# Minnesota Occupational Safety & Health (MNOSHA)

# Compliance

DEPARTMENT OF LABOR AND INDUSTRY

# Annual Report
# for
# FFY 2004

**October 1, 2003 to September 30, 2004**

December 2004

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## INTRODUCTION

The Minnesota Occupational Safety and Health (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective on August 1, 1973, with final State Plan approval being obtained on July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Division, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards, and operation of other related OSHA activities) and the Workplace Safety Consultation (WSC) Division which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the State of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA including standards development, enforcement, compliance assistance, and outreach which enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses, and deaths so that all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources, and support systems devoted to making this happen.

The Minnesota Occupational Safety and Health Strategic Plan for FFY2004 to 2008 established three strategic goals:

**MNOSHA STRATEGIC GOALS**

Goal 1:
*Reduce occupational hazards through compliance inspections*
Goal 2:
*Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership*
Goal 3:
*Strengthen and improve MNOSHA's infrastructure*

The FFY2004 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2004. This Annual Report presents a review of the strategies used and results achieved in FFY2004. Separate appendices have been included to provide more detail in regard to specific performance goals. Special accomplishments as well as the successful completion of mandated activities are also discussed.

## SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA's FFY2004 performance goals have been achieved. Each of the FFY2004 performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of Goal sub-items follow each chart.

### *Goal 1*
### *Reduce occupational hazards through compliance inspections*

| How Progress in Achieving this Goal Will be Assessed | *Baseline 9/30/03* | *Target FFY 08* | *Target FFY 04* | *Results FFY 04* |
|---|---|---|---|---|
| *Outcomes* | | | | |
| 1. Percent reduction in injury and illness rates for cases involving days away from work[1] | A) BLS data: CY1999-2001 avg = 136,100<br>B) MN Work Comp data: indemnity claims rate, 1999-2001 avg = 1.61 | 15% | 3% | A) BLS 2002 actual = 120,500, an 11% decrease from baseline<br>B) 2003 actual = 1.32, an 18% decrease from baseline<br>(DART 2003 data not available)<br>See comments following chart [1.1] |
| 2. Percent reduction in state fatality rate in MNOSHA's jurisdiction | CY 1999-2001 avg = 22 fatalities/year | 5% | 1% | See comments following chart [1.2] |
| 3. Number of hazards abated and establishments visited: | | | | See comments following chart [1.3.] |
| a) Total hazards abated / establishments visited | IMIS data<br>FFY 2001-2003 avg = 3,989 hazards identified<br>2,082 establ. visited | N/A | N/A | 4,813 hazards identified<br>2,662 establishments visited |
| b) Establishment emphasis | N/A | N/A | 60% of all programmed inspections | 1,801 or 80% (80.4%) of all programmed inspections occurred in high hazard industries |
| 1) Inspection emphasis<br>Lead and silica<br>Lumber and wood products<br>Furniture and fixtures<br>Paper and allied products<br>Rubber and misc. plastics<br>Food and kindred products<br>Industrial machine and equipment<br>Construction<br>Public sector | | | | |
| 2) Pilot inspection emphasis<br>Printing and publishing<br>Auto dealers and service stations<br>Communications<br>Hotels and lodging | N/A | N/A | 5% of all programmed inspections | 4% of all programmed inspections conducted in FFY04<br>5% of baseline programmed inspections were conducted in FFY04 |
| 3) Ergo emphasis | N/A | TBD | Develop approach | See comments following chart [1.3.] |
| 4. Number and timeliness of discrimination inspections conducted | IMIS data : FFY 2001-2003 avg days to close = 210 | 90% complete in 90 days | 10% decrease in days-to-close average | 257 average days to close<br>See comments following chart [1.4] |
| 5. Percent of designated programmed inspections | IMIS data: FFY 2001-2003 avg = 80% | N/A | Maintain baseline | 84% |

[1] **BLS data will change from LWDII rate for baseline to DART (Days Away or Restricted Transfer) rate for Target FFY 05-08.**

**Goal 1.1 -**

Reduction in Injury and Illness Rates: FFY04 Target was a 3% reduction.
A focus of MNOSHA is to continue to review new information and redefine scheduling approaches to reduce injury and illness rates.

In FFY04, MNOSHA conducted a complete review of its scheduling directive (MNOSHA Instruction ADM 2.1); established new local emphasis programs; and reassigned counties to ensure better coverage. In addition, a five-year scheduling list was established for nursing homes, foundries, meat packing plants, and the public sector. MNOSHA plans to continue developing and utilizing information available through the Department of Economic Security and the Agency's Workers Compensation Division. The next scheduling approach will be established by April 1, 2005.

7525 Program. Also in FFY04, MNOSHA established a 7525 Program, a penalty reduction incentive program available to qualified employers that links workers compensation claim rates and MNOSHA compliance penalties. This program will allow an employer to obtain a 75% reduction in penalties provided they reduce their workers compensation claims by 25% within a one-year period. This plan provides employers in the State of MN an economic incentive to reduce accidents and protect employees from harm. Participation in this program does not preclude an employer from using consultation services; in fact, it is encouraged.

Employers selecting this option receive a 75% reduction in penalties assessed as a result of a compliance inspection, provided that the citations issued were not willful, repeat, or failure to abates. In addition, the compliance inspection could not be the result of a fatality, serious injury, and/or catastrophe. Qualifying employers will be informed of this program in writing when the citations are issued. In order to qualify for this program certain terms must exist:

1. The initial penalty assessed must be greater than $5,000.
2. The employer must contest the original citations and attend an informal conference with MNOSHA to define the terms of the settlement agreement. As with all settlement agreements employees can appeal the results.
3. Twenty-five percent (25%) of the original penalties must be paid within agreed-upon terms.
4. The employer must reduce, by 25%, the number of workers compensation claims submitted to their insurance provided during the 12 months following the completed settlement agreement.
5. Management of the company must agree to training. The training to be obtained will be agreed upon during the informal conference.
6. The company must implement a Comprehensive Safety and Health Program and Safety Committee.
7. MNOSHA Compliance will contact the employer quarterly to discuss their progress.

One year following the completed settlement agreement a paper review of the actual workers compensation claims submitted to their insurance provider will be conducted with the employer, the appropriate employee representative, and MNOSHA compliance. If the employer fails to meet a claims reduction of 25%, they will owe a percentage of the original penalties based on a sliding scale.

**Goal 1.2** -

Reduction in state fatality rate: FFY04 Target was a 1% reduction.
The Census of Fatal Occupational Injuries (CFOI) count of work-related fatalities differs from the MNOSHA count. The CFOI is a count of all work-related deaths in Minnesota caused by injuries. It excludes deaths caused by illnesses and includes fatalities to self-employed workers. MNOSHA investigates all employee deaths that are under MNOSHA's jurisdiction and result from an accident or illness caused by or related to a workplace hazard. It excludes fatalities caused by traffic accidents, airplane crashes, mining accidents, farm accidents and accidents to the self-employed, federal workers and railroad workers. Accordingly, the number of CFOI fatalities is much higher than the number of MNOSHA fatalities.

**CFOI (all figures in CY)**

| | | |
|---|---|---|
| MN 1999-2001 average | 72 | |
| MN 2002 | 81 | 12% increase from 1999-2001 average |
| MN 2003 | 72 | no change from 1999-2001 average |

MN fatalities per 100,000 workers:

| | | |
|---|---|---|
| 1999-2001 average | 2.7 | |
| 2002 | 2.9 | 7% increase from 1999-2001 average |
| 2003 | not available | |

**MNOSHA**

| | | |
|---|---|---|
| CY 1999-2001 average | 22 | |
| CY 2002 | 25 | 14% increase from 1999-2001 average |
| CY 2003 | 26 | 18% increase from 1999-2001 average |
| CY through 10/27/04 | 16 | |

MNOSHA expects that the total number of fatalities in CY2004 will decrease by its target rate of 1%. It's probable this is a result of MNOSHA's focus on fatalities occurring in its Greater MN area (area outside of the seven county Twin Cities' Metro area). In CY2003, 73% of fatalities occurred in Greater MN and 27% in the Metro area. MNOSHA increased the number of counties inspected by its Metro Area inspectors from five to seven counties. In addition, MNOSHA will be increasing the number of inspectors in its Greater Minnesota area. Of the 16 fatalities reported in CY2004, the percentage in Greater MN has dropped dramatically to 56%. MNOSHA is encouraged by this data and hope to see a continuing decrease in fatalities.

**Goal 1.3** -

Hazards abated / establishments visited. In FFY2004, MNOSHA investigators conducted 2,662 inspections in which 4,813 hazards were identified and cited. Seventy percent (70%) of the inspections conducted resulted in violations; over 80%of those violations were serious. MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair, and effective enforcement of safety and health regulations. MNOSHA focused its programmed inspections to reduce injuries, illnesses, and fatalities in certain high hazards industries. The FFY04 goal was for 60% of all programmed inspections to be in high hazard industries; MNOSHA actually achieved 80%. In addition, a pilot inspection emphasis was established to determine future potential high hazard establishments. The FFY04 goal was 5% of programmed inspections, with actual results of 4% of actual programmed inspections; however, the pilot resulted in 5% of the established baseline number of programmed inspections.

As part of an ergonomic focus, MNOSHA continued to conduct inspections in response to employee complaints and in selected industries. Programmed inspections were conducted in the meat processing industry as well as nursing homes. There were 5 complaint inspections, and 2 programmed.

Two staff attended a one-day seminar on Ergonomics Best Practices presented by MN Safety Council. Two staff attended OSHA course 2250, Principles of Ergonomics.

In conjunction with Workplace Services Consultation, MNOSHA Compliance participated in six ergonomics presentations throughout the state from June to September, 2004. The presentations by MNOSHA Compliance discussed 1) citations, 2) recordkeeping and calculating the lost day/restricted day case rates, 3) employers' appeal rights, and 4) success stories in ergonomics. There were 165 attendees at the six events.

**Goal 1.4** –

Discrimination inspections: FFY04 Target was to decrease the days-to-close average by 10% from baseline. In FFY04, MNOSHA's Discrimination Unit was unable to attain the goal of decreasing the days-to-close average by 10%. Several factors contributed to this outcome. During FFY01 and FFY02 the Discrimination Unit received 24% more cases than it closed, creating an initial backlog of cases. Additionally, in FFY02 MNOSHA received a significant increase in cases filed (44% more cases than any year in the previous 5 years). This additional backlog resulted in a delay from the date a case is filed by the complainant to the date

the case is assigned to an investigator, creating a situation in FFY04 whereby “average days-to-close from date filed” was 257 days, while the “average days-to-close from date assigned to an investigator” was 93 days.

