

U.S. Department of Labor

Office of Inspector General—Office of Audit

MINE SAFETY AND HEALTH ADMINISTRATION



JOURNEYMAN MINE INSPECTORS DO NOT RECEIVE REQUIRED PERIODIC RETRAINING

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BRIEFLY...

Highlights of Report Number 05-10-001-06-001, to the Assistant Secretary for the Mine Safety and Health Administration (MSHA).

WHY READ THE REPORT

This report examines MSHA's efforts to provide initial training for newly hired (entry-level) inspectors and periodic retraining for experienced (journeyman) inspectors. Without sufficient training, MSHA inspectors may not possess the up-to-date knowledge of health and safety standards or mining technology needed to perform their inspection duties.

To insure the health and safety of miners, MSHA personnel conduct frequent inspections in the nation's 14,000+ mines each year. As required by the Federal Mine Safety and Health Act of 1977, MSHA develops and maintains programs for the training and continuing education of these inspectors. The training is based on the specific technical needs associated with examining mines within an inspector's assigned program area – Coal or Metal/Nonmetal.

Training for entry-level inspectors combines classroom instruction (21-23 weeks) at the Mine Health and Safety Academy intermingled with on-line training components and on-the-job training conducted in the field. Journeyman inspectors are required to receive one week of specified retraining each year, or two weeks every other year.

WHY OIG CONDUCTED THE AUDIT

The OIG audited MSHA's Mine Inspector Training Program to answer the following question:

Do MSHA inspectors receive training to effectively execute their regulatory responsibilities?

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2010/05-10-001-06-001.pdf>

March 2010

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WHAT OIG FOUND

During fiscal years (FY) 2007-2008, MSHA increased the number of inspectors by 26 percent and provided initial training to more than 350 entry-level inspectors. However, 56 percent of the 102 journeyman inspectors we sampled had not completed MSHA's required retraining during the FY 2006-2007 training cycle. MSHA lacked controls to track and assure completion of required periodic retraining by journeyman inspectors, and there were no consequences for not attending retraining courses.

MSHA also authorized one individual to perform inspection duties without requiring him to complete the minimum entry-level training requirements. MSHA had not defined circumstances that permitted a waiver of the training requirements nor had they documented the rationale for waiving the training requirements in this instance.

We identified several examples of training records for entry-level inspectors that lacked timely supporting documentation. MSHA's system for recording training activity lacked sufficient controls to assure that adequate documentation was maintained to support training completion.

WHAT OIG RECOMMENDED

We made seven recommendations to the Assistant Secretary for Mine Safety and Health. In summary, we recommended that MSHA hold supervisors accountable for assuring that journeyman inspectors complete retraining, suspend an individual's health and safety inspection activities if designated retraining was not completed, re-emphasize MSHA management's commitment to training, develop policies and procedures to justify and document waivers of minimum training requirements, strengthen requirements and controls for recording and supporting completed training, and re-emphasize the importance of entry-level inspectors performing OJT tasks under proper supervision of an experienced inspector.

The Assistant Secretary generally agreed with our recommendations and committed to implementing corrective actions.

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U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



March 30, 2010

Assistant Inspector General's Report

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The Office of Inspector General (OIG) conducted a performance audit of the Mine Safety and Health Administration's (MSHA) Training Program for both entry-level and journeyman mine inspectors. One of MSHA's primary responsibilities is to conduct frequent inspections and investigations in coal and other mines each year. Authorized representatives of the Secretary of Labor, commonly referred to as inspectors, are specifically trained and tasked to complete these inspections. The Federal Mine Safety and Health Act of 1977 (Mine Act) requires the Secretary to develop and maintain "adequate programs for the training and continuing education of persons, particularly inspectors" to carry out its provisions.¹

MSHA divides mine enforcement into two program offices — Coal Mine Safety and Health (Coal) or Metal and Nonmetal Mine Safety and Health (Metal/Nonmetal). Inspectors receive training based on the specific technical needs associated with examining mines within their assigned program area. Training for entry-level Coal and Metal/Nonmetal inspectors consists of six modules of classroom instruction totaling 21 and 23 weeks respectively at MSHA's National Mine Health and Safety Academy (Academy). Intermingled with the classroom sessions, entry-level inspectors must complete specific on-line training components and on-the-job (OJT) sessions while in the field. This prescribed training regimen is generally completed over a 12-16 month period. Subsequent to this initial training, MSHA policy requires that journeyman inspectors, in both Coal and Metal/Nonmetal, receive one week of specified retraining each year, or two weeks every other year.

At the end of fiscal year (FY) 2008, MSHA employed 1,037 inspectors consisting of 358 entry-level² inspectors (282 in Coal and 76 in Metal/Nonmetal) and 679 journeymen

¹ The Federal Mine Safety and Health Act of 1977, Section 505.

² For purposes of our audit, an entry-level inspector was defined as one who was designated as an Authorized Representative by MSHA between October 1, 2006 and September 30, 2008.

inspectors (316 in Coal and 363 in Metal/Nonmetal). This represented a 26 percent increase of inspector staffing levels at the end of FY 2006. Additional background information is contained in Appendix A.

