# FY 2022 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**State of Connecticut**

**Division of Occupational Safety and Health**

**(CONN-OSHA)**

Logo, Connecticut Department of Labor



**Evaluation Period: October 1, 2021 – September 30, 2022**

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

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

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

**Final Approval Date: N/A**

**Prepared by:**

**U. S. Department of Labor**

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Occupational Safety and Health Administration (OSHA) Logo


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## Executive Summary

The primary purpose of this report is to assess the Connecticut State Plan’s (CONN-OSHA’s) progress in Fiscal Year (FY) 2022 in resolving outstanding findings from the previous FY 2021 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

FY 2022 was a year marked by personnel changes, including the retirement of Kenneth Tucker III, the State Plan's longtime director. The person chosen to fill this role is John Rosa, who was the program manager for the enforcement program. Early in the fiscal year, CONN-OSHA hired two new compliance officers. Later, a veteran compliance officer and a long-serving compliance assistance specialist retired. These positions were eventually filled.

Despite personnel changes, CONN-OSHA maintained a steady course throughout the fiscal year. By the end of FY 2022, the State Plan had surpassed all annual performance goals and met all performance measures. Finally, there were no work-related fatalities investigated by the State Plan in FY 2022.

In the FY 2021 Comprehensive FAME Report, CONN-OSHA had one observation related to case file documentation.**[[1]](#footnote-2)** This observation has been continued, pending the onsite case file review for the FY 2023 Comprehensive FAME. There are no new findings or observations in this report.

Prior FAME Reports demonstrate that CONN-OSHA consistently delivered top-notch performance under the leadership of the previous director, and all signs point to the continuation of this trend under the new director.

## State Plan Background

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

In August 1986, CONN-OSHA was officially recognized by the U.S. Department of Labor as having completed all structural and developmental aspects of its approved State and Local Government Only State Plan, giving CONN-OSHA the distinction of being the first State and Local Government Only State Plan in the nation. CONN-OSHA is administered by the State of Connecticut, Department of Labor, under the leadership of the Commissioner of Labor.

The State Plan operates out of a state office building located in Wethersfield, Connecticut. CONN-OSHA adopts and enforces safety and health standards and provides consultation and outreach services to the state and local government workforce. In FY 2022, CONN-OSHA covered approximately 57,071 state government workers and 136,826 local government workers, as well as 10,000 volunteer firefighters.**[[2]](#footnote-3)**

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

Based on FY 2022 financial close-out forms, the State Plan’s initial federal funding award was $1,388,509. The State Plan contributed a total of $1,389,324 which consisted of the 50 percent match of $1,388,509 plus an additional $815. Thus, in FY 2022, CONN-OSHA’s total funding amount was $2,777,833, which was in keeping with previous years’ total funding amounts.

**New Issues**

None.

## Assessment of State Plan Progress and Performance

### Data and Methodology

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

* State Activity Mandated Measures (SAMM) Report
* Mandated Activities Report for Consultation
* State OSHA Annual Report
* State Plan Annual Performance Plan
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan

### Findings and Observations

#### Findings (Status of Previous and New Items)

This report contains no new or continued findings or recommendations. Appendix B describes observations and related federal monitoring plans and contains the one continued observation from FY 2021. CONN-OSHA had no previous findings and, therefore, no associated completed corrective actions. In summary, this report contains one continued observation and no findings.

#### Observations

**Continued FY 2021 Observation**

**Observation FY 2022-OB-01 (formerly FY 2021-OB-01):** In FY 2021, 14 (42 percent) of 33 programmed inspections did not have an OSHA Information System (OIS) Narrative in the case file.

**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 2023 Comprehensive FAME.This observation will be continued.

### State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon further review level (FRL) which can be either a single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2022 SAMM Report and includes the FRL for each measure.

OSHA is in the final stages of transitioning from the Whistleblower Application in the OSHA IT Support System (OITSS), a legacy data system, to the Whistleblower Module in OIS, a modern data system. For FY 2022, a portion of the State Plan whistleblower data was recorded in OITSS, and a portion was captured in OIS. OSHA encountered challenges in combining the report that generates SAMMs 14, 15, and 16 from both systems. As such, OSHA will not be relying on SAMMs 14, 15, or 16 in its evaluation of the State Plans’ whistleblower programs for FY 2022.

In FY 2022, CONN-OSHA performed satisfactorily on all SAMMs.