Beginning FFY03, the MNOSHA Discrimination Unit was able to close more cases than it opened and this trend improved in FFY04. The number of cases remaining open at the end of the fiscal year decreased from a high of 50 open cases at the end of FFY02 to 48 in FFY03, and to 38 cases remaining open at the end of FFY04. See chart in Appendix A. This decrease to the backlog is the result of continued refinement of the screening process as well as the addition of a third investigator.

In addition to meeting the challenges of a backlog of cases, the MNOSHA Discrimination Unit settled two significant cases that resulted in reinstatement with back pay. Additionally, one case that could not be settled by the Discrimination Unit was litigated and resulted in reinstatement and approximately $100,000 in back pay.

MNOSHA consulted two state-plan states, Washington and Michigan, to facilitate discussion and comparison of their approach and process with regard to Discrimination. MNOSHA also consulted legal advisories to determine what was required for legal sufficiency to ensure that case files contained appropriate documentation.

***Goal 2***
***Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership***

| How Progress in Achieving this Goal Will be Assessed | *Baseline 9/30/03* | *Target FFY 08* | *Target FFY 04* | *Results FFY 04* |
|---|---|---|---|---|
| 1. Increase in:<br>a. Partnerships | # of FFY 02 partnerships: 2 | 5 new programs | 1 new program | 1 new program. See comments following chart [2.1.a] |
| b. Voluntary Protection Programs (MNSTAR) | 10 | 10 new sites | 2 new sites | 2 new sites. See comments following chart [2.1.b] |
| 2. Increase in total number of people participating in OSHA outreach/training in areas such as:<br>a. Total<br>b. Retail trade, eating/drinking places (youth)<br>c. Immigrant and other hard-to-reach employers and employees<br>d. Primary metal industries<br>e. Transportation equipment<br>f. Fabricated products<br>g. Emerging businesses<br>h. Construction | N/A | 20% above baseline | Establish baseline = 5,100 | Baseline established. See comments following chart [2.2] |
| 3. Participate in homeland security efforts at state and national levels | Current practice | Ongoing | Ongoing | Ongoing. See comments following chart [2.3] |
| 4. Develop a plan to identify opportunities where compliance assistance and cooperative agreements will maximize our impact. | N/A | TBD | Develop plan to establish baseline | Plan developed. See comments following chart [2.4] |
| 5. Maintain response time and/or service level to stakeholders in areas such as:<br>a) Telephone inquiries and assistance<br>b) Written requests for information<br>c) MNOSHA website information/updates | Current practice | Ongoing | Ongoing | Ongoing. See comments following chart [2.5] |

## GOAL 2 - Comments

**Goal 2.1.a -**

Increase Partnerships by 1 in FFY04.
During FFY04, in keeping with MNOSHA's efforts to support and strengthen relationships with organizations that

represent safety and health best practices, MNOSHA signed the Minnesota Machine Guarding Partnership. This Partnership targets high hazard industries with a history of serious injuries and illnesses.

The Minnesota Machine Guarding Partnership is a study of the effectiveness of machine guarding. The goal of this Partnership is to improve methods of machine guarding in small to medium-sized metal fabrication shops involved in activities such as metal stamping, sheet metal fabrication, custom metal fabrication, or metal grinding to improve machine safety as well as the general safety climate.

In addition, the Associated General Contractors (AGC) Partnership, which was initiated in FFY03, received eight new qualified employers at the White Level and one unsuccessful attempt by an employer to achieve the higher Blue Level status. The primary goal of this Partnership is to improve levels of employee safety and health on construction sites. In keeping with this primary goal, targets include:

- Annual reductions of injury, illness, and fatality rates of 3%;
- Implementation of effective safety and health programs; and
- The provision of training for management, supervisors and employees.

MNOSHA continues to support and participate in the National Association of Tower Erectors Partnership within federal Region V.

**Goal 2.1.b -**

Increase VPPs by 2 in FFY04.

MNSTAR is a voluntary protection program available to any size employer in Minnesota. The MNSTAR program relies mainly on the concept of self-assessment by the requesting employer and uses the federal VPP criteria (OSHA Instruction TED 8.4a, *Revised Voluntary Protection Programs (VPP) Policies and Procedures Manual.*). MNSTAR requires the employer's commitment to complete an extensive application, which includes providing the WSC Unit with copies of all requested written policies and programs. The employer's lost workday injury and illness rate must be below the state and national levels for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Enforcement for three years. The MNSTAR VPP has been very successful since its inception in FFY1999. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries. At the close of FFY04, a total of 14 worksites had received certification; 13 retained certification after one employer rescinded their MNSTAR status due to a company buy-out. Two employers were certified as MNSTAR sites in FFY04. MNSTAR certified companies include:

- Boise Cascade Corporation, International Falls, MN (SIC 2621) - 1161 individuals at worksite; awarded Star 9/3/99
- CF Industries, Inc., Glenwood, MN (SIC5191) - 10 employees; awarded Star 4/13/00.
- Minnesota Power, 27 facilities throughout Minnesota (SIC 4910) - 1,332 individuals in service area; awarded Star 10/15/00.
- International Paper, Sartell, MN (SIC 2621) - 600 employees; awarded Star 2/15/01.
- Marvin Windows and Doors, Warroad, MN (SIC 2431) - 2,425 employees; awarded Star 8/1/01.
- Ah-Gwah-Ching Center, Ah-Gwah-Ching, MN (SIC 89051) – 229 employees; awarded Star 2/14/02.
- Potlatch Corporation-Bemidji Lumbermill, Bemidji, MN (SIC 2421) – 94 employees; awarded Star 6/17/02.
- Potlatch Corporation-Bemidji OSB Mill, Bemidji, MN (SIC 2493) – 239 employees; awarded Star 6/17/02.
- IBM, Rochester, MN (SIC 8051) – 6,153 employees; awarded Star 7/16/02.
- New Ulm Medical Center, New Ulm, MN (SIC 8062) – 470 employees; awarded Star 3/7/03.
- Alexandria Extrusion Co., Alexandria, MN (SIC 3354) – 325 employees; awarded Star 9/30/03.
- Louisiana Pacific Co., Two Harbors, MN (SIC 2493) – 143 employees; awarded Merit 2/12/04.
- Weyerhaeuser, White Bear Lake, MN (SIC 2653) – 132 employees; awarded Star 7/22/04.

**Goal 2.2 -**

Establish baseline for number of people participating in outreach.

In FFY04, MNOSHA established its baseline of 5,100 people participating in MNOSHA outreach/training per year in various areas. The baseline is based on the average number of presentations per year and the average attendance per year over the past 3 years. See chart in Appendix B.

There are three leading organizations that request outreach services from MNOSHA Compliance.

These include the Midwest Center for Occupational Health and Safety, the Minnesota Safety Council, and the Minnesota Health and Housing Alliance. In addition, MNOSHA has continued to provide its popular Construction Breakfast five times per year.

The Construction Breakfast was developed as a resource for members of the construction industry who are responsible for worksite safety in order to stay current with MNOSHA standards. The Construction Breakfast provides a forum for contractors and members of the construction trades to discuss and share issues and experiences with the speaker and other field investigators in attendance. Participants are encouraged to ask questions and express opinions and safety concerns in order to foster a respectful and open relationship between MNOSHA and the construction industry. The Construction Breakfast has been so successful that, during FFY04, MNOSHA moved the location off site in order to accommodate the increasing number of participants.

Additionally, MNOSHA continues to participate in major safety events throughout the state. In FFY04, these events included: the Minnesota Safety Council (MSC) Conference, Northern MSC Safety Day, the Associated General Contractors Safety Day, and the American Society of Safety Engineers Professional Development Conference.

In addition to the presentations to traditional safety and health participants, in FFY04 MNOSHA increased the participation of youth by 500% including presentations to 832 students enrolled in work experience classes.

**Goal 2.3 -**

Homeland Security.

The MNOSHA Compliance Program continued to be an active participant on the State Emergency Response Team. Members of the Catastrophic Events Inspection (CEI) Team participated in the two-day State Agency Table Top exercise in June 2004 and the three-day Functional exercise in August 2004. One member attended training in the Minnesota Incident Management System (MIMS) in July 2004. Team members reviewed emergency escape respirators at their July meeting. The Team also updated the MNOSHA's Emergency Response Contingency Plan (MNOSHA Instruction CPL 2.94) to ensure compliance with Federal OSHA's National Emergency Response Plan, Regional Emergency Response Plan, and Minnesota's Emergency Operations Plan.

**Goal 2.4 -**

Compliance Assistance.

MNOSHA has developed a Compliance Assistance Plan (see Appendix C) to work with our external stakeholders to maximize our impact in promoting a safety and health culture within the state of Minnesota.

**Goal 2.5:**

Maintain response time and/or service level to stakeholders.

MNOSHA continues to be committed to helping customers achieve safe and healthful working conditions by providing assistance by phone, through written correspondence, and by making much of its information available on the Department of Labor and Industry's (DLI) web site. Each day, MNOSHA safety and health professional staff answer phone inquiries, e-mail, and letters from various members of the public on a wide variety of topics; typically responding within one day.

MNOSHA also provides a variety of safety and health information on DLI's web site, including printable handouts and information about its video library, which offers a selection of safety and health videos and DVDs available for a free two-week loan. The site also provides links to other web sites where safety and health regulations and other information can be accessed. The number of hits to the main MNOSHA webpage increased 93%; from 29,122 hits in FFY03 to 56,166 hits in FFY04.

***Goal 3***
***Strengthen and improve MNOSHA's infrastructure***

| How Progress in Achieving this Goal Could Be Assessed[1] | *Baseline 9/30/03* | *Target FFY 08* | *Target FFY 04* | *Results FFY 04* |
|---|---|---|---|---|
| 1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures | Current practice | Ongoing | Ongoing | Ongoing. See comments following chart [3.1] |
| 2. Conduct a comprehensive work skill assessment and generate a workforce development and retention plan | N/A | TBD | Complete assessment | Assessment complete. See comments following chart [3.2] |
| 3. Identify and verify performance measurements generated at the federal level in regard to our overall performance | Current practice | Performance measures are accurate | Identify problems with current performance measures | Problems identified. See comments following chart [3.3] |
| 4. Survey employers and employees on our effectiveness | -2001 Employer survey results<br>-2003 Employee survey results | Improve performance by 5% | Evaluate online options | Online survey available. See comments following chart [3.4] |
| 5. Develop a workflow analysis and identify potential strengths and weaknesses of the services we provide to stakeholders | Current practice | Ongoing | Develop workflow analysis of current process | Workflow analysis conducted. See comments following chart [3.5] |

## GOAL 3 - Comments

**Goal 3.1 -**

Annual Review of Rules/Standards, Guidelines and Procedures.
The Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system**.** The DCT consists of one MNOSHA management analyst, two MNOSHA program analysts, as well as two MNOSHA Management Team directors. This group monitors federal standard/policy activity and updates all relevant MNOSHA standards, directives, and policies accordingly. MNOSHA adopts federal standards by reference and/or develops MN-specific standards when necessary to support MNOSHA program goals. Federal standards adopted in FFY04 include changes to the Recordkeeping reporting requirements, Respiratory Protection for M. Tuberculosis revocation, and Commercial Diving Operations. In addition, Minnesota-specific

[1] The Goal 3 issues have a cause-and-effect relationship with the Goal 1 and 2 issues. Consequently, the outcome of achieving this goal is success in achieving the other two goals. For this reason the performance measures included for Goal 3 are more activity-oriented than outcome oriented.

standards are reviewed annually by the Agency, and obsolete rules are recommended for repeal. In FFY04, MNOSHA did a broad review to identify obsolete rules and/or rules that needed updating. Minnesota Rules 5207.0010 Anchor Bolts; 5207.0020 Bar, Floor, and Roof Joists; and 5207.0250 Walking, Working Surfaces, subp. 5, Roofs; were repealed, in lieu of federal Subpart R; and, Minnesota Rules 5207.0300 and 5207.0301, Confined Spaces in Construction, were amended to clarify the definition of a confined space.