We conducted an audit of MSHA's Inspector Training Program to answer the following question:

Do MSHA inspectors receive training to effectively execute their regulatory responsibilities?

The audit examined whether (a) entry-level inspectors in FYs 2007 and 2008 completed MSHA's designated training curriculum and (b) journeymen inspectors completed MSHA's designated retraining course(s) within the most recent two-year training cycle (FYs 2006-2007). The audit did not evaluate the appropriateness of the curriculum's technical content or the quality of the instruction. In addition, the audit did not attempt to correlate inspector training to the rate of accidents, injuries, or fatalities in mines.

To accomplish our objective we obtained an understanding of the MSHA Training program for both entry-level and journeyman inspectors through interviews with Coal, Metal/Nonmetal, and Academy officials. We evaluated the extent to which inspectors had completed the training prescribed by MSHA and offered by the Academy through an examination of training transcripts and supporting documentation for a sample of inspectors onboard as of September 30, 2008. For entry-level inspectors, we reviewed training records for FYs 2007 and 2008 because these years provided the most recently completed training information at the start of the audit. For journeyman inspectors, we reviewed training records for FYs 2006 and 2007 because this was the most recent 2-year training cycle that had been completed when the audit began. Since the FY 2008/2009 training cycle was completed during the audit, we performed additional work to examine this period for selected journeyman inspectors in the audit sample.

To assess inspectors' views of MSHA sponsored training, we conducted an email survey of all 1,145 inspectors on board as of September 2, 2009. We summarized and analyzed the information contained in the 494 responses we received. This represented a 43 percent response rate to our survey.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. Our objective, scope, methodology, and criteria are detailed in Appendix B.

RESULTS IN BRIEF

During FYs 2007-2008, MSHA increased the total number of inspectors by 26 percent and provided training for more than 350 entry-level inspectors. However, MSHA did not assure that its journeyman inspectors received required periodic retraining. Fifty-six percent of the 102 journeyman inspectors we sampled had not completed MSHA's required periodic retraining during the FY 2006-2007 training cycle; three of these journeyman inspectors had not received retraining since the inception of MSHA's training policy in 1998. This occurred because (1) MSHA lacked controls, at both the headquarters and district levels, to track and assure completion of required periodic retraining by journeyman inspectors and (2) there were no consequences for not attending retraining courses. As a result, MSHA inspectors may not possess the up-to-date knowledge of health and safety standards or mining technology needed to perform their inspection duties. In fact, 27 percent of the 264 journeyman inspectors who responded to our survey believed that MSHA did not provide them with the technical training they needed to effectively perform their duties. More specifically, these respondents stated that MSHA training did not provide them with sufficient knowledge of mining laws and regulations (11 percent), MSHA policies (14 percent), MSHA procedures (14 percent), and current mining technology (23 percent). Lack of training increases the possibility that hazardous conditions may not be identified and corrected during inspections which, in turn, could increase the risk of accidents, injuries, fatalities, and adverse health conditions for miners.

MSHA also authorized one individual to perform inspection duties without requiring him to complete the minimum number of entry-level training modules. MSHA had not defined circumstances that permitted a waiver of the training requirements nor had they documented the rationale for waiving the training requirement in this instance.

In addition, we identified several examples of individual training records for entry-level inspectors that lacked supporting documentation. MSHA's system for recording training activity lacked sufficient controls to assure that adequate documentation was maintained to support training completion. Since completion of a minimum level of training is part of MSHA's requirement to become an inspector, incomplete training records create a risk that an individual could be designated as an inspector without having completed sufficient training.

In responding to our draft report, the Assistant Secretary for Mine Safety and Health stated that MSHA has long recognized the importance of training and has a long history of providing continual learning opportunities for its employees. He acknowledged, however, that MSHA's internal controls for ensuring inspectors received training could be improved. He agreed to revise existing policies and procedures, including developing clear guidelines of accountability for completing required training, and reemphasizing MSHA's commitment to maintain a well trained workforce. The Assistant Secretary's entire response is contained in Appendix D.

We recommended the Assistant Secretary for the Mine Safety and Health Administration (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, (2) revise MSHA's training policy to suspend an individual's inspection activities if designated retraining is not completed as required, (3) develop and implement written policies and procedures to justify and document cases in which completion of minimum training requirements are waived for an inspector, (4) revise automated training records to include the date that OJT modules are completed, and (5) implement controls to assure that training records are fully supported to validate training as it is completed.

RESULTS AND FINDINGS

Objective — Do MSHA inspectors receive training to effectively execute their regulatory responsibilities?

Not all MSHA inspectors received the training prescribed by MSHA policy to effectively execute their regulatory responsibilities. Although almost all new hires were completing the training curriculum prescribed to be authorized as entry-level inspectors, most journeyman inspectors had not received required periodic retraining. In addition, several training transcripts reviewed contained inaccuracies or lacked appropriate supporting documentation.

Finding 1 — Fifty-six percent of MSHA journeyman inspectors sampled had not received required periodic retraining.

