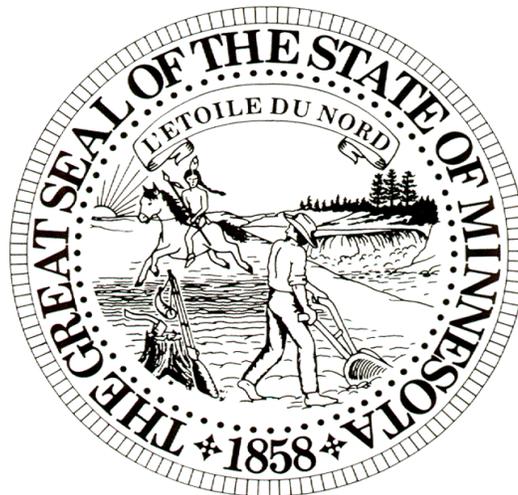


FFY 2016

**Minnesota Occupational Safety & Health Compliance
State OSHA Annual Report (SOAR)**

MNOSHA – 23g



December 2016
[Final]

SOAR for FFY2016
Minnesota Occupational Safety & Health Compliance (OSH)

	Table of Contents
	<u>Page</u>
Introduction.....	3
Summary of Annual Performance Plan Results – FFY2016	4
Strategic Goal #1 Compliance	4
Strategic Goal #2 Compliance	6
Strategic Goal #3 Compliance	15
Special Accomplishments Compliance	17
Mandated Activities	19
Comparison of FFY14-FFY16 Activity Measures – MNOSHA Compliance	20

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) Compliance 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 FFY2014 to 2018 established three strategic goals:

MNOSHA Compliance (OSH) 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 FFY2016 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2016. This SOAR presents a review of the strategies used and results achieved in FFY2016. Special accomplishments as well as the successful completion of mandated activities are also discussed.

GOAL SUMMARIES - SOAR for FFY2016
Minnesota Occupational Safety and Health (MNOSHA) Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2016 performance goals have been achieved. Each of the FFY2016 Performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of Goal sub-items follows each chart.

Goal 1: Reduce occupational hazards through compliance inspections

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/13	FFY 16 Target	FFY 16 Results
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year ¹ CY 2010-2014 avg.: 3.8	Reduction in TRC rate from the previous 5-year avg. CY 2010-2014 avg.: 3.8	Consistent reduction over five-year plan. CY 2015 TRC rate: 3.5, a 7.89% reduction
2. Reduce fatality rate ² for fatalities within MNOSHA's jurisdiction	³ DEED & MNOSHA data FY 5-year average using the 5 years prior to the target year FY 2011-2015 avg.: .692	Reduction in fatality rate from the previous 5-year avg. FY 2011-2015 avg.: .692	Consistent reduction over five-year plan. FY 2016 fatality rate: .577 a 17% decrease
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FY 2008 – 2012 avg.: 4718 / 2577	N/A	3553 / 1979
b) Establishment emphasis ⁴ 1. <u>Inspection emphasis</u> 23 Construction 311 Food mfg. 312 Beverage & tobacco product mfg. 321 Wood product mfg. 323 Printing & related support activities 326 Plastics & rubber products mfg. 327 Nonmetallic mineral product mfg. 331 Primary metal mfg. 332 Fabricated metal product mfg. 333 Machinery mfg. 336 Transportation equipment mfg. 337 Furniture & related product mfg. 424 Merchant wholesalers, nondurable goods 441 Motor vehicle & parts dealers 721 Accommodation 811 Repair & maintenance Public Sector (State & Local Gov't & Schools) 2. <u>National Emphasis Programs</u> Amputations – General Industry Combustible Dust – General Industry Isocyanates – Health Lead – Health PSM – Health Silica – Health Trenching Hazards – Construction 3. <u>Local Emphasis Programs</u> Foundries – General Industry & Health Grain Facilities – General Industry Healthcare – General Industry Hexavalent Chromium - Health Meat Packing–General Industry & Health Noise & Respiratory Hazards – Health Window Washing – General Industry 4. <u>Pilot Emphasis Program</u> Temp Employees & Employment Agencies	N/A	63% of all programmed inspections	92% of all programmed inspections
c) Ergo, Workplace Violence & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo & SPH effort	See below
4. Percent of designated programmed inspections	MNOSHA data FY 2008-2012 avg: 86%	86%	80%

¹BLS data for the last year of five-year average is not available until December.

²Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities / # of MN employed workers) x 100,000

³Minnesota Department of Employment and Economic Development.

⁴The quantity of programmed inspections is variable; therefore, no defined number is provided.

Goal 1.1

Reduce total recordable cases: FFY16 target = reduction in TRC from the previous 5-year average, and a consistent reduction over the five-year plan.

The TRC for calendar year 2015 decreased 7.89% from the previous 5-year average.

Goal 1.2

Reduction in state fatality rate: FFY16 target = reduction in fatality rate from the previous 5-year average, and a consistent reduction over the five-year plan.

The fatality rate for FFY 2016 decreased 17% from the previous 5-year average. There were 16 fatalities (16 incidents) in Minnesota in FFY 2016, and the rate of fatalities (.577) was lower than the average rate of fatalities for FFY 2011-2015 (.692). MNOSHA continues to conduct inspections according to its policies, and also continues to address workplace fatalities in its outreach materials, and during outreach presentations and seminars.

Goal 1.3

Hazards abated / establishments visited: FFY16 target = 63% of all programmed inspections conducted in emphasis industries.

In FFY16, MNOSHA investigators conducted 1979 inspections where 3553 hazards were identified and cited. Seventy-two percent (72%) of the inspections conducted resulted in violations; 72% of violations were cited 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 emphasis industries. The FFY16 goal was for 63% of all programmed inspections conducted to be in the emphasis industries. MNOSHA met this goal. MNOSHA conducted 92% of all programmed inspections in the emphasis industries.

