

STATE OF ILLINOIS

SAFETY INSPECTION AND EDUCATION DIVISION

State OSHA Annual Report (SOAR) FEDERAL FY 2010



DECEMBER 2010

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ILLINOIS DEPARTMENT OF LABOR STATE PLAN
SOAR REPORT FOR FISCAL YEAR 2010

INTRODUCTION

The Illinois Department of Labor (IDOL) received approval to operate a public sector only Occupational Safety and Health Administration (OSHA) developmental state program on September 1, 2009. This report coverage period is for the first full year of the developmental program, October 1, 2009 to September 30, 2010. The Illinois Plan is administered by the Safety Inspection and Education Division (SIED), under the leadership of the Director of Labor. IDOL-SIED enforces safety and health standards in public sector workplaces, provides consultation services to public sector workplaces, adopts standards, and provides outreach services to the public sector. Enforcement in the private sector employment remains with the U.S. Department of Labor, Occupational Safety and Health Administration in Illinois.

Enforcement and Consultation activities are conducted by the SIED staff of safety and health inspectors. The IDOL-SIED program staff consists of a Division Manager, two Assistant Managers of Enforcement, the State Plan and Information Coordinator, nine Safety Inspectors, two Industrial Hygienists and one Office Assistant.

The Consultation services enable public sector employers to use a voluntary approach to improving safety and health management. Current staff develops and implements training and educational programs and conducts on-site consultation visits. This will be a separate and independent activity from Enforcement within the next two years.

The technical staff is highly experienced and well respected in the public sector community IDOL-SIED serves. IDOL-SIED continually provides technical and personal skill development opportunities for staff.

ILLINOIS PUBLIC SECTOR DEMOGRAPHICS

The public sector constituency covered under the Safety Inspection and Education Act and Health and Safety Act includes approximately 22,000 public worksites with an estimated 1,071,699 public employees in Illinois. The majority of public sector employees are employed by the government directly - - approximately 851,200, with 161,200 of those at the state level and the remaining 690,000 being local government employees. The public sector constituency in Illinois includes approximately 220,499 educational employees. The majority of these are in elementary and secondary education at 127,010. The higher education portion of the public sector includes an estimated 33,196 at the community college level and 60,293 in the eleven public colleges and universities.

IDOL – SIED’S STRATEGIC PLAN OVERVIEW

IDOL – SIED’s Strategic Plan established three strategic goals. These three goals are:

- *Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.*
- *Promote a safe and healthy culture through compliance assistance, cooperative programs and strong leadership.*
- *Maximize IDOL-SIED’s effectiveness and efficiency by strengthening its capabilities and infrastructure.*

The Strategic Plan development is in its infancy and will continue to change. Measurement processes and additional data will become available to better assimilate this plan.

MISSION

The mission of IDOL-SIED is to assure, as far as possible, safe and healthful workplaces for all of the public employees in the State of Illinois.

FY 2010 PERFORMANCE PLAN (AND STRATEGIC GOALS)

The developmental steps outlined in the IDOL-SIED state plan application provide the framework for accomplishing the goals of the IDOL-SIED Strategic Plan. The following plan details the means and strategies needed to accomplish these performance goals.

Strategic Goal No. 1 – Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.

This strategic goal uses almost every facet within the IDOL-SIED in order to address workplace hazards and improve worker safety and health. The tools include: enforcement, consultation, training and education.

A strong Enforcement program will serve as an appropriate response for employers who fail to meet their safety and health responsibilities. IDOL-SIED will enhance the Enforcement program through the following ways:

- Standards Adoption/Rules Amendments. The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subpart C] were drafted and published on April 2, 2010 that adopt up to and including the current OSHA standards. Administrative Rules associated with the enforcement of the Toxic Substances Disclosure to Employees Act were drafted which repeal these outdated rules [56 Ill. Admin. Code Part 205].
- Annual Performance Plan. This plan is complementary to the developmental schedule in the State Plan Application Narrative and the FY 2010 grant application.
- BLS Survey. The IDOL-SIED has been working with the Illinois Department of Public Health on how to expand the current Illinois state survey and set a baseline for statistics to better document the effectiveness of the program parameters in future performance plans.

