by staffing Emergency Operation Center (EOC) during state emergencies and exercises.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	MEOSH will participate in an annual conference and provide “real world safety” scenarios (i.e., participate in drills, but also have additional staff available to provide actual hands-on safety and health monitoring of the exercise) at statewide exercises.
Data Source(s)	100% participation at large exercises and state disasters
Baseline	MEOSH will participate in 100 percent of all emergencies, exercises, and State Emergency Response Commission (SERC) meetings.
Comment	MEMA has been active since March 2020 due to COVID-19. MEOSH has been on-call as a safety and

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	health resource and continues to attend quarterly SERC meetings.
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## STATE OF MAINE STATE INTERNAL EVALUATION PROGRAM (SIEP)

Based on data from FY 2020 OSHA Information System (OIS) Reports and feedback received from OSHA during the onsite case file reviews for the Federal Annual Monitoring and Evaluation (FAME) Reports, MEOSH has identified the following areas that it will monitor in the SIEP.

1. Case file management
2. Average number of workdays to initiate complaint inspections (based on State Activity Mandated Measures (SAMM) 1A)
3. Average lapsed days between closing conference and written report (based on OSHA Visit Metrics Report).
4. Percent of Serious Hazards Corrected Onsite or Within Original Timeframe (Mandated Activities Report for Consultation (MARC) 4D)

### Enforcement Case Files

Documenting case files as directed by the MEOSH Field Operations Manual (FOM) is a concern of management and staff. Management will periodically (not to exceed quarterly) review case files (10 percent) to ensure that all documentation required by the MEOSH FOM is included, such as diary sheets, field notes, employee interviews, penalty assessments, and background information to support the citations. Detailed case files are necessary in case of an employer appeal. In addition, management and field staff will discuss/review the MEOSH FOM requirements on a quarterly basis. The program manager and system administrator reviewed 100% of FY 2020 inspection files. Any discrepancies with case files are discussed with the inspector. There is no formal recording or list of discrepancies.

### Average Number of Workdays to Initiate Complaint Inspections: State Activity Mandated Measures Report (SAMM) 1A

The time to initiate complaint inspections has been a concern for a few years because MEOSH initially did not meet the negotiated five-day further review level (FRL) of five workdays. In FY 2017 we had an average of 17.0 workdays. However, in FY 2018, the average decreased sharply from previous year to 4.2 workdays. In FY 2019, MEOSH's average of 1.75 workdays met the FRL, even though the State Plan had to deal with three complex fatality investigations during the year. In FY 2020 the average slipped slightly to 5.14 workdays.

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Since this is an important measure, the State Plan will continue to monitor this average.

The table below shows a comparison of MEOSH’s results for SAMM #1 over the past three fiscal years.

SAMM 1A: Time to Initiate Complaint Inspections (Average workdays)								
FY 2018			FY 2019			FY 2020		
MEOSH	Nat'l.	FRL	MEOSH	Nat'l.	FRL	MEOSH	Nat'l.	FRL
4.2	7.42	5.0	1.75	7.5	5.0	5.14	10.11	5.0

### Consultation

#### Average Lapsed Days between Closing Conference and Written Report

MEOSH has been monitoring the average number of lapsed days between consultation closing conference and written report to the employer. This is an important metric because the sooner the employer receives the written report, the sooner it can proceed with abating the hazards that were identified during the visit. Through combined efforts of management and staff, MEOSH is committed to ensuring that all workplace hazards are corrected as soon as possible. For this reason, MEOSH will continue to monitor this metric in FY 2021.

OIS Consultation Service Report				
	FY 2018	FY 2019	FY 2020	Goal
Averaged Lapsed Days	14.25	14.00	11.53	20.00

#### Percent of Serious Hazards Corrected Onsite or Within Original Timeframe (MARC 4D)

MARC 4D calculates the percent of serious hazards corrected in original time or on-site. In FY 2020, MEOSH’s percentage of 76.42 was outside (above) the reference/standard of 65 percent and was a positive outcome. However, in the fourth quarter of FY 2020, MEOSH’s average decreased to 38 percent, due to staff encountering difficulties using the OIS. Nonetheless, MEOSH will continue to closely monitor the timely closeout of hazards and refer non-compliant employers to enforcement. Management will continue to review the OIS uncorrected hazards list on a weekly/bi-weekly and discuss this report with staff.