Also in FFY04, the DCT developed and implemented a five-year plan for managing/updating MNOSHA's catalog of directives. Staff has been selected to review and revise directives. All directives scheduled for review in FFY04 have been assigned, with 45% already reaching completion.

**Goal 3.2 -**

Conduct a comprehensive Work Skill Assessment in FFY04.

The purpose of the work skill assessment was to ensure that MNOSHA has the skills, capabilities, and diversity to accomplish its mission. The goal in FFY04 was to complete a work skill assessment for the various work areas within MNOSHA.

MNOSHA identified the work areas as general industry investigators, construction investigators, Greater MN investigators, safety principals, Greater MN principals, health principals, training officers, office administrative support, discrimination, electronics technician, and managers/supervisors. The main skill types were defined as hard and/or technical, soft and/or personal, and technology and/or computer. The hard skills include items such as OTI training, standard/directive knowledge, and inspection procedures. The soft skills include items such as communication, interaction with others, and/or written skills. The technology skills include such items as IMIS, MicroSoft products, digital cameras, and/or IH test equipment. A frequency and priority was established for each work skill. In addition, an analysis was conducted to determine if training was presently developed for the various skills. Included in Appendix D are the complete Work Skill Assessment Charts.

**Goal 3.3 -**

Identify problems with current performance measures.

Meetings were held in third quarter FFY04 to review data elements in SAMM and SIR reports. Discrepancies in the SIR report were identified and a memo transmitted to the federal OSHA Area Director in fourth quarter FFY04.

Analysis of the effect of AWAIR (A Workplace Accident and Injury Reduction Program) and Employee Right-to-Know (ERTK) written program violations on average penalty data. MNOSHA staff frequently cites AWAIR and ERTK written program violations. These violations do not carry penalties the first time they are issued to a company and, thus, impact the average penalty issued data on both the Federal SAMM and SIR reports. Below is an analysis of the impact citing these violations have on penalty data.

During FFY 04 (October 1, 2003 – September 30, 2004) AWAIR violations [MN Stat. 182.653 subd. 8] were the most frequently cited violation issued for safety investigators. AWAIR was cited serious, without penalties, in the private sector by safety investigators 200 times, and cited non-serious, without penalties, in the private sector by safety investigators 17 times. Additionally, AWAIR was the third most frequently cited violation for health investigators with 49 serious citations without penalties in the private sector and 8 non-serious citations without penalties in the private sector.

During this same time period, ERTK written program violations [MN Rules 5206.0700(1)(b)] were the second most frequently cited violation for health investigators. ERTK written program violations were cited serious, without penalties, in the private sector by health investigators 16 times, and cited non-serious, without penalties in the private sector by health investigators 56 times. Likewise, ERTK written program violations were the ninth most frequently cited violation for safety investigators with 12 serious citations without penalties in the private sector and 71 non-serious citations without penalties in the private sector.

Item number 10 on the Federal SAMM report for this time period indicates an average initial penalty per serious violation (private sector only) of $722.26. Factoring out the 277 serious AWAIR and ERTK written violations issued without penalty, this average increases by 7.5% to an average penalty per serious violation of $776.82

Item number C.5.B. on the Federal SIR report for this time period indicates an average penalty per other-than-serious violation (health, private sector only) of $241.70. Factoring out the 64 non-serious

AWAIR and ERTK written violations, this average increases by 107% to $499.58. Similarly, item number C.5.A. on the Federal SIR report for this time period indicates an average penalty per other-than-serious violation (safety, private sector only) of $210.60. Factoring out the 88 non-serious AWAIR and ERTK written violations, this average increases by 21% to $254.57.

**Goal 3.4** -

Survey employers and employees: FFY04 Target was to evaluate online options.

MNOSHA values the opinions of the employers and employees involved in compliance inspections. In FFY01 and FFY03, MNOSHA utilized mail-in surveys to improve the working relationships between MNOSHA and the employers and employees of the establishments it inspects. These surveys provided valuable information regarding employee and employer's perspectives as to the effectiveness and professionalism of an OSHA compliance inspection. In efforts to improve its use of information technology, MNOSHA evaluated and implemented separate online Internet surveys for employers and employees recently involved in a MNOSHA inspection. The online Internet surveys allow ongoing tracking of the inspection experiences of any employers and employees choosing to log on and participate. The survey requests information regarding the employer's or employee's perspective of the investigators knowledge of OSHA rules and regulations, ability to answer questions, ability to explain the employee or employer's rights and obligations, how useful the information provided by the investigator and the inspection itself will be in improving workplace safety and health, how satisfied the employer or employee was with the inspection, what their understanding is of why their worksite was chosen for an inspection, as well as any additional comments. These online Internet surveys are a valuable tool for MNOSHA to analyze and improve its one-to-one interactions with employers and employees as well as to provide feedback to the investigative staff regarding their efforts to promote a safety and health culture throughout Minnesota worksites.

In addition to the employer/employee survey, MNOSHA launched a Website Satisfaction survey in FFY04, to encourage feedback from stakeholders to facilitate continuous improvement of MNOSHA's website. Survey responses will be evaluated as they are received.

**Goal 3.5** -

Develop workflow analysis of current process in FFY04.

In FFY04, MNOSHA reviewed the workflow of three internal processes. Priorities for further analysis were then determined as follows: citation lapse time in Health, for the support staff, and contested cases lapse time. Lapse time regarding response to abatement verification, discrimination, and information requests were not evaluated at this time.

Meetings to discuss citation lapse time within the Health unit began in April 2004. Recommendations were discussed and measures implemented in third quarter 2004. Meetings to discuss administrative processing of citations were held in third quarter 2004 and changes implemented in June 2004.

In FFY04, 509 health inspections were conducted, a 24% increase from FFY03; 359 employers received a citation. The average citation issuance lapse time was reduced 5% to 54 calendar days. In addition, the average citation lapse time for the last six months of FFY04 was 44 days, and for the fourth quarter of FFY04 it was 36 days. These figures have been corrected for cases where citations were undeliverable or delivery was refused by an employer and subsequently reissued at a later date.

In FFY04, informal conference facilitators and legal staff were encouraged to process contested files promptly; 191 cases were settled in FFY04. The average lapse time from receipt of contest to first level decision was 135 days, a 12% reduction from FFY03 when 246 cases were settled in an average of 153 days.

Also in FFY04, MNOSHA support staff evaluated the method used to process citations. They were able to reduce the processing time from an average of 12 days to 3 days. See Workflow Charts in Appendix E.

## SPECIAL ACCOMPLISHMENTS

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers in making their workplaces safer and more healthful. Some achievements for FFY2004 include:

General Accomplishments.
In FFY2004 the staffing level was approximately 87 people. Twelve new investigators were trained.

The Case File Prep Manual (CFPM) was re-issued. The Field Compliance Manual (FCM), and Field Safety and Health Manual (FSHM) were updated. In addition, a directives maintenance schedule was developed and several directives were updated in FFY04.

In an effort to facilitate better customer service, two OSHA forms are now available for stakeholders on-line.

Labor-Management Safety Committee Program.
This 100% state-funded program is administered by the WSC Division and was developed jointly by the WSC Division and the State Bureau of Mediation Services. Expert assistance is available, free of charge, to Minnesota businesses with more than 25 employees. Services include interpretation of MNOSHA standards, training in self-inspection techniques, and help in preparing and implementing education and training programs.

Loggers' Safety Education Program (LogSafe).
This program, which is 100% state-funded and administered by the WSC Division, provides safety training through eight-hour seminars throughout the state. The goal of the program is to help reduce injuries and illnesses in the logging industry through onsite consultation services, outreach and training seminars. In order to receive workers' compensation premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation and they and their employees must have attended, during the previous year, a logging safety seminar sponsored or approved by the WSC Division.

Workplace Violence Prevention Program.
This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, telephone assistance, education and training seminars, inspections, and a resource center. This program is targeted toward workplaces at high risk of violence, such as convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities, and correctional institutions. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by the WSC Division.

Safety Grants Program.
This 100% state-funded program, which is administered by the WSC Division, awards funds up to $10,000 to qualifying employers for projects and/or designed to reduce the risk of injury and illness to their employees. Qualified applicants must be able to match the grant money awarded and must use the award to complete a project and/or training that reduces the risk of injury or disease to employees.

MNOSHA focused on process improvement during FFY04. As with all government agencies, focus needs to be on how to do more with less. Therefore, an attempt was made to determine how to accomplish some key activities with MNOSHA's limited resources. A few of MNOSHA's process improvement efforts are already indicated in other sections of this annual report, including citation generation lapse time in health and the support staff area, understanding and optimizing discrimination resources, defining work skills, reducing the amount of time to resolve contested case, and developing an ongoing directive review and update process.

The following is a list of other process improvement made during FFY04:

Freedom of Information Requests

MNOSHA hired two temporary employees to process the requests received. On their hire date, there were 196 files to be processed. From their hire date to end date, 22 more requests were received. Below is the breakdown of those files:

218 requests
55 files no longer needed
128 files mailed out and paid
20 files mailed out and not yet paid

15 files still open

Of the 15 files that are still open, three of those files were prepared so that when the files are closed, they are ready to go. In addition, a tracking system was developed to track MNOSHA's ongoing progress in regard to these requests.

Organizational

MNOSHA compliance had a ratio of one supervisor/manager to every 15 staff people. In FFY04 the number of manager positions was reduced and the number of supervisors increased in order to obtain a reporting ratio of one to nine. This has helped to provide more interaction among management and staff.

In the Greater MN area, MNOSHA instituted a quality assurance project and staff meeting training. The quality assurance project goal is to have a supervisor or principal go along on an inspection with each investigator at least once every six months. This has helped to maintain the knowledge and experience of people normally working in the office and to ensure consistency during the inspection process. The Greater MN area has reviewed the Case File Preparation Manual and the Field Compliance Manual during their monthly staff meetings. This has helped to again assure a common level of understanding among the members of the organization.