Strategic Goal No. 2 – Promote a safe and healthy culture through compliance assistance, cooperative programs and strong leadership.

Improved workplace safety and health culture for all public employers are directly linked to reductions in injuries and hazards, improved labor-management relations, improved worker morale and reductions in lost workdays, with an expected increase in productivity.

IDOL-SIED staff will continue to conduct advisory consultation visits, training and educational programs upon request by public sector employees. The separation of the Consultation from Enforcement will begin with the hiring of Enforcement only inspectors and development of procedures that delineate this separation. The independent Consultation program will be initiated during the next fiscal year.

IDOL-SIED staff conducted 189 educational activities for over 2000 participants (i.e., training, speeches), 66 advisory consultation visits and 37 written program evaluations in fiscal year 2010.

Strategic Goal No. 3 – Maximize IDOL-SIED’s effectiveness and efficiency by strengthening its capability and infrastructure.

A generous portion of the developmental steps in the IDOL-SIED’s state plan application are dedicated to this strategic goal. The following steps are integral to the goal:

- **Staffing.** The process of hiring the critical program management staff and vacancies was initiated in September 2009. The Division Manager, Enforcement Assistant Manager (Chicago) and four Safety Enforcement Inspectors were hired in January 2010. The State Plan and Information Coordinator was hired in April 2010. The Enforcement Assistant Manager for Downstate was hired in September 2010. A training program for staff was developed that will be consistent with the federal OSHA compliance officer requirements/recommendations. Orientation training was conducted for all staff in March 2010 and the new field hires went to the OSHA Training Institute in May 2010 for the Inspection Initial Class.
- **Standards Adoption/Rules Amendments.** The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subpart C] were drafted and published on April 2, 2010 that adopt up to and including the current OSHA standards. Administrative Rules associated with the enforcement of the Toxic Substances Disclosure to Employees Act were drafted which repeal these outdated rules [56 Ill. Admin. Code Part 205].
- **Management Information Systems.** IDOL-SIED joined the existing OSHA IMIS system by incorporating an NCR server/network. This program is for Enforcement activities only with the existing FoxPro©-based field program that IDOL-SIED currently has in place being used for the Consultation activities. The NCR server itself has experienced continued significant failures and was not implemented until January 2010. The Enforcement inspection data is on two incompatible databases for this reporting period, therefore some measures were reported for a portion of the fiscal year. February 2011 is the projected start date for the OSHA OIS system and IDOL-SIED plans on converting to it upon deployment. This should allow for OSHA to better monitor the IDOL-SIED program and track reporting requirements.

MANDATED ACTIVITIES

Activities mandated under the OSHA state plan program are considered core elements of IDOL-SIED's occupational safety and health program. Their accomplishment is tied to achievement of the aforementioned strategic goals. Mandated activities will be listed in the annual Performance Plan as strategic tools used to achieve these goals. More specifically, programmed inspections are a significant strategic tool in IDOL-SIED's Plan.

The core elements outlined in the OSHA Act, 29 CFR 1902 and 29 CFR 1956 for public sector only plans are as follows:

- Prohibition against advanced notice.
- Employee access to hazard and exposure information.
- Safeguards to protect employer trade secrets.
- Employer recordkeeping.
- Legal procedures for compulsory process and right of entry.
- Posting of employee protections and rights.
- Right of employee representative to participate in walk-around.
- Right of an employee to review decision not to inspect (following a complaint).
- Voluntary compliance programs.

Mandated activities are tracked normally on a quarterly basis using the SAMM (State Activities Measures) Report which compares State activity data to an established reference point.

Following are the status of mandated activities for FY 2010:

- **Average number of days to initiate complaint inspections:** 49 Safety complaint inspections were conducted within an average of five working days, equivalent to the Illinois performance matrix of five working days. 77 Health complaint inspections were conducted within an average of six working days, significantly lower than the Illinois performance matrix of 10 working days.
- **Percent of complaints where complainants were notified in a timely manner:** For every complaint inspection conducted in this timeframe, the complainants were all notified with copies of the findings/reports in a timely manner.
- **Percent of notices of imminent danger responded to within 24 hours:** There were no imminent danger notifications in the time period.