MNOSHA has issued citations to temporary employers depending on the supervisory role of the temporary employer at a particular worksite. In FFY16, MNOSHA conducted 7 inspections involving temporary employment agencies, as a result of serious injuries or fatalities.

As part of an ergonomic focus, MNOSHA conducted 42 programmed inspections in the meat processing industry and healthcare industries.

GOAL SUMMARIES - SOAR for FFY2016
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

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 9/30/13	FFY 16 Target	FFY 16 Results
1. Increase or maintain:			
a. Partnerships	# of FFY13 partnerships: 3	Maintain	(See comments following chart [2.1.a,c])
b. Voluntary Protection Programs (MNSTAR)	# of FFY13 MNSTAR sites: 33	1 new and 3 recerts	1 new and 9 recerts (See comments following chart [2.1.b])
c. Continue to identify compliance assistance opportunities. ¹	Current practice	Ongoing	(See comments following chart [2.1.a,c])
f. Alliances ²	N/A	1 new	1 new (See comments following chart [2.1.f])
2. Maintain total number of people participating in OSHA outreach/training in areas such as:	FY 2008-2012 avg: 4,063	Maintain	3456
a. Youth			
b. Immigrant employers and employees			
c. Emerging businesses			
d. Construction			
e. Manufacturing			
f. Discrimination			
g. Other strategic plan compliance/consultation emphases			
h. Public sector			
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing (See comments following chart [2.3])
4. Maintain response time and/or service level to stakeholders in areas such as:	Current practice	Ongoing	Ongoing (See comments following chart [2.4])
a. Telephone inquiries and assistance			
b. Written requests for information			
c. MNOSHA website information/updates			

¹The compliance assistance activities are incorporated in various places, including Goals 1 and 2.

²The Goal 2.1.f. target of 1 new Alliance was projected in the Consultation FFY2016 CAPP. One (1) new Alliance was accomplished in public sector and is therefore reported in the SOAR.

Goal 2.1a.c -**Compliance Assistance (including maintaining 3 partnerships) in FFY16.**

MNOSHA's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction industry employers.

The partnership is managed by both associations and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY16, MNOSHA signed Cooperative Compliance Partnership agreements with eleven Level 3 individual contractors at 11 specific construction sites. MNOSHA continues with the Partnership agreement with MNDOT and two contractors for a joint venture for the construction of the St. Croix Bridge's superstructure. This is a separate partnership which began last year. This partnership is designed to establish a cooperative effort in ensuring safety and maintaining an open line of communication between MNOSHA and the contractors on the worksite. This is a major construction project which will replace the 80-year-old Stillwater Lift Bridge with a four-lane bridge that will connect expressways on both sides of the St. Croix River. The superstructure project consists of the construction of piers, the precast segment components, along with ramp bridges connecting to MN Hwy 36, the MN Hwy 36 box-girder approach bridge, and a structure connecting that bridge to the one crossing the river. This project is ongoing and should be completed in the fall of 2017.

In FFY16, MNOSHA signed a partnership with MNDOT and another contractor for the Highway 53 relocation project in Virginia, MN. This project includes almost 3 miles of new four-lane construction, a 1100-foot bridge across the Rouchleau iron ore mining pit, a new interchange at Highway 53/Highway 135, and utility and trail relocation. This project could be completed fall of 2017.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs two investigators who are fluent in both English and Spanish, and WSC employs a Spanish-speaking consultant as well. MNOSHA had two staff who were interviewed on two different Spanish TV stations. These interviews have been aired at different times during the year. One staff member spoke at the Latino Economic Development Center about MNOSHA's inspection process and the safety regulations for small businesses. There were 32 attendees. Staff also worked with and presented for the Mexican Consulate on three different occasions with 130 people attending. One of these presentations was given at an outstate location. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's community services representative. MNOSHA updated its webpage with information in response to the Zika virus.

Goal 2.1.b**Increase VPPs by 1 new and 3 re-certifications in FFY16.**

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 follows ADM 3.28J which is the Minnesota specific MNSTAR/VPP directive. 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 TCIR and DART injury and illness rates must be below the national averages, for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Compliance for up to three years, upon initial certification, and up to five years upon subsequent re-certification. 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. During FFY 2016, there were 40 total employers participating in the MNSTAR program. FFY2016 ended with 37 full STAR sites and 1 Merit Site. One new site (Sysco Asian Foods) was granted full STAR status, meeting the FFY 2016 goal. Nine companies were re-certified in some form of MNSTAR status; one employer (HB Fuller, Inc.) was placed into a one year conditional status; two employers (Liberty Paper and GE Water and Process Technologies) were placed into a two-year rate reduction program; and 6 employers (Valspar-VAST Campus, New Ulm Medical Center, Monsanto – Glyndon, Honeywell Aerospace, Monsanto Soybean Production, and Norbord MN) successfully achieved full re-certification as MNSTAR sites, also meeting the FFY 2016 goal. In addition, two participants (Specialty Minerals and Weyerhaeuser NR) voluntarily withdrew from the program during the

year and one employer (DuPont - Pioneer Hi-Bred) was terminated from the program. All active MNSTAR certified companies for FFY 2016 are listed below:

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
1	CF Industries, Inc. Glenwood Terminal 19369 195 th Avenue PO Box 20 Glenwood, MN 56334-0020	10	5191 422910	Apr 17, 2000 to Apr 17, 2003 Apr 17, 2003 to Apr 17, 2008 Apr 17, 2008 to Apr 17, 2013 Apr 17, 2013 to Apr 17, 2018 Currently in 2 Year Rate Reduction
2	Marvin Windows and Doors Hwy. 11 West; PO Box 100 Warroad, MN 56763-0100	2,560	2431 321911	Aug. 1 2001 to Aug. 1, 2004 Aug. 1, 2004 to Aug. 1, 2009 Aug. 1, 2009 to Aug. 1, 2014 Aug. 1, 2014 to Aug. 1 2019
3	Potlatch Corporation Bemidji Lumbermill 50518 County 45 Bemidji, MN 56601	94	2421 321113	Jun. 17, 2002 to Jun. 17, 2005 Jun. 17, 2005 to Jun. 17, 2010 Jun. 17, 2010 to Jun 17, 2015 Jun. 1, 2015 to Jun 1, 2020
4	IBM Department EQ9A Building 002-1, G105 3605 Highway 52 North Rochester, MN 55901-7829	4,400	3571 334111	Jul 16, 2002 to Jul 16, 2005 Jul 16, 2005 to Jul 16, 2010 Jul 16, 2010 to Jul 16, 2015 Jul 16, 2015 to Jul 16, 2020
5	New Ulm Medical Center P.O. Box 577 1324 Fifth North Street New Ulm, MN 56073	470	8062 622110	Mar 7, 2003 to Mar 7, 2006 Mar 7, 2006 to Mar 7, 2011 Mar 7, 2011 to Mar 7, 2012 Mar 7, 2011 to Mar 7, 2016 Mar 7, 2016 to Mar 7, 2021
6	Alexandria Extrusion Co. 401 County Road 22 NW Alexandria, MN 56308	295	3354 331316	Sept 30, 2003 to Sept 30, 2006 Sept 30, 2006 to Sept 30, 2008 Sept 30, 2008 to Sept 30, 2013 Mar 1, 2012 to Mar 1, 2013 (1YC) Sept 30, 2013 to Sept 30 2018
7	International Paper 1699 West Ninth Street White Bear Lake, MN 55110	132	2653 322211	Jul 22, 2004 to Jul 22, 2007 Jul 22, 2007 to Jul 22, 2012 Jul 22, 2012 to Jul 22, 2013 Jul 22, 2012 to Jul 22, 2017
8	Specialty Minerals, Inc. 400 2nd Street, Gate 5 P.O. Box 313 International Falls, MN 56649	6	2819 325188	Apr 7, 2005 to Apr 7, 2008 Apr 7, 2008 to Apr 7, 2013 Apr 7, 2013 to Apr 7, 2018 Voluntarily withdrew Feb 2016

9	Louisiana-Pacific Corp. 711 25 th Avenue Two Harbors, MN 55616	143	2493 321219	Feb 12, 2004 to Feb 12, 2006 Merit Apr 15, 2005 to Apr 15, 2008 STAR Apr 15, 2008 to Apr 15, 2013 Apr 15, 2013 to Apr 15, 2018
10	Flint Hills Resources-Pine Bend Refinery PO Box 64596 St. Paul, MN 55164-0596	830	2911 324110	Dec 21, 2005 to Dec 21, 2008 Dec 21, 2008 to Dec 21, 2013 Mar 1, 2012 to Mar 1, 2013 (1YC) Dec 21, 2013 to Dec 21, 2018 2-year rate reduction based on 2015 ASE
11	CBI Services, Inc. 12555 Clark Road Rosemont, MN 55268 Mail Address: Box 64596 St. Paul, MN 55164-0596	300	1629 236210	Sept 19, 2006 to Sept 19, 2009 Sept 19, 2009 to Sept 19, 2014 Sept 19, 2014 to Sept 19, 2019
12	Weyerhaeuser NR 700 Emerald Street St. Paul, MN 55114	62	5031 423310	Mar 19, 2007 to Mar 19, 2010 Mar 19, 2010 to Mar 19, 2015 Mar 19, 2015 to Mar 19, 2020 Voluntarily withdrew Feb 2016
13	Valmont Industries, Inc. 20805 Eaton Avenue Farmington, MN 55024	123	3446 332323	June 1, 2007 to June 1, 2010 June 1, 2010 to June 1, 2011(1YC) June 1, 2010 to June 1, 2015 June 1, 2015 to June 1, 2020
14	Monsanto Company Soybean Research 29770 US Highway 71 Redwood Falls, MN 56283	6	0713 115114	Aug. 27, 2007 to Aug. 27, 2010 Aug. 27, 2010 to Aug. 27, 2015 Aug 27, 2015 to Aug 27, 2020
15	Honeywell Defense & Space 12001 State Hwy. 55 Plymouth, MN 55441	550	3674 334413	Dec 3, 2007 to Dec 3, 2011 Dec 3, 2010 to Dec 3, 2015 Dec 3, 2015 to Dec 3, 2020
16	Liberty Paper, Inc. 13500 Liberty Lane Becker, MN 55308	110	2631 322130	Feb 14, 2008 to Feb 14, 2011 Feb 14, 2011 to Feb 14, 2016 Feb 14, 2016 to Feb 14, 2018 2-YR Rate reduction based on recent visit
17	Monsanto Company – Soybean Production 29770 U.S. Hwy. 71 Redwood Falls, MN 56283	35	0713 115114	July 25, 2008 to July 25, 2011 July 25, 2011 to July 25, 2016 July 25, 2016 to July 25, 2021

