



**Bureau of Workers'
Compensation**

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Governor **John R. Kasich**
Administrator/CEO **Sarah D. Morrison**

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June 15, 2018

Inspector General Randall J. Meyer
Office of the Inspector General
30 East Broad Street, Suite 2940
Columbus, Ohio 43215

Re: File ID No. 2017-CA00026
Response to Report of Investigation Report Issued May 15, 2018
Subjects: Maria Rupert, Industrial Safety Hygienist 4
Glenn McGinley, Director, Public Employment Risk Reduction Program

Dear Inspector General Meyer:

The Ohio Bureau of Workers' Compensation (OBWC) has completed its review of your office's recommendations contained in the above-referenced report. I respectfully submit this response to you regarding the recommendations outlined in the report.

Recommendation #1: Review the actions of the PERRP employees to determine if administrative action or additional training is needed.

Response: The OBWC management took administrative actions in accordance with BWC human resources policies and procedures and the OCSEA contract upon becoming aware of this incident. In addition, PERRP compliance officers received additional classroom training on fatality investigation procedures. On September 19, 2017, PERRP compliance officers attended an all-day mock fatality investigation training that included: gathering and documenting evidence; conducting interviews; developing a case file; presenting findings and proposing citations to the PERRP Director. On December 6, 2017, PERRP compliance officers received a four-hour review of investigation procedures at a quarterly staff meeting.

Recommendation #2: Consider implementing written policies and procedures which define what evidence is and the process to be used to seize, secure, store, and dispose of physical evidence collected by PERRP personnel.

Response: Prior to this incident, PERRP compliance officers were instructed not to collect physical evidence unless it is necessary and only after consulting with the Director of PERRP. If it is necessary to collect physical evidence, current policy requires compliance officers to coordinate the collection of evidence with local law enforcement or the Ohio State Highway Patrol. PERRP is in the process of preparing the PERRP Field Operations Manual (PERRP FOM). The PERRP FOM will replace the federal Occupational Safety and Health Administration (OSHA) FOM for all PERRP field operations. The current OSHA FOM does not contain any guidance on physical evidence collection. The PERRP FOM will include a section on handling, collecting, preserving, and disposing of evidence. PERRP staff will receive training on the PERRP FOM at the quarterly staff meeting scheduled for September 18-19, 2018. After the training, PERRP will post the FOM on the BWC web page. In addition, the PERRP electronic case file management system was updated and now includes a section that documents the collection of physical evidence.

Recommendation #3: Consider the benefit of implementing written policies and procedures to be followed when completing the supervisory review of the investigative report and developing a cross training program to ensure there is more than one individual capable of performing these reviews should the PERRP director be absent for an extended period of time.

Response: The PERRP FOM will contain an outline of the criteria that will ensure each compliance officer has properly organized and documented case files. The PERRP electronic case file management system now includes a field work product quality report used by supervisory personnel to document case file reviews.

Recommendation #4: While updating and modifying the PERRP field office manual, policies, and procedures, it is recommended that OBWC management determine whether sufficient guidance has been provided to investigators when documenting investigative activities; identifying the types of records to be maintained in the case file; and outlining the process to be used when returning employer records or requesting local law enforcement to secure and dispose of evidence of behalf PERRP.

Response: The Superintendent of the Division of Safety & Hygiene and the Director of Loss Prevention Operations will review the PERRP FOM and the updated PERRP electronic case management system to ensure PERRP compliance officers have available sufficient guidance for documenting investigative activities, maintaining case files, handling records, and using evidence.

Recommendation #5: After the written procedures and field operations manual have been developed, consider the benefits of providing training to employees on the revised field operations manual and requiring employees to acknowledge that they have read and understood the written policies and procedures.

Response: When completed, the PERRP FOM will replace the OSHA FOM for all PERRP field operations. PERRP staff will receive training on the PERRP FOM at the quarterly staff meeting scheduled for September 18-19, 2018. After the training, PERRP will post the FOM on the BWC web page. PERRP compliance officers will be required to document that they have read and understand the policies and procedures.

Sincerely,



Sarah D. Morrison
OBWC Administrator/CEO