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

FY 2022 CONN-OSHA Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2022-#** | **Finding** | **Recommendation** | **FY 2021-# or**  **FY 2021-OB-#** |
|  | None. |  |  |

### Appendix B – Observations Subject to Continued Monitoring

FY 2022 CONN-OSHA Follow-up FAME Report

| **Observation #**  **FY 2022-OB-#** | **Observation#**  **FY 2021-OB-# *or* FY 2021-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2022-OB-1 | FY 2021-OB-01 | In FY 2021, 14 (42 percent) of 33 programmed inspections did not have an OIS Narrative in the case file. | During quarterly meetings, OSHA will discuss the need for CONN-OSHA to follow Chapter 5 of the CONN-OSHA FOM, which requires that all case files contain the OIS Narrative. | Continued |

### Appendix C - Status of FY 2021 Findings and Recommendations

FY 2022 CONN-OSHA Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2021-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
|  | None. |  |  |  |  |

### Appendix D – FY 2022 State Activity Mandated Measures (SAMM) Report

FY 2022 CONN-OSHA Follow-up FAME Report

| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| --- | --- | --- | --- | --- |
| 1a | Average number of work days to initiate complaint inspections (state formula) | 1.92 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 1.80 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of work days to initiate complaint investigations (state formula) | 0.40 | 1 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | 0.00 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 3 | Percent of complaints and referrals responded to within one workday (imminent danger) | N/A | 100% | N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2022.  The further review level is fixed for all State Plans. |
| 4 | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 3.08 | +/- 20% of  1.77 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.42 to 2.12 for SWRU. |
| 5b | Average number of violations per inspection with violations by violation type (other) | 0.91 | +/- 20% of  0.90 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.72 to 1.08 for OTS. |
| 6 | Percent of total inspections in state and local government workplaces | 100% | 100% | Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces. |
| 7a | Planned v. actual inspections (safety) | 106 | +/- 5% of  75 | 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 71.25 to 78.75 for safety. |
| 7b | Planned v. actual inspections (health) | 88 | +/- 5% of  80 | 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 76 to 84 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | N/A | +/- 25% of  $3,259.35 | N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average. |
|  | **a**. Average current serious penalty in private sector  (1-25 workers) | N/A | +/- 25% of  $2,145.46 | 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  $3,818.56 | N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average. |
|  | **c**. Average current serious penalty in private sector  (101-250 workers) | N/A | +/- 25% of  $5,469.60 | N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average. |
|  | **d**. Average current serious penalty in private sector  (greater than 250 workers) | N/A | +/- 25% of  $6,725.78 | N/A – This is a State and Local Government State Plan.  The further review level is based on a three-year national average. |
| 9a | Percent in compliance (safety) | 15.09% | +/- 20% of  32.25% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 25.80% to 38.70% for safety. |
| 9b | Percent in compliance (health) | 14.77% | +/- 20% of  44.42% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.54% to 53.30% for health. |
| 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 2022.  The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 41.89 | +/- 20% of  54.58 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 43.66 to 65.50 for safety. |
| 11b | Average lapse time (health) | 40.67 | +/- 20% of  69.03 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 55.22 to 82.84 for health. |
| 12 | Percent penalty retained | N/A | +/- 15% of  69.97% | NA – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a three-year national average. |
| 13 | Percent of initial inspections with worker walk-around representation or worker interview | 100% | 100% | The further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below. |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below. |
| 17 | Percent of enforcement presence | N/A | +/- 25% of  1.64% | NA – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a three-year national average. |

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 SAMM Report in OIS run on November 14, 2022, as part of OSHA’s official end-of-year data run.

\*Due to the transition of 11(c) data from IMIS to OIS, SAMMs 14, 15, and 16 are not being reported for FY 2022.

1. Findings are issues that warrant corrective action by the State Plan to ensure it is at least as effective as OSHA. If data supporting an area of concern is limited, or if the concern cannot yet be determined to impact the effectiveness of the State Plan, it shall be noted in the FAME as an observation. Observations shall include a federal monitoring plan to be completed by OSHA. (Source: State Plan Policies and Procedures Manual, pages 74-75) [↑](#footnote-ref-2)
2. Source: [Bureau of Labor Statistics' Quarterly Census of Employment and Wages](https://data.bls.gov/PDQWeb/en)

   CONN-OSHA provided the estimate for volunteer firefighters. [↑](#footnote-ref-3)