18	HB Fuller Company 5220 Main Street Fridley, MN 55421	35	2891 325520	Aug 14, 2008 to Aug 14, 2011 Aug 14, 2011 to Aug 14, 2012 (1YC) Aug 14, 2011 to Aug 14, 2016 Aug 14, 2106 to Aug 14, 2017 1-YR conditional based on recent visits
19	Aveda Corporation 4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	647	2844 325620	Dec 17, 2008 to Dec 17, 2011 Dec 17, 2011 to Dec 17, 2016
20	Aveda Services, Inc. - Midwest Distribution Center 3860 Pheasant Ridge Drive NE, Blaine, MN 55449-7106	194	4225 493110	Dec 17, 2008 to Dec 17, 2011 Dec 17, 2011 to Dec 17, 2013 (2YRR) Dec 17, 2011 to Dec 17, 2016
21	Trident Seafoods Corporation 1348 Hwy 10 S Motley, MN 56466	273	2092 311712	Feb 6, 2009 to Feb 6, 2012 Feb 6, 2012 to Feb 6, 2013 (1YC) Feb 6, 2012 – Feb 6, 2017
22	Pioneer Hi-Bred International, Inc. 182 Industrial Parkway Jackson, MN 56143	40	0723 115114	Dec 20, 2010 to Dec 20, 2013 Dec 20, 2013 to Dec 20, 2014 (1 year conditional status) Dec 20, 2013 to Dec 20, 2018 (achieved 1 year conditional goals) Terminated in Feb 2016 – Failure to provide ASE
23	Danfoss Power Solutions 3500 Annapolis Lane North Plymouth, MN 55447	140	3628 335999	June 17, 2011 to June 17, 2014 June 17, 2014 to June 17, 2019
24	Monsanto – Corn Research 2135 W Lincoln Ave Olivia, MN 56227	18	0713 115114	Sept 1, 2011 to Sept 1, 2014 Sept 1, 2014 to Sept 1, 2019
25	Monsanto – Owatonna 170 32 nd Ave Southwest Owatonna, MN 55060	7	0713 115114	July 6, 2012 to July 6, 2015 July 6, 2015 to July 6, 2020
26	Monsanto – Stanton 2440 Hwy 19 Blvd. Stanton, MN 55018	14	0723 115114	Aug 1, 2012 to Aug 1, 2015 Aug 1, 2015 to Aug 1, 2020

27	The Valspar Corporation 312 South 11 th Ave Minneapolis, MN 55415	100	2851 325510	Jan 1, 2013 to Jan 1, 2016 Jan 1, 2106 to Jan 1, 2021
28	Monsanto – Glyndon 11486 12 th Ave South Glyndon, MN 56547	15	0723 115114	Feb 15, 2013 to Feb 15, 2016 Feb 15, 2016 to Feb 15, 2021
29	GE Water & Process Technologies 5951 Clearwater Drive Minnetonka, MN 55343-8995	450	3999 333319	Merit July 1, 2011 to July 1, 2013 STAR May 1, 2013 – May 1, 2016 May 1, 2016 to May 1, 2018 2-year rate reduction based on recent visit
30	Norbord Minnesota 4409 Northwood Road NW Solway, MN 56678	141	2436 321219	Merit Dec 1, 2011 to Dec 1, 2014 STAR July 1, 2013 to July 1, 2016 July 1, 2016 to July 1, 2021
31	NuStar Energy – Roseville Terminal 2288 Country Road C West Roseville, MN 55133	11	4226 493190	Oct 15, 2013 to Oct 15, 2016
32	NuStar Energy – Moorhead Terminal 1101 SE Main Ave Moorhead, MN 56560	5	4226 493190	Oct 15, 2013 to Oct 15, 2016
33	NuStar Energy – Sauk Centre Terminal 1833 Beltline Road Sauk Centre, MN 56378	3	4226 493190	Oct 15, 2013 to Oct 15, 2016
34	Nyco Inc. 10730 Briggs Drive, Suite B Inver Grove Heights, MN 56077	53	1742 324110	May 1, 2014 to May 1, 2017

35	Delta Airlines – Reservations 7500 Airline Drive Minneapolis, MN 55450	426	7389 561599	May 27, 2014 to May 27, 2017
36	Firmenich – New Ulm 100 North Valley Street New Ulm, MN 56073-1601	90	2023 311514	Merit Sept 14, 2010 to Sept 14, 2012 Sept 14, 2012 to Sept 14, 2014 STAR June 1, 2014 to June 1, 2017
37	Bosch Security Systems 12000 Portland Ave Burnsville, MN 55337	135	3699 334290	Dec 1, 2014 to Dec 1, 2017
38	Cintas Corporation – Location 470 11500 95 th Ave North Maple Grove, MN 55369	106	7218 812332	Feb 15, 2015 to Feb 15, 2018
39	Thomson Reuters – Core Publishing Solutions 610 Opperman Drive Eagan, MN 55123	456	2732 323117	Sept 1, 2015 to Sept 1, 2018
40	Sysco Asian Foods 1300 L'Orient St St. Paul, 55117	155	5141 424410	Jan 22, 2016 to Jan 22, 2019

Bold indicates some form of certification (new, recertification, rate reduction, conditional status withdrawal or termination)

Merit Site				
41	NRG Energy Center Minneapolis, LLC 816 4th Ave. South Minneapolis, MN 55404	36	4961 221330	Sept 1, 2015 to Sept 1, 2017

***Merit sites are not counted as new until they transition into full STAR status**

Goal 2.1.f –

Increase Alliances by 1 in FFY16 (projected in Consultation's FFY2016 CAPP, see footnote 2, pg. 6).

An Alliance was established with the Minnesota Department of Health (MDH) to collaborate on the development of a training program that coincides with the MDH statute on workplace violence prevention. The result was the creation of a training video on workplace violence prevention and de-escalation techniques. The training was presented to all MDH facilities as a tool for training staff on workplace violence and requirements of the statute. The Alliance also coordinated a week-long training on workplace violence prevention metrics, established by the Federal Dept. of Veteran's Affairs

(VA). Representatives from the VA discussed implementation of their program.