Fifty-six percent of 102 MSHA journeyman inspectors non-statistically sampled had not received MSHA's required periodic retraining during the FY 2006-2007 training cycle. Three of these selected journeyman inspectors had not completed the required periodic retraining since the inception of MSHA's training policy in 1998. This occurred because (1) MSHA lacked controls, at both the headquarters and district levels, to track and assure completion of required periodic retraining by journeyman inspectors and (2) there were no consequences for not attending retraining courses. As a result, MSHA inspectors may not possess the up-to-date knowledge of health and safety standards, MSHA policies or procedures, or current mining technology needed to perform their inspection duties. In fact, 27 percent of the 264 inspectors who responded to our survey believed that MSHA did not provide them with the technical training they needed to effectively perform their duties. This increases the possibility that hazardous conditions may not be identified and corrected during inspections which, in turn, could increase the risk of accidents, injuries, fatalities, and adverse health conditions for miners.

The Mine Act³ requires that:

³ The Federal Mine Safety and Health Act of 1977 (Section 505)

In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary [of Labor] shall... [develop and maintain] adequate programs for the training and continuing education of persons, particularly inspectors....

In a June 1998 memorandum, then Assistant Secretary of MSHA, J. Davitt McAteer wrote:

It is the obligation of MSHA to routinely and systematically upgrade the skills of our workforce which is vital to the effectiveness of our Agency. To this end, I am now implementing the MSHA Training Committee recommendation for all MSHA employees to attend 1 week of training per year, or 2 weeks every other year.... [J]ourneyman inspectors ... will receive training targeted specifically to them.

As stated in the Course Catalog published annually by MSHA's Mine Health and Safety Academy:

Our Nation's mines produce more material than ever before. Sophisticated machinery and equipment allow miners to work in areas that are often complex and dangerous. Mining technology changes constantly and every mine is unique. This is why mine safety and health inspections, technical and engineering assistance, and education and training are such important elements in ensuring a safe workplace ...

Up-to-date and practical health and safety training is vital since mining occurs in a hazardous, ever-changing environment where there is little room for error ...

Journeyman training presents up-to-date technical and regulatory information to journeyman mine safety and health inspectors to help them ensure that the mining community is served most effectively.

Of the 264 inspectors who responded to our audit survey, 89 percent agreed that periodic technical training was important to the performance of their job. However, 16 percent stated that they were not aware of MSHA's policy on Employee Training.

Each year the Academy develops and offers a specific course for journeymen inspectors in Coal and Metal/Nonmetal designed to satisfy MSHA's requirement for ongoing retraining.

A review of MSHA's training records for a non-statistical sample of journeyman inspectors (Table 1), indicates that 55 percent of Coal, and 57 percent of Metal/Nonmetal journeyman inspectors in the audit sample had not completed this required retraining during the FY 2006-2007 training cycle.

Table 1 – Journeyman Inspectors Not Completing Retraining

Program Area	Total Authorized Inspectors (as of 09/30/08)	Sample of Journeyman Inspectors Reviewed	Journeyman Inspectors Who Did Not Complete MSHA's Retraining Courses in FYs 2006 or 2007	
			Number	Percentage
Coal	598	42	23	55%
Metal/Nonmetal	439	60	34	57%
Total	1,037	102	57	56%

MSHA officials stated that the ability to complete journeyman retraining during the FY 2006-2007 cycle had been adversely impacted by a series of mining accidents that occurred during those years. Those accidents required numerous journeyman inspectors to be assigned to accident investigation or internal review teams. These additional duties did not allow available time needed to attend training.

To determine whether the FY 2006-2007 training cycle was an aberration, we performed an additional analysis to determine when the journeyman inspectors in our audit sample had last completed the prescribed retraining. The results (Table 2) show that the lapse in journeyman retraining is not limited to the FY 2006-2007 training cycle. In our audit, 12 of 23 Coal journeyman inspectors and 7 of 34 Metal/Nonmetal journeyman inspectors had not completed retraining in either the FY 2004-2005 or the FY 2006-2007 training cycles.

Table 2 – Last Year Journeyman Retraining was Completed

Years	Coal Journeyman Inspectors	Metal/Nonmetal Journeyman Inspectors
2005	6	15
2004	5	12
2003	3	5
2002	4	1
2001	2	0
2000	1	0
Retraining was prior to 1998	2	1
Total	23	34

In the worst cases, three inspectors (2 in Coal, 1 in Metal/Nonmetal) had not completed the required periodic retraining since MSHA had established the requirement in 1998.

Since the FY 2008-2009 training cycle was completed during the course of our audit, we also examined records for those years to determine how many of the journeyman inspectors in our sample that did not complete retraining in the FY 2006-2007 cycle had attended the training in this subsequent cycle. Training records showed that 15 of 23 Coal journeyman inspectors (65 percent) and 22 of 34 Metal/Nonmetal journeyman

inspectors (65 percent) who failed to attend retraining in FYs 2006 or 2007 had still not completed retraining by the end of FY 2009. MSHA officials stated that the time required to fulfill MSHA's emphasis on completing 100 percent of all mandatory inspections in FY 2008 had prevented journeyman inspectors from attending retraining.