Communication and Management Effectiveness

MNOSHA, as well as all organizations, can improve communication and management effectiveness. In each staff meeting, management asked what communication should continue, stop, and start. Included is an overview of input obtained as a result of this exercise. (See Appendix F, Part 1, for the entire Summary.) It was decided by the management team to implement the following changes:

1. Define what teams are active.
2. Update layout of the central electronic information folder.
3. Provide a summary of changes along with an updated copy of the directive.
4. Send as much information out electronically as possible.
5. Define and adhere to a chain of command.
6. Update Friday email to staff to provide more detail.
7. Meet DLI's new legislative liaison.
8. Include electronic path on memos.
9. Share quarterly monitoring information with staff.
10. Define the official communication tool for teams, staff minutes, OMT and DCT.
11. Update ADM 8.1 so the hyper-links work.
12. Generate a list of acronyms.

MNOSHA was able to complete all but item 2, which is in progress. In addition, it was agreed to try to: communicate assignments prior to putting them in writing; give as much time as possible to implement changes; seek input from staff on policy and/or program changes; provide more positive feedback; use a more open management style; and, complete performance reviews in a timely manner.

MNOSHA conducted a survey in regard to management style and effectiveness. Included in Appendix F, Part 2, is an overview of the survey results. In FFY05, MNOSHA will utilize these results to continue to improve overall management effectiveness.

Technology

MNOSHA conducts evaluation of potential new equipment and/or technology through out the year. This allows for identification of potential end-of-year purchases. In FFY04, MNOSHA evaluated a laser trench measuring device; digital voice recorders; higher strength zoom digital camera; and a new handheld computer device. As a result of these evaluations, MNOSHA decided to purchase digital voice recorders for safety investigators. The interviews conducted during an inspection will be saved on the same CD as the digital pictures. The higher strength zoom digital camera has been purchased for construction and Greater MN investigators. The handheld computer device was found to be most useful for health and Greater MN investigators. Another pilot group will utilize these devices in FFY05.

MNOSHA accomplished a great deal during FFY04. MNOSHA has a high-performing group of staff that is open and willing to change. The ability of that group to continue to improve while the number of staff is maintained and, in some cases, reduced indicates the ability of MNOSHA staff to face and resolve challenges.

## MANDATED ACTIVITIES

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the State's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- Unannounced, targeted inspections, including prohibition against advance notice;
- First instance sanctions;
- A system to adjudicate contestations;
- Ensuring abatement of potentially harmful or fatal conditions;
- Prompt and effective standards setting and allocation of sufficient resources;
- Counteraction of imminent dangers;
- Responses to complaints;
- Fatality/catastrophe investigations;
- Ensuring employees:
    * Protection against, and investigation of, discrimination
    * Access to health and safety information
    * Information on their rights and obligations under the Act
    * Access to information on their exposure to toxic or harmful agents
- Coverage of public employees;
- Recordkeeping and reporting;
- Voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the SAMM (State Activity Measures) Report which compares State activity data to an established reference point. Additional activities are tracked using the Interim State Indicator Report (SIR) and the OSHA Performance Measurement Report (Minnesota). A comparison of MNOSHA activity measures for FFY03 and FFY04 is provided in the tables beginning on the following page.

Significant improvement was seen in these mandated activities in FFY04:

-Complaint inspections were conducted within an average of 5 days, significantly lower than the goal of 9 days;

-MNOSHA safety programmed inspections results in 67% with serious/willful/repeat citations versus the national average of 50%.

-MNOSHA health programmed inspections results in 61% with serious/willful/repeat citations versus the national average of 40%.

-The average lapse time for health inspections decreased by 5% in FFY04, compared to FFY03.

# COMPARISON OF FFY03 and FFY04 ACTIVITY MEASURES

| ***STATE ACTIVITY MANDATED MEASURES (SAMMs)*** | | | | |
|---|---|---|---|---|
| **Performance Measure** | **FFY03** | **FFY04** | **Goal/National Data** | **Comments** |
| Average number of days to initiate complaint inspections | 4.58 | 5.00 | 9 | The average number of days to initiate a complaint inspection rose slightly in FFY04 but remains well below the established goal. |
| Average number of days to initiate complaint investigations | 3.76 | 2.09 | 2 | The average number of days to initiate a complaint investigation decreased in FFY04 and is nearly at the established goal. |
| Percent of Complaints where complainants were notified on time | 100 | 100 | 100 | MNOSHA continues to timely notify all complainants. |
| Percent of complaints and referrals responded to within 1 day – Imminent Danger | 95.71 | 97.96 | 100 | MNOSHA complaint reports indicate all imminent danger complaints were responded to within one day unless received on a weekend. |
| Number of denials where entry not obtained | 2 | 2 | 0 | There are no records of denials where entry was not obtained on the denial status report for FFY04. Unable to determine the origin of the data. |
| % of serious/willful/repeat violations verified – Private | 65.36 | 58.70 | 100 | MNOSHA has concentrated efforts through its workflow analysis to address verification of abatement. Although the percentage decreased in FFY04, we anticipate improvement in the upcoming FFY. |
| % of serious/willful/repeat violations verified – Public | 59.18 | 77.42 | 100 | The verification of Public Sector violations improved significantly in FFY04 but remains below the goal. |
| Average number of calendar days from opening conference to citation issue – Safety | 24.82 | 24.87 | 46.4 | The average number of calendar days from opening conference to citation issue for safety cases remained steady and well below the national average. |
| Average number of calendar days from opening conference to citation issue – Health | 56.81 | 54.84 | 60.8 | The average number of calendar days from opening conference to citation issuance for health cases continued to decease in FFY04 and remains below the national average. |
| % of programmed inspections with serious/willful/repeat violations – Safety | 63.45 | 66.88 | 50 | The percent of programmed safety inspections with serious/willful/repeat violations increased in FFY04 and remains above the national average. |
| % of programmed inspections with serious/willful/repeat violations – Health | 47.50 | 60.81 | 40.5 | The percent of programmed health inspections with serious/willful/repeat violations increased significantly and is well above the national average. |
| Average violations per inspection with violations – Serious/willful/repeat | 2.13 | 2.13 | 2 | MNOSHA remains above the national average for the number of violations per inspection with S/W/R violations. |
| Average violations per inspection with violations – Other | .49 | .47 | 1.4 | MNOSHA remains below the national average for other-than-serious violations. |

| *STATE ACTIVITY MANDATED MEASURES (SAMMs)* | | | | |
|---|---|---|---|---|
| **Performance Measure** | **FFY03** | **FFY04** | **Goal/National Data** | **Comments** |
| Average initial penalty per serious violation (Private Sector Only) | 657.64 | 722.18 | 1,305.70 | MNOSHA remains below the national average for average initial penalty per serious violation. In addition to the limited numbers of large employers, the number of AWAIR and written RTK citations issued impacts this (see analysis, Goal 3.3). |
| % of total inspections in public sector | 5.23 | 3.9 | 4.6 | The number of public sector inspections decreased in FFY04. |
| Average lapse time from receipt of contest to first level decision | 153.30 | 135.41 | 183.9 | The average lapse time from receipt of contest to first level decision continues to decrease and is significantly lower than the national average. |
| Percent of 11(c) investigations completed within 90 days | 7.35 | 18.18 | 100 | The percent of 11(c) investigations completed within 90 days improved in FFY04. |
| % of 11(c) complaints that are meritorious | 16.18 | 14.55 | 20.9 | The percent of merit cases decreased in FFY04. |
| % of meritorious 11(c) complaints that are settled | 54.55 | 100 | 85.5 | MNOSHA settled all merit cases in FFY04. |

*Data Source:* State Activity Mandated Measures (SAMM) – October 28, 2004.

| *INTERIM STATE INDICATOR REPORT (SIR)* | | | | |
|---|---|---|---|---|
| **Performance Measure** | **FFY03** | **FFY04** | **Goal/National Data** | **Comments** |
| Enforcement (Private Sector) % Programmed Inspections-Safety | 90.3 | 91.1 | 58.6 | The percent of programmed safety inspections in the private sector continues to be significantly higher than the national average. |
| Enforcement (Private Sector) % Programmed Inspections-Health | 64.2 | 58.1 | 38.6 | The percent of programmed health inspections in the private sector declined in FFY04 but remains above the national average. |
| Enforcement (Private Sector) % Programmed Inspections with Violations – Safety | 68.5 | 70.8 | 62.6 | The percent of programmed safety inspections with violations in the private sector increased in FFY04 and remains above the national average. |
| Enforcement (Private Sector) % Programmed Inspections with Violations – Health | 56.1 | 66.1 | 55.1 | The percent of programmed health inspections with violations in the private sector increased in FFY04 and remains above the national average. |
| Enforcement (Private Sector) % Serious Violations – Safety | 80.4 | 80.4 | 75.1 | The percent of serious violations in safety cases remained steady in FFY04 |
| Enforcement (Private Sector) % Serious Violations – | 72.7 | 75.5 | 60.3 | The percent of serious violations in health cases increased in FFY04. |

| INTERIM STATE INDICATOR REPORT (SIR) | | | | |
|---|---|---|---|---|
| **Performance Measure** | **FFY03** | **FFY04** | **Goal/National Data** | **Comments** |
| Health | | | | |
| Enforcement (Private Sector)<br>Abatement Periods for Violations<br>Safety % > 30 days | 4.9 | 4.3 | 19.4 | The percent of safety cases with abatement periods greater than 30 days remained steady and well below the national average. |
| Enforcement (Private Sector)<br>Abatement Periods for Violations<br>Health % > 60 days | 5 | 10.4 | 10.1 | The percent of health cases with abatement periods greater than 60 days increased in FFY04 but remains in line with the national average. May be due to increased citations for overexposure to MDI, a targeted chemical in FFY04, quarters 3 and 4. |
| Enforcement (Private Sector)<br>Average Penalty – Safety<br>Other-than-Serious | 195.30 | 210.60 | 955.80 | The average other-than-serious penalty for safety cases increased in FFY04 but remains well below the national average. In addition to the limited numbers of large employers, the number of AWAIR and written RTK citations issued impacts this (see analysis, Goal 3.3). |
| Enforcement (Private Sector)<br>Average Penalty – Health<br>Other-than-Serious | 249.8 | 241.7 | 927.00 | The average other-than-serious penalty for health cases remains well below the national average. In addition to the limited numbers of large employers, the number of AWAIR and written RTK citations issued impacts this (see analysis, Goal 3.3). |
| Enforcement (Private Sector)<br>Inspections per 100 Hours – Safety | 4.1 | 3.7 | 4.8 | Calculation error. Memo to Region 5 Area Director regarding data discrepancy was sent. |
| Enforcement (Private Sector)<br>Inspections per 100 hours – Health | 1.7 | 2.5 | 1.8 | The number of health inspections per hundred hours increased in FY04. |
| Enforcement (Private Sector)<br>% Violations vacated | 0 | .1 | 4.5 | Calculation error. Memo to Region 5 Area Director regarding data discrepancy was sent. |
| Enforcement (Private Sector)<br>% Violations Reclassified | 0 | 0 | 4.6 | Calculation error. Memo to Region 5 Area Director regarding data discrepancy was sent. |
| Enforcement (Private Sector)<br>% Penalty Retention | 79.8 | 78.9 | 60.7 | Calculation error. Memo to Region 5 Area Director regarding data discrepancy was sent. |
| Enforcement (Public Sector)<br>% Programmed Inspections – Safety | 94.7 | 81.7 | N/A | The percent of programmed safety inspections decreased in FFY04. However, the majority of the public sector inspections continue to be programmed safety inspections. |

