

Appendix D

MSHA Response to Draft Report

U.S. Department of Labor

Mine Safety and Health Administration
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Arlington, Virginia 22209-3939



MAR 26 2010

MEMORANDUM FOR ELLIOT P. LEWIS
Assistant Inspector General for Audit

FROM: JOSEPH A. MAIN 
Assistant Secretary of Labor for
Mine Safety and Health

SUBJECT: Response to OIG Draft Audit Report No. 05-10-001-06-001
"Journeyman Mine Inspectors Do Not Receive Mandated
Periodic Retraining"

Thank you for the opportunity to review your draft audit report. Your audit provides valuable recommendations to our agency regarding the training and retraining of our mine inspectors. In reviewing these recommendations, we also recognize that changes to our existing policy and procedures can and will improve the knowledge and skills of our inspectors. Also, by developing clear guidelines of accountability for completing required training and reemphasizing our commitment to maintain a well trained workforce will we enhance our ability to protect miners safety and health.

MSHA has long recognized the importance of training. In fact, we have a long history of providing continual learning opportunities for our employees. However, as you have pointed out, MSHA's internal controls for ensuring our inspectors receive training can be improved. We have reviewed your draft recommendations and have provided an outline of solutions that we believe address the concerns discussed in your report.

We look forward to responding more fully after your report is issued in final. If you have any questions, please contact Ken Bullock (202) 693-9778.

Attachment

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OIG Recommendation No 1: *Implement procedures and controls to hold supervisors accountable (e.g., policies, performance standards, etc.) for assuring that all journeyman inspectors complete required periodic retraining.*

MSHA agrees with this recommendation. It is the Agency's responsibility to ensure that our enforcement personnel are adequately trained to carry out its mission. We believe that the Agency has always been committed to this; however, moving forward, MSHA will issue a policy to ensure that at a minimum, District Managers, Assistant District Managers, and Field Office Supervisors are held accountable for assuring that all journeyman inspectors complete the required periodic retraining.

OIG Recommendation No 2: *Revise MSHA's training policy to suspend an individual's health and safety inspection activities if designated retraining is not completed as required.*

MSHA concurs with the intent of this recommendation. Understanding that legitimate situations can occur that prevent a journeyman inspector from completing the retraining within the required timeframe, MSHA will develop a policy addressing this recommendation. This policy will include accommodation for acceptable exigencies that may cause a delay in an inspector completing required training and procedures for completing the training.

OIG Recommendation No 3: *Re-emphasize to all personnel, in writing, MSHA's training requirements, the importance of training, and MSHA management's commitment to training.*

MSHA supports these recommendations. MSHA will issue a memorandum emphasizing our commitment to journeyman retraining which will also include the importance of our trainees' successful completion of OJT tasks under proper supervision (see Recommendation No 7).

OIG Recommendation No 4: *Develop and implement written policies and procedures to justify and document cases in which completion of minimum training requirements are waived for an inspector.*

MSHA recognizes that there could be limited situations whereby an enforcement employee could potentially have some training requirements waived, e.g. education and experience. MSHA agrees that procedures should be established for processing requests for waiver of training requirements. MSHA will issue a directive whereby such requests must be submitted in writing to the respective Administrator. The Administrator will exercise discretion to approve a properly justified request for waiver of training requirements.

OIG Recommendation No 5: *Revise automated training records to include the date that OJT modules are completed.*

MSHA agrees with this recommendation and is currently taking steps to ensure completion dates are included when OJT modules are finished.

OIG Recommendation No 6: *Implement controls to assure that training records are fully supported to validate training as it is completed.*

MSHA agrees with this recommendation. MSHA is currently in the planning stages to develop a database that will allow MSHA to efficiently record and provide output on each inspectors training progress. This will allow managers a means to monitor the training progress of inspectors, ensuring completion of all required training.

OIG Recommendation No 7: *Re-emphasize to all inspectors, in writing, the importance of entry-level inspectors performing OJT tasks under proper supervision of an experienced inspector.*

MSHA supports this recommendation. This recommendation will be addressed in the memo discussed in Recommendation No 3.