MSHA had no systems or controls in place to assure that journeyman inspectors attended and completed scheduled retraining. Academy officials stated that while they design and schedule the prescribed retraining courses, they have no authority to require that inspectors register for or attend the courses. That authority rests with individual supervisors in Coal and Metal/Nonmetal.

As previously stated, time for training can be absorbed by other program priorities including accident investigations and mandatory inspections. Of the 264 inspectors who responded to our audit survey, 54 percent agreed that MSHA HQ viewed training as a high priority and 65 percent agreed that their immediate supervisor viewed training as a high priority. In addition, 50 percent agreed that MSHA provided them with the technical training they needed to effectively perform their duties and 53 percent agreed that MSHA provided them with time away from their normal duties to attend training. Of the 264 journeyman inspectors that responded to our survey, 39 percent agreed that they received ongoing or refresher training on a regular basis.

Lack of periodic retraining reduces the assurance that MSHA mine inspection personnel are properly trained to effectively conduct their inspection responsibilities, thus increasing the possibility that health and safety hazards are not identified and corrected. Poor quality inspections, in turn, increase the risk of injury to miners.

When asked how MSHA training impacted their ability to perform their duties, 12 percent of the 264 journeyman respondents to our survey stated that training they received at the Academy did not improve their performance. Some also stated that based on MSHA training, their knowledge of mining laws and regulations (11 percent of respondents), MSHA policies (14 percent of respondents), MSHA procedures (14 percent of respondents) and current mining technology (23 percent of respondents) was not sufficient.

In responding to our draft report, the Assistant Secretary agreed to reemphasize the importance of training; hold District Managers, Assistant District Managers, and Field Office Supervisors accountable for assuring that journeyman inspectors complete the required retraining; and develop a policy addressing situations that may delay an inspector's retraining. We believe this policy should include a provision to suspend an individual's health and safety inspection activities if retraining is not timely completed.

Finding 2 — One individual was authorized to perform inspection duties without completing the minimum training requirement.

MSHA had authorized one of the 90 entry-level Coal and Metal/Nonmetal inspectors in our audit to perform inspection duties without having completed the minimum training

specified. This occurred because MSHA had no written policy defining exceptions to its training requirement and no requirement that exceptions be justified and documented. As a result, there is an increased risk that an individual could be authorized to perform inspection duties without the adequate knowledge, skills, and abilities. This would adversely impact the quality of inspections and potentially increase safety and health risks to miners.

The Academy Course Catalogs for FYs 2007 and 2008 state:

All newly hired MSHA mine safety and health inspectors receive entry-level training. This training covers technical aspects of mine inspection and additional topics such as effective communications and professionalism.

Entry-level training for Coal inspectors includes 21 weeks (six modules) of classroom instruction, while entry-level Metal/Nonmetal inspectors receive 23 weeks (six modules) of classroom instruction. Individuals in both groups are also required to complete OJT session in the field. These OJT sessions are intermingled between classroom sessions and include specifically defined tasks that must be completed under the supervision of an experienced inspector.

The decision to authorize an individual as an inspector is made by the Coal or Metal/Nonmetal Administrator based on the recommendation of the individual's District Manager. Both Coal and Metal/Nonmetal officials told us that individuals may be authorized as inspectors before completing the entire entry-level training curriculum. However, program officials stated that Coal inspectors must complete the first four classroom modules and Metal/Nonmetal inspectors must complete the first two classroom modules and the first OJT module. These training requirements are not documented in any written directive or policy. Similarly, MSHA has no written policy defining if or under what circumstances these training requirements can be waived.

In reviewing training records for our sample of entry-level inspectors, we identified one Metal/Nonmetal inspector who had been authorized to perform inspection duties without completing the stated minimum training modules. Instead, the inspector had only observed portions of courses in Module II of Metal/Nonmetal entry-level training. This individual did not participate in the OJT program. A Metal/Nonmetal official explained that this individual, although authorized to perform inspection duties, was assigned to a Headquarters unit in Arlington, Va., and did not perform inspections. The official did acknowledge, however, that the individual could be called on to (a) conduct inspection activities, if inspector shortages developed and impacted MSHA's completion of 100 percent of the Agency's required inspections; (b) conduct or participate in district and headquarters enforcement audits; or (c) assist or lead accident investigations. In these tasks, inspection authority would be necessary.

The Metal/Nonmetal official further explained that the minimum training requirement had been waived for this individual because of their extensive mining experience, college

degree, professional certifications, and extended time as the owner of a safety and health consulting service.

We have no basis to question the professional judgment exercised by MSHA in granting inspection authority to this individual. However, to assure that such decisions are based on consistent criteria and can be defended if the need should arise, it is important for MSHA to (a) define the circumstances that can permit a waiver of minimum inspector training requirements and (b) require the rationale for such exceptions to be clearly documented.

Without these controls, MSHA cannot demonstrate that inspectors possess the necessary knowledge, skills, and abilities to effectively fulfill their responsibilities.