MNOSHA also continued the Alliance with the Department of Human Services (DHS), to provide technical assistance, guidance, and training in the area of workplace violence prevention. DHS also collaborated on bringing the VA training to MN.

MNOSHA also continued the Alliances with the MnSCU, coordinating on-site consultations, OSHA 10 and 30-hour training, and added training and assistance on managing workplace safety.

Goal 2.2 -

In FFY16, maintain the total number of people participating in outreach (4,063).

MNOSHA established a baseline of 4,063 participants per year for outreach training sessions covering various subject areas. IN FFY16, MNOSHA Compliance conducted 95 presentations to 3,456 participants. MNOSHA continued to utilize its Safety Investigator III and IV positions in its outreach efforts throughout the state. Ninety-nine (99) percent of outreach presentations were in emphasis industries, including construction with a focus in excavation and confined spaces in construction. Five outreach training sessions were presented, specific to trenching operations, to over 270 employer representatives.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Engineers; and Minnesota Safety Council. In these leading areas MNOSHA did 70 outreach presentations to over 2,145 participants.

In addition, MNOSHA conducted five Construction Seminars in FFY16. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers, and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by each member and then approved by MNOSHA's management team. The committee is comprised of various representatives from the construction industry, including insurance loss control representatives, company safety directors, and safety consultants who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 252 participants. Topics Included: Crisis management and Rescue Plans, MNOSHA programs, recordkeeping and trends, Confined Space in Construction, Scaffolding and Construction site safety.

MNOSHA conducted two presentations outside of the targeted industries, and also continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to participate in major safety conferences throughout the state, including staffing information booths at three separate exhibitions in FFY16. All were well attended, with significant attendance and interest at the MNOSHA booth.

MNOSHA provided presentations at the local American Society of Safety Engineers (ASSE) with 98 participants in attendance.

MNOSHA continues to look for opportunities to conduct presentations in the area of outreach for youth. The program with the Minnesota State Colleges and Universities (MnSCU) system, at the St. Paul College has been discontinued. We will continue to look for new ways to reach out to the youth.

New or revised publications during the fiscal year included:

- Updated MNOSHA webpage: Differences between MNOSHA & Federal OSHA
- Fact sheet on Discrimination was created in English and Spanish
- Updated the Hazardous Communication/RTK Employer Model Program handout in English and Spanish.
- AWAIR handout updated in English and Spanish
- 2015 Most Cited Standards (overall, general industry and construction);
- Updated Quarterly Fatality/Serious Injury log – available online.

In addition to the specific publications, MNOSHA continues to publish its newsletter, Safety Lines. Some of the topics covered in articles this past year included the most frequently cited standards, Consultation's services for small business, MNSHARP, the annual safety report from Research and Statistics, AGC and ABC Partnerships, recordkeeping training, safe patient handling, National Fall Prevention Safety Stand-Down, temporary and young workers, personal protective equipment (PPE), safety alerts, safety grants, special emphasis programs, preparation for an inspection, fall protection, logging, heat stress, MNOSHA year-in-review, new standards, and MNOSHA Answers Frequently Asked Questions column.

MNOSHA continues its video lending library, which offers a selection of safety and health videos and DVDs available for a free two-week loan.

Goal 2.3

Homeland Security (Current practice; ongoing)

The MNOSHA Compliance program continued to participate on the State Emergency Response Plan.

The Minnesota Emergency Operations Plan was reviewed in January 2016 with no content edits. During FFY 2016, a MNOSHA director attended four meetings of the Emergency Response Preparedness Committee.

MNOSHA, and the entire Department of Labor and Industry conducted a review and update of our Continuation of Operations Plan (COOP).

A MNOSHA director or supervisor attended four federal Homeland Security conference calls.

A MNOSHA supervisor assumed responsibility for Homeland Security and attended new member training for the Emergency Response Preparedness Committee, and also became registered with the Homeland Security and FEMA training groups to begin the Basic Emergency Management Certificate Learning Program.

Goal 2.4 -

In FFY16, maintain response time and/or service level to stakeholders.

Each business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and emails. During FFY16, MNOSHA responded to 4,635 phone calls and 1,873 written requests for assistance, primarily e-mails. A majority of these inquiries are answered within one day. Of the phone calls received during FFY16, 35% were from employers, 33% employees, 3% consultants and the rest were from other individuals requesting safety and health information. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. The information requested covers a wide variety of topics which is why MNOSHA continues to use investigative staff to answer a majority of the calls.

During FFY16, MNOSHA received 1165 workplace safety and health employee complaints. And 291 or 25% of the total complaints resulted in an onsite inspection with an average of 3.3 days response time. The remaining complaints were handled via MNOSHA's phone/fax system (non-formal complaint).

MNOSHA also provides a variety of safety and health information on its website, including printable handouts and information about its audio visual library, which offers a selection of safety and health videos and DVDs available for a free two-week loan. The MNOSHA website site also provides links to other websites where safety and health regulations can be accessed. In total, there were 65,962 hits to the MNOSHA web page.

GOAL SUMMARIES - SOAR for FFY2016
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3
Strengthen and improve MNOSHA's infrastructure

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/13	FFY 16 Target	FFY 16 Results
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]
2. Workforce development and retention plan	Current practice	Finalize updates and implement changes to plan.	See comments following chart. [3.2]
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.	Current practice	1) Ongoing- Evaluate consistency and quality of inspection files 2) Conduct 7525 Program Analysis	See comments following chart. [3.3]

GOAL 3 – Comments

Goal 3.1 -

In FFY16: Conduct Annual Review of Rules/Standards, Guidelines and Procedures, ongoing

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. The DCT consists of three MNOSHA management analysts, and both a MNOSHA director and supervisor. This group monitors federal standard/policy activity and coordinates updates to all relevant MNOSHA standards, directives, and policies accordingly. MNOSHA adopts federal standards by reference and/or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

Federal standards adopted in FFY16: 1) "Confined Spaces in Construction; final rule," and 2) "Occupational Exposure to Respirable Crystalline Silica; final rule."