| *INTERIM STATE INDICATOR REPORT (SIR)* | | | | |
|---|---|---|---|---|
| **Performance Measure** | **FFY03** | **FFY04** | **Goal/National Data** | **Comments** |
| Enforcement (Public Sector) % Programmed Inspections – Health | 0 | 13.6 | N/A | There were more programmed health inspections in the public sector in FFY04 than in FFY03. |
| Enforcement (Public Sector) % Serious Violations – Safety | 69.9 | 78.4 | N/A | The percent of serious violations for public sector safety inspections is consistent with those in the private sector. |
| Enforcement (Public Sector) % Serious Violations – Health | 45.5 | 88.5 | N/A | The percent of serious violations in health cases in the public sector increased significantly in FFY04 which is consistent with the increased number of programmed inspections. |
| Review Procedures % Violations Vacated | 12.7 | 10.6 | 23.1 | MNOSHA continues to vacate a lower percentage of violations after contestation than the national average. |
| Review Procedures %Violations Reclassified | 9.9 | 11.5 | 14.1 | MNOSHA continues to reclassify fewer violations after contestation than the national average. |
| Review Procedures % Penalty Retention | 46.9 | 53 | 52.3 | MNOSHA's penalty retention rate increased in FFY04 and is now in line with the national average. |

*Data Source:* Interim State Indicator Report (SIR) – September 2004.

| **MNOSHA Performance Measurement Report** | | |
|---|---|---|
| **MEASURES/ INDICATORS** | **FFY04** | **COMMENTS** |
| Performance Measure 1<br>Silica<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>36<br>1.4%<br>32 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. |
| Performance Measure 2<br>Lead<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>34<br>1.3%<br>90 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. |
| Performance Measure 4<br>Food & Related Products (20XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>134<br>5.1%<br>280 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |

| MNOSHA Performance Measurement Report | | |
|---|---|---|
| **MEASURES/ INDICATORS** | **FFY04** | **COMMENTS** |
| Performance Measure 5<br>Lumber & Wood Products (24XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>56<br>2.1%<br>120 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |
| Performance Measure 6<br>Furniture & Fixtures (25XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>28<br>1.1%<br>68 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |
| Performance Measure 7<br>Paper & Related Products (26XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>33<br>1.3%<br>70 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |
| Performance Measure 8<br>Rubber & Misc. Plastics (30XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>77<br>2.9%<br>196 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |
| Performance Measure 9<br>Industrial Machine / Equip (35XX)<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>105<br>4.0%<br>319 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |
| Performance Measure 21<br>Construction<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>1421<br>54.0%<br>1521 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. |
| Performance Measure 27<br>Public Sector<br>Number of Inspections<br>Percent of Total Inspections<br>Number of serious/willful/repeat | <br><br>44<br>1.7%<br>54 | MNOSHA prioritized strategic industries in accordance with the FFY2004-2008 strategic plan. Comparative data is unavailable as FFY04 is the first year of this strategic plan. |

| MNOSHA Performance Measurement Report | | | |
|---|---|---|---|
| **MEASURES/ INDICATORS** | **FFY03** | **FFY04** | **COMMENTS** |
| **ADDITIONAL FIELD INDICATORS** | | | With the exception of median health lapse time, the additional field indicators remained fairly consistent from FFY03 – FFY04. |
| % serious/willful/repeat violations | 81% | 82% | |

| MNOSHA Performance Measurement Report | | | |
|---|---|---|---|
| **MEASURES/ INDICATORS** | **FFY03** | **FFY04** | **COMMENTS** |
| Number of significant cases | 0 | 0 | |
| Number of programmed inspections | 2220 | 2210 | |
| Number of unprogrammed inspections | 354 | 420 | |
| Average penalty for serious/willful/repeat violations | 723 | 811.36 | |
| % of inspections with "other than serious" violations | 8% | 7% | |
| Contested cases rate | 17 | 16.7 | |
| Hour per safety construction inspection | 10 | 9 | |
| Hours per safety non-construction inspection | 20 | 22 | |
| Hours per health construction inspection | 23 | 26 | |
| Hours per health non-construction inspection | 34 | 33 | |
| Median citation lapse time for safety construction inspections | 14 | 13 | |
| Median citation lapse time for safety non-construction inspections | 15 | 16 | |
| Median citation lapse time for: Health non-construction inspections | 30 | 62 | The median health lapse time increased significantly in non-construction cases due to outlying cases involving citation reissuance. |
| Median citation lapse time for: Health construction inspections | 40 | 28 | The median health lapse time in construction inspections decreased. |
| % of inspections in compliance: Construction | 35% | 32% | |
| % of inspections in compliance: non-construction | 29% | 28% | |
| % of inspections in compliance: Programmed | 31% | 27% | |
| % of inspections in compliance: Unprogrammed | 43% | 45% | |
| % of inspections in compliance: Total | 32% | 30% | |
| Total number of inspections conducted | 2574 | 2630 | There was a 3% increase in the total number of inspections conducted. |
| Total number of complaint investigations | 402 | 341 | |
| Total number of consultation activities | 1004 | 939 | WSC Division |
| Total number of technical assistance activities | 669 | 253 | WSC Division |

*Data source*: OSHA Performance Measurement Report: Measures and Indicators Related to Performance Goals – Minnesota Data September 2004

# Discrimination Statistics FFY 2004

| | FFY 2003 | | FFY 2004 |
|---|---|---|---|
| **Number of Cases Closed after Investigation** | 63 | | 55 |
| | | | |
| withdrawn | 4 | | 4 |
| dismissed | 51 | | 43 |
| settled other | 0 | | 4 |
| merit | 5 | | 1 |
| settled | 3 | | 3 |
| | | | |
| **Lapse time from assigned date to disposition date (cumulative)** | 85.6 | | 93.1 days |
| **Number of Cases Opened** | 64 | | 47 |
| **Number of Cases Referred** | 4 | | 11 |
| **Number of Cases Screened and Closed** | 35 | | 33 |
| **Number of Outreach Cases** | 44 | | 31 |
| **Number of Cases Pending** | 47 | | 38 |

**Appendix B**

## Minnesota OSHA Compliance Outreach Presentations

**Baseline Attendance 2001-2003 = 1722 (42 presentations X 41 participants)**

**FFY 2005 Goal = 1808 participants (5% increase from baseline)**

## Industry Presentations FFY 2001 - 2003 (Baseline)

| | Number of Presentations | Average Presentations per Year | Cancellations | Total Attendance | Average Attendance per Presentation |
|---|---|---|---|---|---|
| Gereral Industry | 56 | 18.7 | 23 | 3022 | 54.0 |
| Construction | 29 | 9.7 | 5 | 1488 | 51.3 |
| Health | 40 | 13.3 | 11 | 567 | 14.2 |
| Total | 125 | 41.7 | 39 | 5077 | 40.6 |

## Leading Organization Requests

| | Number of Presentations 2001-2003 | Total Attendance | Average Attendance per Presentation |
|---|---|---|---|
| Midwest Center for Occupatioal Health and Safety | 38 | 256 | 6.7 |
| Minnesota Safety Council | 29 | 541 | 18.7 |
| Construction Breakfasts | 10 | 683 | 68.3 |
| Minnesota Health & Housing Alliance | 6 | 137 | 22.8 |
| Associated General Contractors of Minnesota | 5 | 140 | 28.0 |
| American Society of Safety Engineers | 5 | 152 | 30.4 |
| Total | 93 | 1909 | 20.5 |

## Appendix C

**Department of Labor and Industry** — *a trusted resource utilized by employees and employers*

**OFFICE MEMORANDUM**

**DATE:** September 30, 2004

**FROM:** Patricia Todd

**SUBJECT:** Compliance Assistance Plan

As part of the FFY'04 Performance Plan for MNOSHA a target was established to develop a compliance assistance and cooperative agreement plan that would maximize our impact. In determining how to establish this plan I reviewed: what Federal OSHA provides in regard to compliance assistance, what our WSC unit provides, what MNOSHA provides, and where we need to improve.

The type of compliance assistance Federal OSHA provides is: outreach and services to help employers prevent and reduce workplace fatalities, illnesses, and injuries. These include compliance assistance information, publications and tools; education and training courses; free onsite consultation services; and provides information and training about Federal OSHA requirements. The compliance assistance activity is located in the compliance area of OSHA. The types of cooperative agreements provided by Federal OSHA include: alliances, consultation, partnerships, and voluntary protection program.

As defined in their five-year strategic plan and annual performance plans the WSC unit: participates in alliances, certifies MNSHARP companies, certifies MNSTAR companies, participates in homeland security efforts, and provides outreach. The outreach areas of focus include: youth through DLI Labor Standards and Apprenticeship, small business owners, construction, primary metals, transportation, fabricated products, ergonomics, and workplace violence.

As defined in MNOSHA's five-year strategic plan and annual performance we: participate in partnerships, handle daily contact with external stakeholders, participate in homeland security, and provide outreach. The outreach areas of focus include: youth, immigrant and hard to reach employees and employers, primary metals, transportation, fabricated products, emerging business, and construction.

I recommend that we divide up these various activities in order to optimize our resources and to better serve our external stakeholders:

| **WSC** | **MNOSHA** |
|---|---|
| **Alliances** | Partnerships |
| MNSHARP | Daily contact external stakeholders |
| MNSTAR | **Homeland Security** |
| **WSC Outreach Activities** | **MNOSHA Outreach Activities** |
| Youth through Labor Standards and Apprenticeship | Youth through schools. |
| Ergonomics | Immigrant employees and employers |
| Workplace Violence | Construction |
| Transportation | Primary metals and fabrication |

The basis for the outreach division is:

- Youth can be contacted through various mediums. The WSC unit has developed an ongoing

relationship with Labor Standards and Apprenticeship and MNOSHA has developed a relationship with schools. This approach would build off the present system.