In responding to our draft report, the Assistant Secretary stated that there could be limited situations whereby an enforcement employee could have some training requirements waived. He stated that MSHA would issue a directive that such requests must be submitted in writing to the respective program Administrator.

Finding 3 — The Academy lacked timely and adequate support documentation for some completed training.

The Academy did not (a) maintain documentation to support completion of OJT tasks as modules were completed throughout the entry-level training process or (b) document daily class attendance by journeyman inspectors during training at the Academy. This occurred because (a) the Academy's procedures were not followed for documenting OJT tasks and (b) the Academy did not have procedures in place to document daily classroom training attendance for journeyman inspectors. As a result, MSHA lacked timely assurance that entry-level inspectors had completed minimum OJT modules before being authorized as an inspector and evidence that journeyman inspectors had actually attended classroom training for which they had received credit. The Academy should implement additional controls to timely validate the reliability of its training data.

Lack of Timely Documentation to Support OJT Module Tasks Completion

As previously explained (see p. 8), specific on-the-job training is a required component of MSHA's entry-level training program. The Academy's OJT Procedures Manual states:

The Academy's OJT Coordinator is responsible for monitoring Entry Level (EL) Inspector's on-the-job training while the EL Inspector is in the field receiving coaching and qualifying for his or her [inspector] card ... This includes managing the system used by the Academy to track each student, to collect and process information to be sent to the field and received from the field, to maintain the student's records, and to coordinate these records with central headquarters personnel.

Entry-level students were required to maintain a written log of all OJT tasks. The log contained a detailed list of required OJT tasks in each module. A supervisor was

required to initial and date each task after it was successfully completed. When all tasks in an OJT module were accomplished, the individual received credit for that OJT module in the Academy's SIS. According to Academy personnel, they reviewed a student's log prior to indicating in the SIS that the student had completed a specific OJT module. However, the SIS only indicated whether an OJT module had been completed. It did not contain the date that the OJT module had been completed.

In addition, it was the Academy's practice not to collect and maintain the actual OJT log pages for completed modules until a student had finished all OJT modules in the entry-level program. Instead, the student was responsible for keeping the log until all OJT training had been completed. This practice created a risk that documentation supporting completion of OJT modules could be lost or damaged. It also prevented validation of OJT data in SIS until after an individual had completed all entry-level training. Recording OJT completion dates and maintaining timely supporting documentation are important because (a) a student may be authorized to perform inspection duties prior to completing the entire entry-level training program and (b) Coal and Metal/Nonmetal require completion of a minimum number of OJT modules before authorizing an individual as an inspector. In our sample, 60 (86 percent) of 70 entry-level students had received authority to perform inspection duties without the OJT documentation required by the Academy OJT Procedures Manual.

Our survey of inspectors identified other potential concerns regarding OJT. Thirteen percent of the 230 entry-level inspectors responding to our survey did not believe that they had received adequate OJT during their entry-level training. Eleven percent of these respondents stated that they did not believe they were adequately supervised while completing OJT tasks and 48 percent stated that they had completed OJT tasks during their training without a mentor or supervisor present. While we did not independently validate the inspectors' assertions, the levels of response are a concern for the reliability of the OJT program results.

The Academy should implement procedures to record completion dates for OJT modules and to collect and maintain OJT logs as each module is completed. MSHA management should re-emphasize to all inspectors the importance of proper completion and supervision of OJT training.

Lack of Attendance Documentation for Journeymen Trained at the Academy

At the beginning of our audit, we also observed that the Academy was not documenting the attendance of journeyman inspectors at daily classroom training sessions. Instead, inspectors were required to fill in the Academy Information Form (AIF) which only identified the date the inspector arrived at the Academy and the title of the course attended. Since many Academy courses occur over multiple days, the AIF did not provide evidence that an inspector had actually attended individual class sessions.

As a result of our initial audit work, in July 2009, the Academy implemented the practice of requiring students to "sign-in" on a class roster each day during a training course.

Maintaining these sign-in sheets provides a much stronger means of supporting and verifying an individual's actual attendance at training courses. MSHA should formalize the practice of requiring sign-in sheets to document attendance at all Academy classes.

In responding to our draft report, the Assistant Secretary stated that MSHA is taking steps to ensure that completion dates of OJT modules are recorded, currently planning to develop a database that will allow it to efficiently record and provide output to allow managers a means to monitor the training progress of inspectors, and will reemphasize the importance of entry-level inspectors performing OJT tasks under proper supervision.

RECOMMENDATIONS

We recommend the Assistant Secretary for the Mine Safety and Health Administration:

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.
2. Revise MSHA's training policy to suspend an individual's health and safety inspection activities if designated retraining is not completed as required.
3. Re-emphasize to all personnel, in writing, MSHA's training requirements, the importance of training, and MSHA management's commitment to training.
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.
5. Revise automated training records to include the date that OJT modules are completed.
6. Implement controls to assure that training records are fully supported to validate training as it is completed.
7. Re-emphasize to all inspectors, in writing, the importance of entry-level inspectors performing OJT tasks under proper supervision of an experienced inspector.