Minnesota Rules adopted in FFY16: "Minnesota Rules 5205.0030, 5207.0100, and 5207.1000; technical Update," whereby an outdated NFPA reference was updated; "Minnesota Rules 5205.0580 Hand-Powered Platform Passenger Type Manlifts, repealer," and "Minnesota Rules 5210.0530 Citations; Posting," which amended the rule to permit MNOSHA to send a copy of the citation to the complainant in a complaint inspection.

The annual review of Agency rules resulted in no MNOSHA obsolete or duplicative rules needing repeal in FFY16.

During FFY16, 36 directives were revised and issued to staff. Of those, 21 were part of the scheduled review and update, and 15 were unscheduled updates. Amended directives included those pertaining to: scheduling, steel erection, AWAIR, complaint handling, discrimination, serious injuries, fatalities, RTK, confined spaces in construction, and ergonomics.

Goal 3.2 -

FFY16: Finalize updates and implement changes to plan.

In FFY16, MNOSHA continued to maintain consistency and quality throughout the organization's field staff.

Goals identified in FY2015 and continue in FY2016 are:

- To assure that MNOSHA has an adequate workforce to ensure that worksites are complying with MNOSHA safety and health regulations; and
- To assure that MNOSHA continues to be an organization that is recognized as a "best-in-class" state plan state.

Results from updating the Workforce Development Plan in FFY13 showed that MNOSHA staff in a number of leadership

positions with significant years' experience may be retiring. These departures reduce MNOSHA's institutional knowledge and memory. This will potentially create leadership challenges in supporting and managing the many different approaches and situations of work/life balance for employees. As MNOSHA's workforce shifts to newer and younger employees, there will be an increasing need to invest in career planning for these workers to build their proficiency in their jobs. This will increase the need to assess skills, abilities, and competencies, and provide training accordingly. MNOSHA has updated its training directive to include not only the technical skills, but also the soft skills such as presentation skills, time management, organizational skills, interviewing skills, conflict resolution and creative training techniques. In addition, MNOSHA has created specialized training in select industries such as foundries, grain handling, asbestos, combustible dust, HAZWOPER recertification, health care, PSM, traffic controls, and window washing. Each of these areas have had team leaders that assume the role as "expert" in this area and also work with various stakeholders to ensure that communication is maintained between MNOSHA staff and the various stakeholders. These team leads gain knowledge on leadership and how to work with significant stakeholders in the state of Minnesota.

During FFY16, MNOSHA trained its staff on: Right to Know, including GHS; Excavations, Fall Protection Stand Down, and Fall Protection.

In addition, MNOSHA has been able to retain field staff that have significant safety and health consulting experience and retain an investigator who speaks fluent Spanish. MNOSHA also hired a discrimination investigator who is fluent in Spanish. MNOSHA has extremely dedicated and experienced staff including 7 Industrial Hygienists with 15+ years of experience, including two CIHs, and 15 Safety Investigators with 10+ years of experience.

Goal 3.3 -

FFY16: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders are met: 1) Ongoing- Evaluate consistency and quality of inspection files, 2) Conduct 7525 Program Analysis.

1) In FFY16, MNOSHA changed the process of the rotation for assigning fatalities/serious injuries. The fatalities/serious injuries are assigned division wide and are no longer tied to an area or group. This change allowed the inspection workload to be distributed evenly throughout the state. When assigning an inspection to an investigator the supervisor must consider the following: type of Inspection - health or safety; availability of the investigator(s); assigned office location of the investigator vs. the location of fatality/serious injury; and, if specific protective equipment or industry knowledge is required to respond to the fatality/serious injury i.e., foundry, Class III high visibility clothing for traffic control at night, grain facility, etc.

2) In FFY16, MNOSHA reviewed the qualifications of the 7525 Program and the procedures to process settlement agreements with employers who qualify for a penalty reduction under the 7525 Program outlined in MNOSHA Instruction ADM 3.12. This directive was amended and approved to indicate that employers on the SVEP list are not eligible for the 7525 agreement; and the minimum eligible penalty was increased from \$5,000 to \$10,000. Issuance of the amended directive will occur sometime in FFY17, pending a MOOSE enhancement.

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY16 include:

Implementation of Requirement to Report Injuries/Illnesses

MNOSHA successfully implemented the requirement for employers to report certain injuries and illnesses. While the implementation began in FFY 2015, MNOSHA has now completed a full year of injury/illness reports. MNOSHA is using the complaint interface in its database to track such reports. The reports are assessed and then handled as either a nonformal complaint or a serious injury inspection. As a result, nonformal complaints increased 158% this year and serious injury inspections tripled from FFY 2014.

Data Transfer to OIS

MNOSHA began transferring data to OIS at the beginning of FFY 2016. While the process has, at times, been challenging, MNOSHA is successfully transferring data to Fed OSHA and has resolved the issues that arose during the year. MNOSHA also created a process to update its Byron and NAICS tables, which were previously updated by Fed OSHA. In addition, MNOSHA implemented the use of UPA Actions and Responses, a new process required by OIS.