- WSC has hired two full-time people to handle ergonomics and therefore, should be in charge of that outreach activity.
- WSC has a full time position allocated to workplace violence training.
- One of the main injuries encountered within transportation can be related to ergonomics; therefore, it is a good fit for WSC.
- MNOSH listed immigrant and hard to reach employers and employees as an area of focus in our strategic plan and performance plan.
- MNOSHA is working with members of the primary metals and fabrication to develop a partnership. It is a logical extension to also focus on outreach.

In addition, MNOSHA is working with safety and health professional organizations to deliver outreach on policy and complying with MNOSHA standards.

In order to accomplish these areas of focus within MNOSHA I recommend:

1. Fill a vacant training officer position within MNOSHA compliance capable of interacting with immigrant and hard to reach employees and employers.
2. Allocate a principal/IH3 to develop and maintain our partnership agreements.
3. Focus MNOSHA outreach resources in: construction, primary metals and fabrication, youth through the schools, and professional organizations.
4. Apply for a FFY'05 grant through HCSM to fund a fulltime position in regard to Homeland security. If this position does not get funded then maintain our present activity level.

During FFY'05 we will be starting the implementation of this plan.

# MNOSHA WORKFORCE SKILLS

LEGEND

**Color Code**

Training Developed

Training Not Developed

**Frequency**

0 Initial Only
1 Annually
2 Every 2 years
3 Every 3 years
5 Every 5 years

Refresher Available

| | G. I. INVESTIGATORS | CONST. INVESTIGATOR | GREATER MN. INVESTIGATOR | HEALTH INVESTIGATOR | SAFETY PRINCIPALS | GREATER MN PRINCIPALS | I.H. PRINCIPALS | TRAINING OFFICERS | OFFICE ADMIN. SUPPORT | DISCRIMINATION | TECHNICAL SUPPORT | ELECTRONICS TECH | MANAGERS / SUPERVISORS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **HARD SKILLS** | | | | | | | | | | | | | |
| Electrical Standards, OTI #2030, 3090, 3095 | H/O | H/O | H/O | | H/O | H/O | | M/O | | | | | |
| Machine Guarding, OTI 2040, 2045 | H/O | | H/O | | H/O | H/O | | M/O | | | | | |
| Fire Protection & Life Safety, OTI 2070, 2075 | H/O | | H/O | | H/O | H/O | | M/O | | | | | |
| Hazardous Materials, OTI 2010, 2015 | H/O | | H/O | | H/O | H/O | | M/O | | | | | |
| Power Press Safeguarding, OTI 3040 | H/O | | | | H/O | H/O | | L/O | | | | | |
| Professional Development, OTI | L/2 | L/2 | L/2 | L/2 | L/2 | L/2 | L/2 | L/2 | | | | | |
| Defensive Driving, MSC | H/3 | H/3 | H/3 | H/3 | H/3 | H/3 | H/3 | H/3 | | H/3 | | H/3 | H/3 |
| Specialty Area, OTI | X | X | X | X | X | X | X | X | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fall Protection Standards, OTI 3110 | | H/O | H/O | | | H/O | | M/O | | | | | |
| Excavation Standards, OTI 3010 | | H/O | H/O | | H/O | H/O | | | | L/O | | | |
| Scaffold Standards, OTI 3080 | | H/O | H/O | | H/O | H/O | | | | L/O | | | |
| Concrete Forms & Shoring, OTI 3030 | | H/O | | | H/O | H/O | | | | | | | |
| Intro to Industrial Hygiene, OTI/MSC | L/O | L/O | L/O | H/O | M/O | M/O | H/O | | | L/O | | | |
| Ind. Ventilation, OTI 2210 or U of M Course | | | | H/O | | | H/O | | | | | | |
| Ind. Toxicology, OTI 2230 or U of M Course | | | | H/O | | | H/O | | | | | | |
| Respiratory Prot., OTI 2220 or 3M Course | L/O | L/O | L/O | H/O | | | H/O | | | L/O | | | |
| Industrial Noise, OTI 2200 | L/O | L/O | M/O | H/O | | | H/O | | | | | | |
| Inspection Procedures, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | H/O | | H/O |
| Standards/Directive Knowledge, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | H/O | H/O | H/O |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hazard Recognition, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | | | | H/O |
| Accident Investigation, OTI 1020 | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | | | H/O |
| Discrimination Training, INT/OTI | | | | | | | | | | H/O | | | |
| Compliance Training, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | | | H/O |
| Inspection Process/Procedures, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | H/O | | H/O |
| Statutory Knowledge, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | H/O | | H/O |
| Company Background Search, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | L/O | L/O | | L/O |
| Case File Preparation, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | | H/O | H/O | H/O |
| Discrimination Case File Preparation, INT/OTI | | | | | | | | | | H/O | | | |
| **SOFT SKILLS** | | | | | | | | | | | | | |
| Investigator Writing, OTI | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Basic Writing Skills | | | | | | | | | H/O | | H/O | H/O | H/O |
| Presentation/Outreach | M/O | M/O | M/O | M/O | M/O | M/O | M/O | H/O | | | M/O | | H/O |
| Time Management, INT | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | H/O |
| Organizational Skills related to Case Files, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | M/O | H/O | H/O | | | H/O |
| Interpersonal Communication | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Interviewing, INT/OTI | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O | | | H/O |
| Conflict Resolution, OTI/DOER | H/O | H/O | H/O | H/O | H/O | H/O | H/O | M/O | H/O | H/O | | M/O | H/O |
| Managing Change | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Problem Solving | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Team Building | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Handling/Responding to Criticism | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Peer Debriefing for Fatalities | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | | | | H/O |
| Burnout Issues | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Decision Making | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Workforce Cultural Diversity | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O |
| Train the Trainer, MSC ↻ | | | | | M/O | M/O | M/O | H/O | | | | | M/O |
| Adult Learning Principles | | | | | M/O | M/O | M/O | H/O | | M/O | | | M/O |
| Training Program Development | | | | | | | | H/O | | | | | M/O |
| Creative Training Techniques | | | | | | | | H/O | | | | | H/O |
| Phone Handling Procedures, INT ↻ | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O |
| Display Booth Assembly/Procedures | | | | | | | | L/O | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dealing with the Public | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | H/O |
| **TECHNICAL SKILLS** | | | | | | | | | | | | | |
| Microsoft Office | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| Digital Camera, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | | | | |
| GroupWise | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| IMIS-Basic 31, 1b, OSHA 1, Input Skills, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | |
| Operation/Calibration of Equipment, INT | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | | | | H/O | |
| Web Based Applications | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | M/O | | M/O |
| Scanning | | | | | | | | M/O | L/O | | | | |
| AV Equipment Operation | | | | | | | | H/O | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CD Creation/Duplication | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | M/O |
| Phone Operation | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O | H/O |
| IMIS Report Skills | | | | | | | | | H/O | H/O | | | |
| | | | | | | | | | | | | | |

# Workflow

## MNOSHA Support Staff

Items needing to be done:

Open mail
Deliver faxes
Deliver the run
Photocopy projects
Copy files for redacting
File case files in lektriever and basement
Pull case files from lektriever and basement
Progress reports: extensions/abatement verification
Answer phones
Input green cards for last day to contest
Input green card for "O" date
Log in checks and make copy for penalty clerk
Prepare for new staff (cube, mail box, etc.)
Schedule informal conferences
Send out confirmation letters on informal conferences
Dodge Reports
Settlement agreements and orders
BNA copying
Mailing of documents for training officers
Miscellaneous "stuff"

Rotate weekly – 2 on 2 off
Make schedule involving 4 staff members on rotation
Have one area for filing of case audits
Whoever opens the mail will enter the green cards
Tracking of case files will be done on Access
Kelly will make the log for tracking
Color code area:

- Health - Green
- Construction - Yellow
- General Industry - Blue
- Greater MN - Orange

June 2, 2004, the date we are looking at for starting the process (beginning of pay period)

**2 on for 2 weeks:**
Prepare file for citation processing (green cards, labels, forms, envelopes, unions, etc.)
Citation processing
Citation mailing
Input penalty in MAPS and cross-reference

**2 on for 2 weeks:**
Process progress reports
Process reminder letters for progress reports
Process extension requests
Process EISA's

## June 2 – June 4

| | |
|---|---|
| Citation Processing | Sue |
| Citation Processing | Terri |
| Progress Reports | Gina |
| Misc. | Rachel |

## June 7 – June 11

| | |
|---|---|
| Citation Processing | Sue |
| Citation Processing | Terri |
| Progress Reports | Gina |
| Misc. | Rachel |

## June 14 – June 18

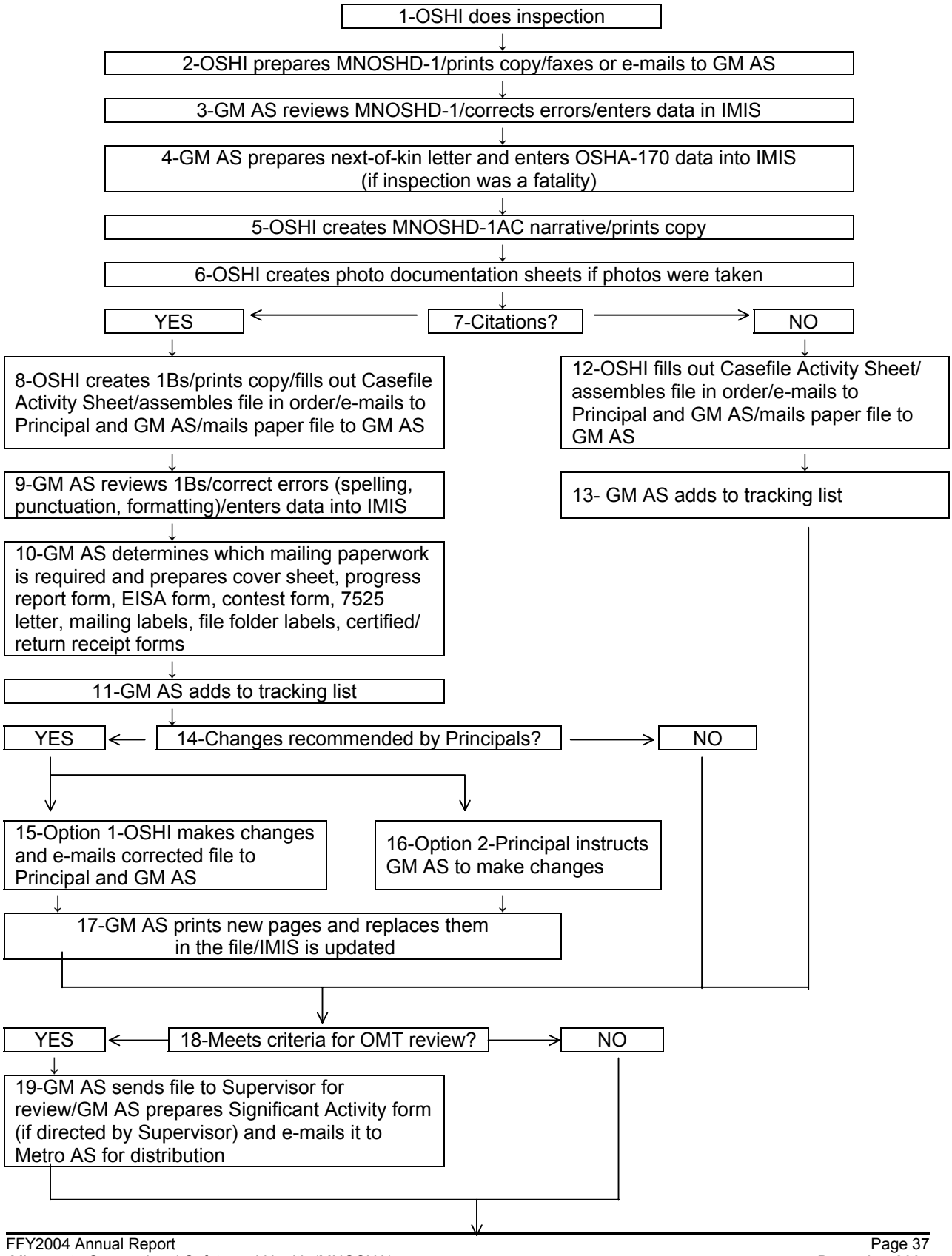
| | |
|---|---|
| Citation Processing | Rachel |
| Citation Processing | Gina |
| Progress Reports | Terri |
| Misc. | Sue |