We appreciate the cooperation and courtesies that MSHA personnel extended to the Office of Inspector General during this audit. OIG personnel who made major contributions to this report are listed in Appendix E.



Elliot P. Lewis

Assistant Inspector General
for Audit

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Exhibit

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Exhibit 1

Survey Information

To assess inspectors' views of MSHA sponsored training, we emailed a survey to all 1,145 inspectors on board as of September 2, 2009. Responses were anonymous. We received replies from 494 inspectors within the time period we allowed for responses. This represents a 43 percent response rate. The responses are summarized in the following three sections. Section A provides a profile of the respondents. Section B summarizes responses to questions asked of all journeyman Inspectors. Section C summarizes responses to questions asked only of entry-level inspectors.

Section A – Profile of Survey Respondents				
Mine Inspection Personnel	Total Number of Mine Inspection Personnel Surveyed	Responses Received		
		Entry - Level Inspectors	Journeyman Inspectors	Responses Received
Coal	719	191	110	301
Metal/Nonmetal	426	39	153	192
Other		0	1 ¹	1 ¹
Total	1,145	230	264	494

	Coal	Metal / Nonmetal	Other	Total
1. To which MSHA Program area are you currently assigned?	301 60.93%	192 38.87%	1 0.20%	494 100%

	MSHI²	SP-D³	FOS/ADM/DM⁴	SP-not FDO⁵	SPV-FDO⁶	Other	Total
2. Which one of the following best describes your PRIMARY position?	325 65.79%	108 21.86%	37 7.49%	9 1.82%	1 0.20%	14 2.83.%	494 100%

¹ Provided responses to survey, and indicated as other an enforcement sector.

² MSHI – Mine Safety and Health Inspector

³ SP-D – Specialist in District

⁴ FOS/ADM/DM – Field Office Supervisor/Assistant District Manager/District Manager

⁵ SP-notFDO – Specialist not stationed in a Field or District Office

⁶ SPV-FDO – Supervisor not stationed in a Field or District Office

Section B – Questions Asked of All Journeyman Inspectors							
	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree	No Response	Total
1. I am aware of MSHA's policy on Employee Training	17 6.44%	24 9.09%	50 18.94%	78 29.55%	93 35.23%	2 0.76%	264 100%
2. MSHA HQ considers training to be a high priority	20 7.58%	36 13.64%	66 25.00%	63 23.86%	79 29.92%	0 0.00%	264 100%
3. My Immediate Supervisor considers training to be a high priority	19 7.20%	23 8.71%	50 18.94%	77 29.17%	94 35.61%	1 0.38%	264 100%
4. MSHA provides me with the technical training I need to effectively perform my duties.	25 9.47%	46 17.42%	58 21.97%	75 28.41%	58 21.97%	2 0.76%	264 100%
5. Training that I need to perform my job is readily available through the Mine Health and Safety Academy	20 7.58%	35 13.26%	57 21.59%	82 31.06%	70 26.52%	0 0.00%	264 100%
6. The training that I receive at the Mine Health and Safety Academy improves my job performance.	11 4.17%	21 7.95%	42 15.91%	113 42.80%	77 29.17%	0 0.00%	264 100%
7. I am provided time away from my normal duties to attend training.	35 13.26%	40 15.15%	49 18.56%	70 26.52%	69 26.14%	1 0.38%	264 100%
8. I receive ongoing or refresher training on a regular basis.	44 16.67%	64 24.24%	53 20.08%	46 17.42%	57 21.59%	0 0.00%	264 100%
9. Periodic technical training is important for me to perform my duties	6 2.27%	2 0.76%	20 7.58%	70 26.52%	165 62.50%	1 0.38%	264 100%
10. Based on training that I receive from MSHA, my knowledge of mining laws and regulations is sufficient to perform my duties.	6 2.27%	24 9.09%	39 14.77%	92 34.85%	102 38.64%	1 0.38%	264 100%
11. Based on training that I receive from MSHA, my knowledge of MSHA policies related to mine safety and health is sufficient to perform my duties.	6 2.27%	31 11.74%	48 18.18%	92 34.85%	86 32.58%	1 0.38%	264 100%
12. Based on training that I receive from MSHA, my knowledge of MSHA procedures related to mine safety and health is sufficient to perform my duties.	6 2.27%	30 11.36%	41 15.53%	103 39.02%	84 31.82%	0 0.00%	264 100%
13. Based on training that I receive from MSHA, my knowledge of current mining technology is sufficient to perform my duties.	16 6.06%	44 16.67%	57 21.59%	92 34.85%	53 20.08%	2 0.76%	264 100%