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SAMM Report (Enforcement):

#### SAMM

Time run: 11/16/2020 7:27:02 AM

SAMM #	Measure	RIDs Selected	All State Plan RIDs	All Federal RIDs	National
01A	Time to Initiate Complaint Inspections STATE formula (Average Number of Work Days to Initiate Complaint Inspections)	36	73,695	29,288	102,983
		5.14	10.11	6.08	8.50
		7	7,292	4,820	12,112
01B	Time to Initiate Complaint Inspections FEDERAL formula (Average Number of Work Days to Initiate Complaint Inspections)	33	43,292	12,533	55,825
		4.71	5.94	2.60	4.61
		7	7,292	4,820	12,112
02A	Time to Initiate Complaint Investigations STATE formula (Average Number of Work Days to Initiate Complaint Investigations)	0	233,090	21,512	254,602
		0.00	5.70	0.87	3.89
		1	40,858	24,642	65,500
02B	Time to Initiate Complaint Investigations FEDERAL formula (Average Number of Work Days to Initiate Complaint Investigations)	0	116,207	6,365	122,572
		0.00	2.84	0.26	1.87
		1	40,858	24,642	65,500
03	Timely Response to Imminent Danger Complaints and Referrals (Percent of Complaints and Referrals of Imminent Danger Responded to within 1 Day)	0	527	394	921
		0.00%	99.06%	94.48%	97.05%
		0	532	417	949
04	Number of Denials where entry not obtained	0	2	1	3
05	Average Number of Violations per Inspection with Violations by Violation Type - SWRU	61	36,037	33,539	69,576
		1.61	1.67	1.92	1.78
		38	21,569	17,449	39,018
	Average Number of Violations per Inspection with Violations by Violation Type - OTS	120	29,698	6,700	36,398
		3.16	1.38	0.38	0.93
		38	21,569	17,449	39,018

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06	Percent of Total Inspections in Public Sector	31	3,743	21	3,764
		<b>100.00%</b>	<b>11.72%</b>	<b>0.10%</b>	<b>7.02%</b>
		31	31,941	21,678	53,619
07	Inspections - Safety	19	23,833	17,559	41,392
	Inspections - Health	12	8,108	4,119	12,227
08	Average Current Penalty per Serious Violation (Private Sector) - Total (1 to greater than 250 Employees)	\$0.00	\$64,533,070.47	\$112,271,967.71	\$176,805,038.18
		<b>\$0.00</b>	<b>\$2,494.22</b>	<b>\$3,988.91</b>	<b>\$3,273.02</b>
		0	25873	28146	54019
	Average Current Penalty per Serious Violation (Private Sector) - 1-25 Employees	\$0.00	\$23,917,318.32	\$48,418,114.02	\$72,335,432.34
		<b>\$0.00</b>	<b>\$1,532.00</b>	<b>\$2,693.79</b>	<b>\$2,153.99</b>
		0	15608	17974	33582
	Average Current Penalty per Serious Violation (Private Sector) - 26-100 Employees	\$0.00	\$14,030,890.00	\$23,208,219.03	\$37,239,109.03
		<b>\$0.00</b>	<b>\$2,792.22</b>	<b>\$4,963.26</b>	<b>\$3,838.69</b>
		0	5025	4676	9701
	Average Current Penalty per Serious Violation (Private Sector) - 101-250 Employees	\$0.00	\$8,809,691.75	\$13,039,743.82	\$21,849,435.57
		<b>\$0.00</b>	<b>\$4,415.89</b>	<b>\$6,480.99</b>	<b>\$5,452.82</b>
		0	1995	2012	4007
Average Current Penalty per Serious Violation (Private Sector) - Greater than 250 Employees	\$0.00	\$17,775,170.40	\$27,605,890.84	\$45,381,061.24	
	<b>\$0.00</b>	<b>\$5,477.71</b>	<b>\$7,923.62</b>	<b>\$6,744.10</b>	
	0	3245	3484	6729	
09	Percent In Compliance - Safety	4	7,164	4,255	11,419
		<b>22.22%</b>	<b>34.40%</b>	<b>27.60%</b>	<b>31.51%</b>
		18	20,825	15,419	36,244
	Percent In Compliance - Health	1	2,602	1,103	3,705
		<b>8.33%</b>	<b>41.76%</b>	<b>35.73%</b>	<b>39.76%</b>
10	Percent of Work Related Fatalities Responded to in 1 Work Day	12	6,231	3,087	9,318
		1	775	1,246	2,021
		<b>100.00%</b>	<b>86.79%</b>	<b>88.68%</b>	<b>87.95%</b>
11	Average Lapse Time - Safety	1	893	1,405	2,298
		1,726	944,020	837,013	1,781,033