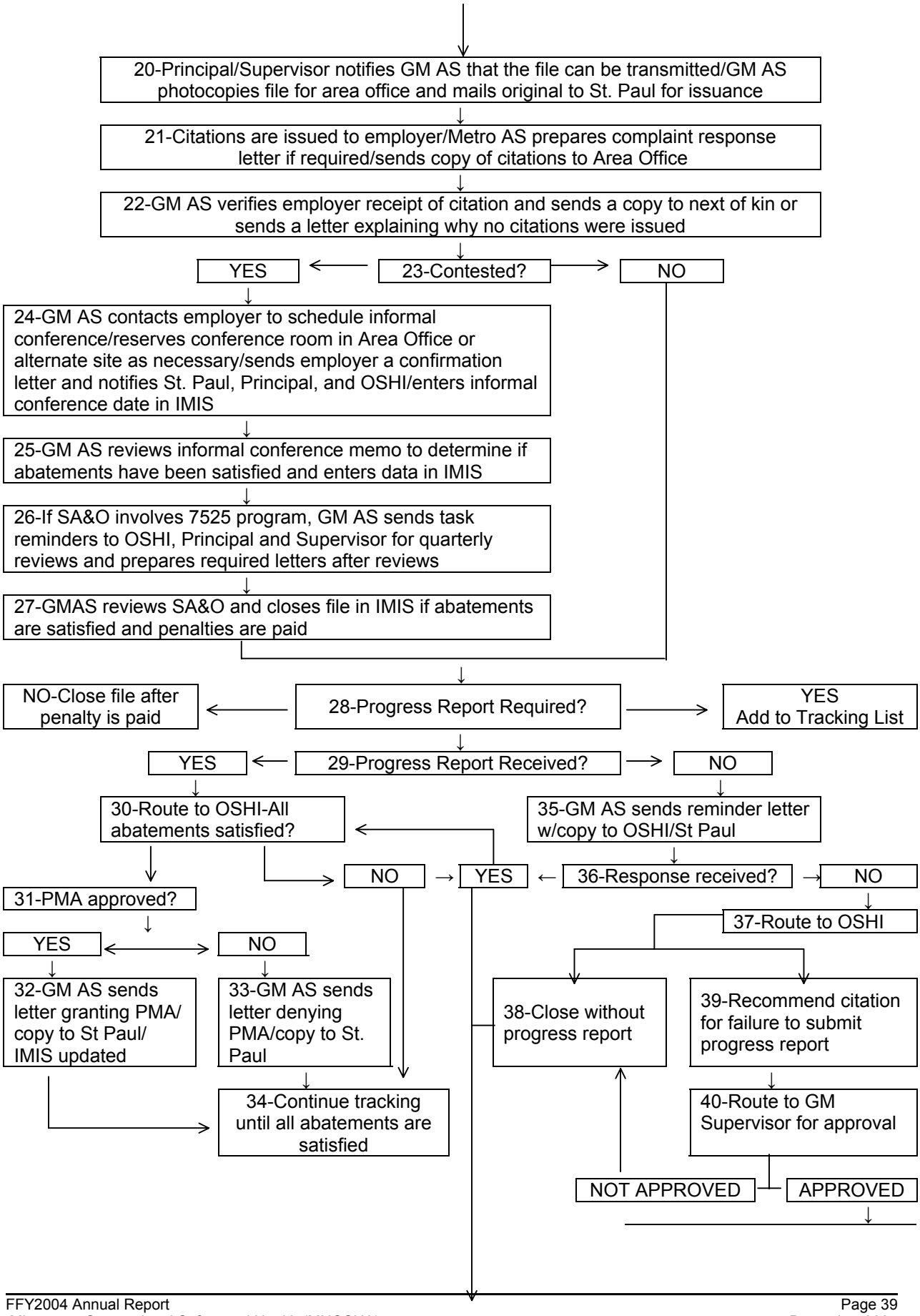
## June 21 – June 25

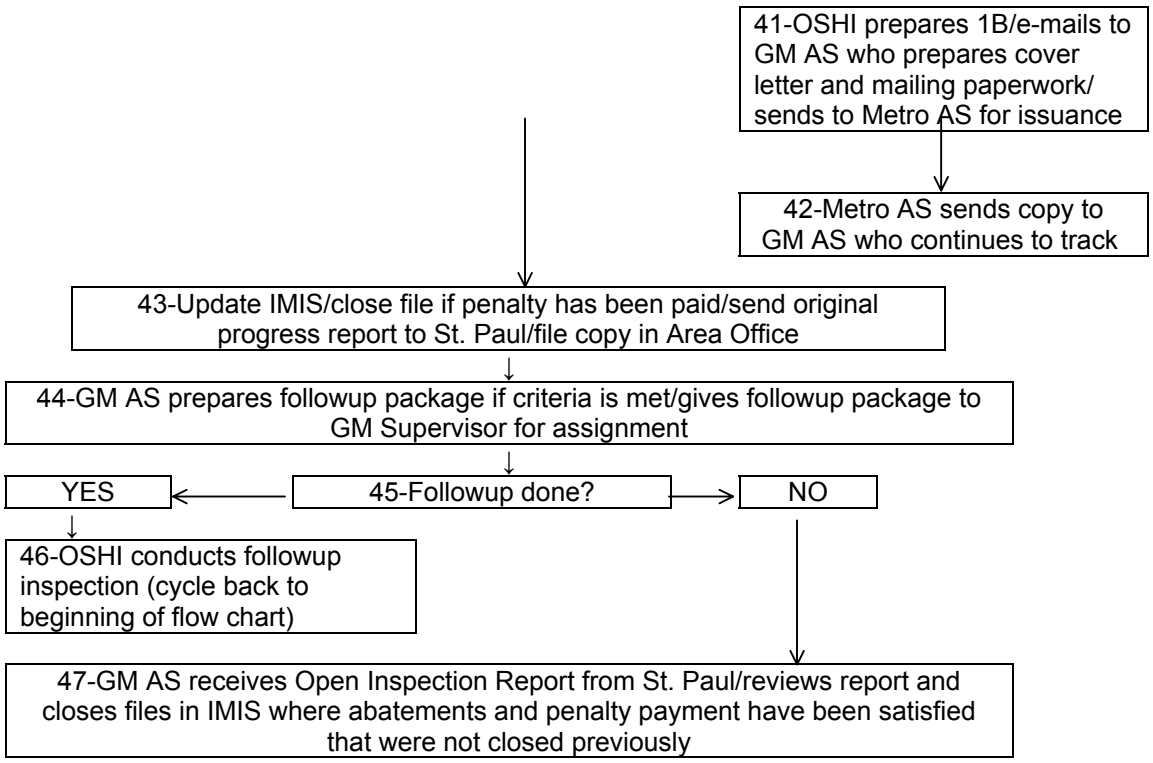
| | |
|---|---|
| Citation Processing | Rachel |
| Citation Processing | Gina |
| Progress Reports | Terri |
| Misc. | Sue |

Color code area:
Health - Green
Construction - Yellow
General Industry - Blue
Greater MN – Orange

## GREATER MINNESOTA CASEFILE PROCESSING
### FLOW CHART FROM OSHI SUBMITTAL THROUGH FINAL CLOSING




20-Principal/Supervisor notifies GM AS that the file can be transmitted/GM AS photocopies file for area office and mails original to St. Paul for issuance
21-Citations are issued to employer/Metro AS prepares complaint response letter if required/sends copy of citations to Area Office
22-GM AS verifies employer receipt of citation and sends a copy to next of kin or sends a letter explaining why no citations were issued
YES
23-Contested?
NO
24-GM AS contacts employer to schedule informal conference/reserves conference room in Area Office or alternate site as necessary/sends employer a confirmation letter and notifies St. Paul, Principal, and OSHI/enters informal conference date in IMIS
25-GM AS reviews informal conference memo to determine if abatements have been satisfied and enters data in IMIS
26-If SA&O involves 7525 program, GM AS sends task reminders to OSHI, Principal and Supervisor for quarterly reviews and prepares required letters after reviews
27-GMAS reviews SA&O and closes file in IMIS if abatements are satisfied and penalties are paid
NO-Close file after penalty is paid
28-Progress Report Required?
YES
Add to Tracking List
YES
29-Progress Report Received?
NO
30-Route to OSHI-All abatements satisfied?
35-GM AS sends reminder letter w/copy to OSHI/St Paul
NO
YES
36-Response received?
NO
31-PMA approved?
37-Route to OSHI
YES
NO
32-GM AS sends letter granting PMA/ copy to St Paul/ IMIS updated
33-GM AS sends letter denying PMA/copy to St. Paul
38-Close without progress report
39-Recommend citation for failure to submit progress report
34-Continue tracking until all abatements are satisfied
40-Route to GM Supervisor for approval
NOT APPROVED
APPROVED




D Manisto/D Burgess 5/04

Summary of Start/Stop/Continue Communication Input
December 29, 2003

**Start:**
In general the input was to: define a chain of command, organize the "g drive", seek more input from staff, define the communication tool for the organization, and provide more positive feedback.