Section C – Questions Asked of Entry-Level Inspectors							
	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree	No Response	Total
1. I received adequate classroom training as part of my Entry Level Training.	4 1.74%	18 7.83%	30 13.04%	101 43.91%	71 30.87%	6 2.61%	230 100%
2. I received adequate on-the-job training as part of my Entry Level Training.	5 2.17%	25 10.87%	27 11.74%	84 36.52%	83 36.09%	6 2.61%	230 100%
3. I was adequately supervised while completing on-the-job training as part of Entry Level Training	7 3.07%	18 7.83%	30 13.04%	74 32.17%	92 40.00%	9 3.91%	230 100%
4. I completed some on-the-job training tasks as part of my Entry Level Training without a mentor or supervisor present.	33 14.35%	33 14.35%	47 20.43%	73 31.74%	38 16.52%	6 2.61%	230 100%
5. I was capable of independently conducting mine inspections immediately after receiving my AR [inspector] designation.	3 1.30%	11 4.78%	31 13.48%	111 48.26%	68 29.57%	6 2.61%	230 100%

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Appendices

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Background

The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) is responsible for administering the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and to enforce compliance with mandatory safety and health standards as a means to eliminate fatal accidents; to reduce the frequency and severity of nonfatal accidents; to minimize health hazards; and to promote improved safety and health conditions in the Nation’s more than 14,000 mines. The Mine Act applies to all mining and mineral processing operations in the United States, regardless of size, number of employees, or method of extraction. It requires MSHA to conduct frequent inspections and investigations in coal and other mines each year and grants “Authorized representatives [AR] of the Secretary” (commonly referred to as mine inspectors) the authority to enter any mine at any time to perform these inspections and issue citations of violations as necessary. The Mine Act also requires the Secretary of Labor to develop and maintain “adequate programs for the training and continuing education of inspectors.”

MSHA’s Directorate of Educational Policy and Development (EPD) implements MSHA’s education and training programs promoting safety and health in the Nation’s mining industry. The Directorate plans, monitors, and evaluates all MSHA education and training programs addressing mine safety and health, and provides entry-level and journeyman training for MSHA’s enforcement staff. The Directorate also operates the National Mine Health and Safety Academy at Beaver, W.Va., the world’s largest educational institution devoted solely to safety and health in mining. The academy serves as the central training facility for federal mine inspectors and mine safety professionals from other government agencies, the mining industry, and labor. Courses are offered on safety and inspection procedures, accident prevention, investigations, industrial hygiene, mine emergency procedures, technology, management techniques, and other topics. Training courses completed by inspectors at the Academy are recorded in the Student Information System (SIS). The SIS can produce a complete transcript (printout) for an inspector that includes the course title, start and end date of training received, and training hours earned. The transcript also shows the last date an inspector received training at the Academy. Of MSHA’s FY 2009 budget of \$347 million, \$38.6 million (11 percent) was budgeted for the EPD.

MSHA divides mine enforcement into two program offices — Coal Mine Safety and Health (Coal) or Metal and Nonmetal Mine Safety and Health (Metal/Nonmetal). All newly hired mine inspectors receive entry-level training. This training covers technical aspects of mine inspection and additional topics such as effective communications and professionalism. Entry-level training for Coal inspectors includes 21 weeks (six modules) of classroom instruction, while entry-level Metal/Nonmetal inspectors receive 23 weeks (six modules) of classroom instruction. Individuals in both groups are also required to complete on-line training and OJT session in the field. These OJT sessions are intermingled between classroom sessions and include specifically defined tasks that

must be completed under the supervision of an experienced inspector. An entry-level inspector typically completes the entire training process (both classroom, online and OJT) in 12 to 16 months.

Subsequent to entry-level training, MSHA policy requires that journeyman inspectors receive one week of specified retraining each year, or two weeks every other year. Journeyman training presents up-to-date technical and regulatory information to journeyman inspectors to help them ensure that the mining community is served most effectively.

Appendix B

Objective, Scope, Methodology, and Criteria

Objective

The OIG audited MSHA’s Mine Inspector Training Program to determine if MSHA inspectors received training to effectively execute their regulatory responsibilities.

Scope

The audit examined, within both Coal and Metal/Nonmetal, whether (a) newly hired mine inspectors completed the entry-level training curriculum designated by MSHA and (b) journeymen mine inspectors completed MSHA’s designated retraining course(s) within the most recent two-year training cycle. The audit did not evaluate the curriculum’s technical content or the quality of the instruction. In addition, the audit did not attempt to correlate inspector training to the rate of accidents, injuries, or fatalities in mines. For entry-level inspectors, the audit reviewed training records for FYs 2007 and 2008 because these years provided the most recently completed training information at the start of the audit. For journeyman inspectors, the audit reviewed training records for FYs 2006 and 2007 because this was the most recent 2-year training cycle that had been completed when the audit began. Since the FY 2008-2009 training cycle was completed during the audit, we performed additional work to examine this period for selected journeyman inspectors in the audit sample.

We determined internal controls were not properly implemented; therefore, we used substantive testing of training documents to determine whether inspectors received required training. In addition, we determined the inspector classification information included in MSHA’s data systems did not provide adequate information for our audit; therefore, we used inspector training files to identify entry-level and journeyman inspectors and to test whether the inspectors received required training.