**Appendix E – FY 2020 State OSHA Annual Report (SOAR)**  
 FY 2020 MEOSH Follow-up FAME Report

		<b>71.92</b>	<b>55.23</b>	<b>55.26</b>	<b>55.24</b>
		24	17,093	15,146	32,239
	<b>Average Lapse Time - Health</b>	757	300,525	184,438	484,963
		<b>54.07</b>	<b>63.31</b>	<b>67.96</b>	<b>65.00</b>
		14	4,747	2,714	7,461
<b>12</b>	<b>Penalty Retention Percent Penalty Retained</b>	\$0.00	\$48,516,268.70	\$127,309,219.85	\$175,825,488.55
		<b>0.00%</b>	<b>76.81%</b>	<b>65.77%</b>	<b>68.48%</b>
		\$0.00	\$63,165,155.50	\$193,574,657.00	\$256,739,812.50
<b>13</b>	<b>Percent of Initial Inspections with Employee Walk around Representation or Employee Interview</b>	31	31,450	21,025	52,475
		<b>100.00%</b>	<b>98.46%</b>	<b>96.99%</b>	<b>97.87%</b>
		31	31,941	21,678	53,619

Visit Metrics Report (Consultation):

Time run:  
 11/19/2020  
 12:06:32  
 PM

<b># Written Reports</b>	<b>Avg # Days from Request Date to Open Conf Date</b>	<b>Avg # Days from Open Conf Date to Written Report Date</b>	<b>Avg # Days from Close Conf Date to Written Report Date</b>
135	71.91	14.23	<b>11.53</b>

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MARC Report (Consultation):

**MARC**

Time run: 11/19/2020  
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Reference		ME	
		QTR	FYTD
	<b># Visits</b>	2	136
<i>Not Less than 90%</i>	<b>1. % Initial Visits in High Hazard Establishments</b>		
	<b># High Hazard Visits</b>	2	59
	<b>%</b>	100.00%	51.75%
	<b># Initial Visits</b>	2	114
<i>Not Less than 90%</i>	<b>2. % Initial Visits to Smaller Businesses</b>		
	<b># Initial Visits</b>	2	114
	<b>2A. # Visits with &lt;=250 Emp in Estab</b>	2	113
	<b>%</b>	100.00%	99.12%
	<b>2B. # Visits with &lt;=500 Emp Cntrld</b>	2	113
	<b>%</b>	100.00%	99.12%
<i>100%</i>	<b>3.% Visits where Consultant Conferred with Emp</b>		
	<b>3A. Initial</b>		
	<b># Visits with Emp Conferences</b>	2	111
	<b>%</b>	100.00%	100.00%
	<b># Initial Visits</b>	2	111
	<b>3B. Follow-Up</b>		

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### FY 2020 MEOSH Follow-up FAME Report

	<b>3C. T&amp;E Visits with Compliance Assistance</b>		
	<b># Visits with Emp Conferences</b>	0	22
	<b>%</b>		100.00%
	<b># T&amp;E Visits</b>	0	22
	<b>4A Thru 4D based on Closed Cases</b>		
<b>100%</b>	<b>4A. % Serious Hazards Corrected Timely (&lt;=14 Days of Latest Correction Due Date)</b>		
	<b># Corrected Timely</b>	24	930
	<b>%</b>	40.00%	81.51%
	<b># Serious Hazards</b>	60	1,141
	<b># Serious Hazards Corrected</b>		
	<b>Onsite</b>	0	49
	<b>Within Original Time Frame</b>	23	823
	<b>Within Extension Time Frame</b>	1	31
	<b>Within 14 Days of Latest Correction Due Date</b>	0	27
	<b>4B. % Serious Hazards NOT Corrected Timely (&gt;14 Days Latest Correction Due Date)</b>		
	<b># NOT Corrected Timely</b>	36	211
	<b>%</b>	60.00%	18.49%
	<b># Serious Hazards</b>	60	1,141
	<b>4C. % Serious Hazards referred to Enforcement</b>		
	<b># Hazards Referred to Enforcement</b>	0	0
	<b>%</b>	0.00%	0.00%
	<b># Serious Hazards</b>	60	1,141
<b>65%</b>	<b>4D. # of Serious Hazards Corrected (In Original Time Or Onsite)</b>		
	<b># Corrected</b>	23	872

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### FY 2020 MEOSH Follow-up FAME Report

	%	38.33%	76.42%
	# Serious Hazards	60	1,141
	5. # Serious Hazards Uncorrected with Correction Date >90 Days Past Due (Open Cases for last 3 Years, excluding Current Quarter)		
	5A. Open Cases		408