**Policy Changes**

- Allow enough time for staff to figure out how to implement changes.
- Memos should have more detail and it would be nice to have significant changes put into a formal memo procedure.
- More staff input with policy changes.
- Provide investigators with paper copies of policies/procedures if they want them.
- Directives status updates should be published somewhere.
- Ensure specific changes are communicated to all employees.
- Have supervisors communicate information from the OMT meetings to the staff verbally.
- Formalize a method for employee input through a suggestion box.
- Send out more information on changes, i.e., OSHA 300 change.
- Get investigators' input when making policy/equipment/technology changes.
- Could a monthly summary be sent on Federal Register changes?

**G:/Drive or Network**

- Update ADM 8.1; some of the hyper-links don't work.
- Clean up forms on network.
- Put all meeting notes on the "g-drive".
- Send "g-drive" CD's to home offices quarterly.

**Chain of Command**

- OMT should go to Ev when help is desired from support staff instead of going directly to them.
- Identify approval process and chain of command when an OSHI has the need to talk to a resource for additional technical help.

**Performance**

- Provide more individual performance feedback.
- More feedback on performance other than just numbers.
- Reward good work.

**Meeting and/or Minutes**

- Expand the OMT meeting notes to include:
    - Clarify any changes and the impact on staff
    - Give direction on how to accomplish the changes
- Define acronyms.
- Start having a GreaterMN staff meeting.
- Have more opportunities for large group discussions.

**Management**

- Use good communication skills.
- Initiate a management accountability program via an employee survey to be reviewed by the commissioner.
- Listen to staff and challenge the idea not the person.
- Manage by respect.

Written Forms of Communication

- Put the path for the "g drive" on the bottom of memos so they can be found.
- Use the subject line feature located in GroupWise when sending out emails so staff won't have to open an email that doesn't pertain to them.
- Send a letter to employers who are in compliance.

**Miscellaneous**

- Meet the new legislative liaison.
- Have the DCT approve all clothing used for employee recognition.
- Include a reference in 1B's if you spoke to a principal or OMT about a citation.
- Clarify what is the official OMT communication tool.
- Provide a list of appropriate contacts on topics.

**Stop:**

In general the recommendations are to: use less acronyms, stop rumors, and limit the distribution of paper copies.

- Stop asking for input on this subject in general, it has been asked enough.
- Stop rumor mongering; check out rumors before spreading them.
- Regarding rumors, don't know who to go to for clarification.
- Reduce distribution of paper copies of items such as serious injuries and fatalities.
- Don't email scanned documents to home offices, it locks up the computer.
- Attach monthly performance charts to all emails instead of directing users to a network site.
- Stop the paper avalanche and new initiatives.
- Stop using (so many) acronyms.
- Stop forgetting about GreaterMN when communicating.
- Stop restricting communication of case files to other investigators and principals.
- Stop threatening employees.
- Quit opinion shopping as it relates to case files for purposes of sequestering a more politically favorable outcome.
- Stop Friday email, unless more detail is provided.

**Continue:**

In general staff like getting information electronically such as staff meeting minutes, performance data, and Friday emails. Also paper copies of directives and manuals must still be available.

- Keep doing what is presently being done.
- Continue to send meeting minutes via email.
- Continue OMT/DCT minutes; they are great.
- Continue Friday emails and perhaps do a "week in review" and/or "next week in review".
- Continue sending all information that is presently being sent.
- Keep allowing paper copies of directives and manuals.
- Keep OMT minutes but add more detail and rearrange minutes by subject matter.
- Continue legislative updates.
- Continue to provide quarterly staff reports for the overall MNOSHA division and for individual performance.
- Keep sending out division performance data.
- Continue to acting as a resource for field investigators.
- Continue developing OTI training locally.
- Keep providing IH support from metro.

Do differently:

In general staff would like information shared and issues resolved quicker, for the DCT to provide an overview and details of changes, and better definition of the "g drive" layout.

- Decisions need to be made quicker about questions/issues raised by staff.
- Need more emails to staff from their supervisors regarding OMT decisions and other important

topics.

- In email announcements to staff about directive changes, DCT should include a general list of the changes along with the actual directive.
- DCT needs to know more quickly about new programs or other important changes that require a lot of implementation tasks.
- When assignments are made, make sure people who have been assigned are aware of the assignment before a general announcement is made.
- Identify where the staff and team minutes are located on the “g drive”.
- Define what teams are active.

## Appendix F, Part 2

### All OSHA Compliance Managers except Patricia Todd

**Number of responses: 62**

| Quality | Excellent = 4 | Very Good = 3 | Satisfactory = 2 | Needs Improvement = 1 | Unsatisfactory = 0 |
|---|---|---|---|---|---|
| 1. Communicates and listens well, understands, and is clear when speaking to me. | 25 | 28 | 5 | 3 | 0 |
| 2. Involves our team in planning and problem-solving when it is appropriate. | 23 | 27 | 9 | 2 | 0 |
| 3. Is available when I need to discuss things. | 28 | 22 | 7 | 3 | 0 |
| 4. "Pitches in" when I am overloaded and understands what to do; isn't afraid to do the "dirty work" if necessary. | 26 | 19 | 12 | 2 | 1 |
| 5. Plans well so as not to make unnecessary work for everyone. | 20 | 28 | 7 | 5 | 0 |
| 6. Notices when I do a good job or go the "extra mile" and expresses appreciation. | 28 | 23 | 5 | 6 | 0 |
| 7. Motivates me to do my very best work. | 24 | 23 | 11 | 3 | 1 |
| 8. Tells me about improvements I can make without "putting me down." | 23 | 23 | 12 | 3 | 0 |
| 9. Shows respect for my ideas about ways to make things work smoother; uses them or explains why they can't be used. | 29 | 23 | 8 | 2 | 0 |
| 10. Shares important information from "upstairs" so we know what's going on or what's going to happen. | 19 | 27 | 13 | 2 | 0 |
| 11. Acts in a positive way; cares about morale and tries to keep it high; expresses emotions appropriate to situation. | 32 | 19 | 8 | 3 | 0 |
| 12. Acknowledges when conflicts arise and works to solve them without placing blame. | 24 | 21 | 10 | 4 | 0 |
| 13. Treats all team members fairly; avoids having "pets;" treats everyone with equal respect. | 27 | 19 | 10 | 5 | 0 |
| 14. Encourages me to take initiative in planning my work. | 28 | 26 | 7 | 1 | 0 |
| 15. Helps and supports my learning new things to improve my skills by attending training or working in new areas on the job. | 27 | 23 | 10 | 2 | 0 |
| 16. Establishes policies with input from others; is consistent in applying policies to all staff. | 22 | 23 | 12 | 2 | 0 |
| 17. Encourages me to assume 100 percent responsibility for excellence in my work; doesn't "snoopervise" to make sure I'm doing my job. | 34 | 19 | 7 | 2 | 0 |
| 18. Admits mistakes and apologizes when appropriate. | 27 | 18 | 12 | 4 | 0 |
| 19. Acts more like a good team leader than a hotshot, heavy-handed boss; is respected by team members. | 36 | 18 | 6 | 2 | 0 |
| 20. Gives me feedback on my performance on a regular basis so I don't feel surprised in a formal review. | 21 | 23 | 11 | 6 | 0 |

**In each cell:** The number of responses to this question at this score.

**OVERALL AVERAGE: 3.17**

## Manager: Patricia Todd

**Number of responses: 61**

| Quality | Excellent = 4 | Very Good = 3 | Satisfactory = 2 | Needs Improvement = 1 | Unsatisfactory = 0 |
|---|---|---|---|---|---|
| 1. Communicates and listens well, understands, and is clear when speaking to me. | 8 | 19 | 13 | 11 | 7 |
| 2. Involves our team in planning and problem-solving when it is appropriate. | 5 | 12 | 15 | 19 | 6 |
| 3. Is available when I need to discuss things. | 9 | 19 | 24 | 4 | 1 |
| 4. "Pitches in" when I am overloaded and understands what to do; isn't afraid to do the "dirty work" if necessary. | 5 | 9 | 24 | 7 | 8 |
| 5. Plans well so as not to make unnecessary work for everyone. | 6 | 12 | 20 | 17 | 4 |
| 6. Notices when I do a good job or go the "extra mile" and expresses appreciation. | 11 | 12 | 16 | 9 | 7 |
| 7. Motivates me to do my very best work. | 4 | 17 | 16 | 15 | 5 |
| 8. Tells me about improvements I can make without "putting me down." | 5 | 16 | 15 | 12 | 6 |
| 9. Shows respect for my ideas about ways to make things work smoother; uses them or explains why they can't be used. | 3 | 17 | 19 | 11 | 5 |
| 10. Shares important information from "upstairs" so we know what's going on or what's going to happen. | 6 | 17 | 16 | 15 | 3 |
| 11. Acts in a positive way; cares about morale and tries to keep it high; expresses emotions appropriate to situation. | 8 | 11 | 13 | 19 | 8 |
| 12. Acknowledges when conflicts arise and works to solve them without placing blame. | 6 | 13 | 17 | 14 | 5 |
| 13. Treats all team members fairly; avoids having "pets;" treats everyone with equal respect. | 8 | 15 | 16 | 16 | 5 |
| 14. Encourages me to take initiative in planning my work. | 4 | 16 | 24 | 6 | 3 |
| 15. Helps and supports my learning new things to improve my skills by attending training or working in new areas on the job. | 9 | 22 | 16 | 4 | 8 |
| 16. Establishes policies with input from others; is consistent in applying policies to all staff. | 7 | 12 | 14 | 14 | 10 |
| 17. Encourages me to assume 100 percent responsibility for excellence in my work; doesn't "snoopervise" to make sure I'm doing my job. | 12 | 20 | 16 | 5 | 6 |
| 18. Admits mistakes and apologizes when appropriate. | 6 | 15 | 14 | 13 | 6 |
| 19. Acts more like a good team leader than a hotshot, heavy-handed boss; is respected by team members. | 4 | 16 | 15 | 11 | 11 |
| 20. Gives me feedback on my performance on a regular basis so I don't feel surprised in a formal review. | 5 | 13 | 17 | 11 | 6 |

**In each cell:** The number of responses to this question at this score.

## OVERALL AVERAGE: 2.08

# Summary Scores

| | All Mgrs Except Todd | Manager 1 | Manager 2 | Manager 3 | Manager 4 | Manager 5 | Manager 6 | Manager 7 |
|---|---|---|---|---|---|---|---|---|
| Response Rate | 79% | 100% | 50% | 91% | 70% | 100% | 88% | 78% |
| Average score | 3.17 | 3.56 | 3.48 | 3.38 | 3.37 | 2.89 | 2.72 | 2.08 |
| High score | 3.42 | 3.71 | 4.00 | 3.81 | 3.86 | 3.11 | 3.14 | 2.54 |
| Low score | 2.97 | 3.43 | 2.67 | 3.00 | 2.86 | 2.22 | 2.29 | 1.84 |