The audit reviewed MSHA’s training records for a sample of inspectors employed by MSHA as of September 30, 2008. Individuals who became inspectors during FYs 2007 and 2008 were considered “entry-level” mine inspectors. Individuals who became inspectors prior to FY 2007 were considered “journeyman” mine inspectors.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. We performed audit work at MSHA’s National Office in Arlington, VA and the National Mine Health and Safety Academy at Beaver, WV.

Methodology

To accomplish our objective we obtained an understanding of the MSHA Training program for both entry-level and journeyman inspectors. We interviewed National Mine Health and Safety Academy (Academy) personnel, officials from the National Council of Field Labor Locals (the union representing MSHA mine inspectors), MSHA Coal and Metal/Nonmetal Program Officials and other Headquarters staff.

We evaluated the extent to which inspectors (both entry-level and journeyman) had completed the classroom training prescribed by MSHA for a non-statistical sample of inspectors onboard as of September 30, 2008. Non-statistical samples cannot be projected to the overall population. The audit universe, based on a listing provided to us by MSHA, consisted of 1,037 inspectors — 598 in Coal and 439 in Metal/Nonmetal. To avoid bias, we randomly selected 250 inspectors for inclusion in the audit sample and then selected 192 inspectors from ordered lists. The audit sample included 110 (18.4 percent) Coal inspectors and 82 (18.7 percent) Metal/Nonmetal inspectors. Based on information contained in MSHA’s transcripts, we classified each individual in the sample as either “entry-level” or “journeyman.”

Program Area	Entry Level	Journeyman	Total
Coal	68	42	110
Metal/Non-metal	22	60	82
Total	90	102	192

For each entry-level inspector in the audit sample, we determined whether they had completed all classroom training prescribed in MSHA’s entry-level training program, including whether they had completed the minimum requirements prior to being authorized to perform inspection duties. We reviewed each individual’s training transcript and other supporting documentation maintained by the Academy.

For each journeyman inspector in the audit sample, we determined whether they had completed the prescribed retraining course(s) listed in the Academy’s course catalog during the FY 2006-2007 training cycle. For those who had not completed the prescribed course within this period, we also determined when they had last attended the prescribed retraining (prior to 2006) and whether they had completed retraining in the subsequent FY 2008-2009 cycle. We reviewed each individual’s training transcript and other supporting documentation maintained by the Academy.

In addition, at our request, MSHA provided a separate listing of entry-level inspectors who had been active in the OJT program during FY 2007-2008. These were the most recently completed training years at the beginning of the audit. The list of OJT participants contained 70 individuals (57 Coal and 13 Metal/Nonmetal). For all the individuals on this list, we examined training transcripts and other supporting documentation to determine whether each individual had completed all the OJT

prescribed in MSHA's entry-level training program, including whether they had completed the minimum OJT requirements prior to being authorized to perform inspection duties.

We also conducted an email survey of all inspectors on board as of September 2, 2009, to obtain their views concerning MSHA sponsored training. We summarized and analyzed the information contained in the 494 (301 Coal, 192 Metal/Nonmetal and 1 other) responses we received. This represented a 43 percent response rate to our survey. Two hundred thirty responses were received from entry-level inspectors and 264 from journeyman inspectors. Since responses were voluntary, those who chose to respond to the survey may not represent the views of the entire population.

In performing the audit, we considered whether internal controls significant to the audit were properly designed and placed in operation. This included reviewing MSHA's Federal Mine Safety & Health Act of 1977 and their policies and procedures for administering training to inspectors. In addition, we examined MSHA's data systems to determine whether they could be used as the source for identifying inspectors by type and as a valid record of inspector training. We confirmed our understanding of internal controls and data reliability through interviews, walkthroughs, and documentation reviews.

Our consideration of MSHA's internal controls for administering training received by inspectors at the Academy would not necessarily disclose all matters that might be reportable conditions. Because of inherent limitations in internal controls, misstatements, or losses, noncompliance may nevertheless occur and not be detected.

Criteria

Federal Mine Safety & Health Act of 1977

"Courses for MSHA and the Mining Industry" catalogs for FYs 2006 through 2009

June 1998 Memorandum from J. Davitt McAteer former Assistant Secretary for Mine Safety and Health re MSHA Employee Training.

Academy OJT Procedures Manual

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Acronyms and Abbreviations

AIF	Academy Information Form
Coal	Office of Coal Mine Safety and Health
EL	Entry Level
EPD	Educational Policy and Development
FY	Fiscal Year
Metal/Nonmetal	Office of Metal/Nonmetal Mine Safety and Health
MSHA	Mine Safety and Health Administration
OIG	Office of Inspector General
OJT	On-the-Job Training
SIS	Student Information System

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Appendix D

MSHA Response to Draft Report

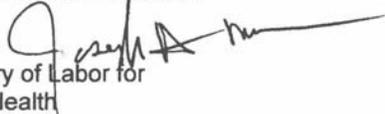
U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
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

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

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.

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Appendix E

Acknowledgements

Key contributors to this report were Charles Allberry (Audit Director), Zaunder Saucer, Donald Evans, Grover Fowler, Tinuke Aruwayo, Wilma Perez and Mary Lou Casazza.

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