Hazardous Drug Work Group

MNOSHA convened a hazardous drug working group to discuss ways to keep Minnesota healthcare workers as safe as possible. MNOSHA had 17 people from 11 different organizations participate. Two meetings have been conducted with one meeting still scheduled. The group discussed the current regulatory environment regarding hazardous drugs with input from MN Board of Pharmacy, MN Department of Health, and MNOSHA. The group also discussed areas of concern regarding hazardous drugs and the challenges to implementing proper worker protections. After the final meeting in the first quarter of FFY 2017, a written summary of the work will be prepared and submitted to the Minnesota Legislators that requested that DLI convene the workgroup.

Loggers' Safety Education Program (LogSafe)

This program is 100% state-funded and administered by the WSC unit. The LogSafe training provides safety training throughout the state for logging employers. The training was contracted to Hibbing Community College-Advanced Minnesota. 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 unit. The training sessions conducted included CPR/first aid applicable to logging, ergonomics, work-site safety, shop safety, emergency preparedness, and injury/fatality trends.

Continued funding of a consultant position is provided for additional on-site assistance and training, for logging employers and other employers with work activities relating to chain saw use and tree felling.

Summary of Logging-Related Activities FFY 2016:

Activity	Sessions	Employers affected/ Employees affected
Initial visits (public sector work-sites)	6	6/154
Formal (chain saw safety) training tied to an initial visit	1	1/23
Other formal (chain saw safety) training	23	33 / 332
TOTAL Consultation Activities	30	40 / 509

Workplace Violence Prevention Program

This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, training seminars, and general information. The program focus is on providing technical assistance to workplaces at higher 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,

correctional institutions, and other municipal facilities. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by a safety consultant within the WSC unit.

On-going occurrence of workplace violence incidents in municipal and healthcare facilities has likely spurred continued requests for on-going technical assistance in the form of on-site evaluations and formal training. In FFY 2016, 7 formal training visits that coincided with initial consultation visits, were provided for 193 employees representing seven employers. In addition, 18 formal training presentations were provided for 718 employees. Technical assistance on workplace violence prevention was provided for 11 establishments. Municipal associations, healthcare facilities and State local government agencies collaborated with WSC to organize the events.

An alliance was established with the Department of Health to develop a training program on the requirements of a workplace violence prevention statute enforced by the department. The program will be shared with all facilities within the department.

The workplace violence prevention consultant continues to serve on an advisory board for the Midwest Center for Occupational Health and Safety, Education and Research Center.

Safety Grants Program

This 100% state-funded program, which is administered by the WSC unit, awards funds up to \$10,000 for qualifying employers on projects 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 that reduces the risk of injury or disease to employees.

During SFY 2016, the State awarded \$1,027,443 to 149 applicants representing private sector employers (e.g., nursing homes, construction, logging, and manufacturing) and public sector employers (e.g., schools, health care facilities, and municipalities). Examples of items purchased include: construction fall protection and trenching/excavation equipment, safe patient handling equipment, material handling and other ergonomic equipment, security equipment, ventilation systems, mechanized logging equipment, walking/working surface improvements, confined space entry/retrieval equipment, water-based spray booth system components, specialized PPE, machine guarding, laser safeguards, loading dock trailer restraints, and road construction zone safety equipment.

Ergonomics Program

WSC has retained an ergonomics program coordinator, with a CPE credential. Safe patient handling (SPH) in healthcare facilities continues to be an area of significant involvement that has expanded to assisted living and EMS. Additional work was completed at other types of facilities that included dental clinics, hospitals, hotels, manufacturing facilities, outpatient clinics, assisted living & long-term care facilities, banking facilities, laundry service, and office work environments. For private sector employers, 27 initial consultation visits were completed, along with 7 training and assistance visits. In addition, 26 interventions were completed that included formal training, outreach, and technical assistance, and 6 follow-up visits. Visits included assessment in ergonomic risks, as well as assistance with other hazards and mandated health programs. Training topics included: SPH/ergonomics, exposure control and hazard communication programs, office ergonomics, ergonomic risk factors related to manufacturing, and other safety & health topics.

WSC developed an up-dated brochure describing the ergonomics program and services available to employers.

Safe Patient Handling

The WSC SPH webpage on the DLI website is being continuously updated to include safe patient handling information as it becomes available. Sample programs and links to outside sites are available.

A networking group of long-term care representatives has been working towards development of guidance documents on SPH, through direct feedback from those who perform the work.

A Hospital Safety & Health Group alliance has continued, with on-going networking meetings that provide a venue for local hospital reps to discuss SPH. Meetings have focused on the overall hospital SPH program and SPH for clinics; discussing barriers that hinder SPH methods, best practices and other issues related to SPH. The group successfully networks through these meetings and via e-mail, to continually move the discussion of SPH forward. The group will expand to include other safety & health topic areas pertinent to healthcare.

SOAR for FFY2016
Minnesota Occupational Safety & Health Compliance (OSH)

MANDATED ACTIVITIES

Compliance:

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. A comparison of MNOSHA activity measures for FFY14, FFY15 and FFY16 is provided in the tables on pp. 19-20.

Significant improvement was seen in these mandated activities in FFY16:

- Complaint inspections were conducted within an average of 3 days, significantly lower than the goal of 9 days;
- Percent of total inspections in public sector increased in FFY16, and remains above the goal of 3%.
- Average number of days from opening conference date to citation issuance – Safety, 15, well below goal of 30.
- Average number of days from opening conference date to citation issuance – Health, 18, well below goal of 35.

Consultation

Mandated activities are tracked on a quarterly basis using the MARC (Mandated Activities Report for Consultation) and the CAPP (Consultation Annual Performance Plan) Report which compares State consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- Percent of initial visits in high hazards establishments (not less than 90%);
- Percent of initial visits to smaller businesses (not less than 90%);
- Percent of visits where consultant conferred with employee (100%);
- Percent of serious hazards verified corrected in a timely manner, <= 14 days of latest correction due date (100%);
- Percent of serious hazards verified corrected in original time or on-site (65%).

The MNOSHA Public Sector Consultation program met total visit CAPP projections and all but one MARC requirement, for FY 2016.

- Percent of initial visits in high hazard establishment...92.11%
- Percent of initial visits to businesses with <250 employees at the establishment...75.00%
- Percent of initial visits to businesses with <500 employees controlled by employer...97.37%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards corrected timely...100%
- Percent of serious hazards verified corrected (in original time or on-site)...99.54%

COMPARISON OF FFY14, FFY15, and FFY16 ACTIVITY MEASURES

MNOSHA Compliance

Performance Measure	FFY14	FFY15	FFY16	Comments
Average number of days to initiate complaint inspections	3.40	3.05	3.28*	The average number of days to initiate a complaint inspection increased slightly in FFY16 and remains well below the established goal of 9 days.
Average number of days to initiate complaint investigations	1.90	1.49	1.20*	The average number of days to initiate a complaint investigation remains below the established goal of 2 days. Complaint process changes affected the data transferring to OIS.
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	88.89	100	60	All but 2 imminent danger complaints and referrals were responded to within one day. One of the complaints was not opened because the site was inactive and the other did not get assigned timely.
Number of denials where entry not obtained	0	1*	0	Entry was obtained for all denials in FFY16.
% of serious/willful/repeat violations verified – Private	70.15	83.35	82.50*	The percent SWR violations verified in the private sector remained about the same in FFY16.
% of serious/willful/repeat violations verified – Public	90.35	98.53	95.83*	The percent SWR violations verified in the public sector decreased in FFY16.
Average number of calendar days from opening conference to citation issue – Safety	17.03	19.35	23.39*	The average number of calendar days from opening conference to citation issue for safety cases increased in FFY16 but remains below the goal of 30 days.
Average number of calendar days from opening conference to citation issue – Health	22.97	20.89	26.52*	The average number of calendar days from opening conference to citation issuance for health cases increased in FFY16 but remains below the goal of 35 days.
% of programmed inspections with serious/willful/repeat violations – Safety	69.20	69.61	64.26*	The percent of programmed safety inspections with serious/willful/repeat violations decreased in FFY16.
% of programmed inspections with serious/willful/repeat violations – Health	54.05	52.53	48.61*	The percent of programmed health inspections with serious/willful/repeat violations decreased in FFY16.
Average violations per inspection with violations – Serious/willful/repeat	1.98	1.94	1.78	The number of SWR citations decreased in FFY16. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations – Other	.78	.91	.69	The number of other citations decreased in FFY16. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average initial penalty per serious violation (Private Sector Only)	907.13	1005.81	1171.69*	MNOSHA's average initial penalty per serious violation increased again in FFY16.
% of total inspections in public sector	3.64	4.54	4.95*	The percent of programmed public sector inspections remains above the goal of 3%.
Average lapse time from receipt of contest to first level decision	134.98	134.39	119.38*	The average lapse time from receipt of contest to first level decision decreased since FFY15.
Percent of 11(c) investigations completed within 90 days	47.27	64.86*	35.0	MNOSHA continues to work on the backlogged cases as well as the increase in new cases. The percent completed decreased since FFY15.
% of 11(c) complaints that are meritorious	9.09	21.62*	13.21*	MNOSHA's percent meritorious cases decreased from last year.
% of meritorious 11(c) complaints that are settled	80	25	71.43*	The percent meritorious-settled increased since FFY15.

Data Source: SAMM report run by Federal OSHA November 23, 2016.

*Measures obtained from MNOSHA MOOSE System as Federal SAMM report incorrect or didn't report.

Performance Measure	FFY14	FFY15	FFY16	Comments
Average number of days to complete 11(c) investigations	207.78	133.13*	215*	The average number of days increased in FFY16. The discrimination unit continues to work on the backlogged cases.
Inspections - Safety	1953	1605	1517	The number of safety inspections decreased from FFY15 but remains above the fiscal year goal.
Inspections - Health	603	576	462	The number of health inspections decreased from FFY15 but remains above the fiscal year goal.
Average current penalty per serious violation (Private Sector Only) Total 1 – 250+ EEs	747.05	839.49	857.93	The overall average penalty increased again in FFY16.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	541.65	610.33	594.20	The average penalty for this size employer decreased from FFY15.
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	719.11	726.74	652.07	The average penalty for this size employer decreased from FFY15.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	1047.53	1084.97	1293.43	The average penalty for this size employer increased significantly from FFY15.
Average current penalty per serious violation (Private Sector Only) 251+ EEs	1684.50	2258.44	2528.64	The average penalty for the largest employers increased significantly in FFY16.
3-Year average number of inspections for enforcement presence	2.23	2181	n/a	Data not provided. No comparison available.
% in compliance – Safety	26.79	25.39	26.24	The percent noncompliance safety inspections increased in FFY16.
% in compliance – Health	37.95	36.59	36.14	The percent noncompliance health inspections decreased in FFY16.
% of fatalities responded to in 1 work day	100	95*	100	All fatalities were responded to within one day.
Average lapse time from opening conference date to issue date – Safety	13.58	14.81	14.76	Safety lapse time decreased slightly in FFY16.
Average lapse time from opening conference date to issue date - Health	19.25	18.54	18.45	Health lapse time decreased slightly in FFY16.
% penalty retained	88.12	87.59	90.64	The percent penalty retained increased since FFY15.
% of initial inspections with employee walk around representation	100	100	100	The percent of inspections with walk around representation remained at 100%.

Data Source: SAMM report run by Federal OSHA November 23, 2016.

* Measures obtained from MNOSHA MOOSE System as Federal SAMM report incorrect.