- **Number of denials where entry not obtained:** There were no denial of entries in this time period.
- **Percent of S/W/R violations verified abated within abatement date + 30 days:** For the 188 follow-up inspections, it was not possible to determine how many certified abatement as complete due to the incompatibility of the information systems.
- **Average number of violations per inspection, broken out by S/W/R, and other-than-serious violations:** 29.5% of the NCR inspections had citations issued.
- **Average penalty per serious violation:** There were no penalties assessed for citations during this time period.
- **Percent of total inspections conducted in the public sector:** Since the Illinois State Plan covers the public sector only, 100% of the total inspections were conducted in the public sector during this time period.
- **Average lapse time from receipt of contest to first level decision:** There were two appeals or contests during this time period. The average lapse time for the informal conference was 12 days.
- **Percent of discrimination investigations completed within 90 days:** All discrimination investigations conducted during this time period were completed in 90 days.
- **Percent of discrimination investigations that are found meritorious:** There were no discrimination investigations found meritorious during this time period.
- **Percent of meritorious discrimination complaints that are settled:** There were no discrimination investigations found meritorious during this time period.
- **Percent of Federal program changes adopted within the established timeframe:** See Rule Amendments, but there were no required adoptions of changes during this time period.
- **Percent of State-initiated changes submitted within established time frame:** There were no State-initiated changes during this time period.
- **Percent of permanent standards adopted within six months; emergency temporary standards adopted within 30 days:** There were no permanent standards or emergency temporary standards issued or adopted in this time period.
- **Number of permanent variances granted:** There were no permanent variances granted during this time period.
- **Number of temporary variances granted:** There were no temporary variances granted during this time period.

TABLE 1: ILLINOIS STATEWIDE INSPECTION ACTIVITY

October 1, 2009 – September 30, 2010

STATE ACTIVITY MANDATED MEASURES		ILLINOIS
TOTAL INSPECTIONS		1542
RECORDS INSPECTIONS		60
INSPECTIONS BY CATEGORY		
SAFETY INSPECTIONS		1443
HEALTH INSPECTIONS		99
INSPECTIONS BY TYPE		
UNPROGRAMMED		340
	ACCIDENT	22
	COMPLAINT	126
	REFERRAL	2
	MONITORING	2
	VARIANCE	0
	FOLLOW-UP	188
	UNPROGRAMMED RELATED	0
	OTHER	0
PROGRAMMED		1203
	PLANNED	1200
	PROGRAMMED RELATED	1
	OTHER	2
OTHER		0
INSPECTIONS BY INDUSTRY		
CONSTRUCTION		0
MARITIME		0
MANUFACTURER		0
OTHER		1542
INSPECTIONS BY OWNERSHIP		
PRIVATE SECTOR		0
PUBLIC SECTOR		1542
FEDERAL AGENCY		0

ILLINOIS

INSPECTION CLASSIFICATION

- SAFETY PLANNING GUIDE
- HEALTH PLANNING GUIDE
- LOCAL EMPHASIS PROGRAM
- NATIONAL EMPHASIS PROGRAM
- MIGRANT FARMWORKER CAMP

EMPLOYEE INFORMATION

- EMPLOYED IN ESTABLISHMENT
- COVERED BY INSPECTION

AVG CASE HRS PER INSPECTION

- SAFETY
- HEALTH

*VIOLATIONS

WILLFUL	0
REPEAT	13
SERIOUS	794
UNCLASSIFIED	0
OTHER	909
F-T-A	0
TOTAL	1716

PENALTIES

WILLFUL	0
REPEAT	0
SERIOUS	0
UNCLASSIFIED	0
OTHER	0
F-T-A	0
TOTAL	0

CONTESTED CASES

INSPECTION CONTESTED	2
INSP W/CITATIONS CONTESTED (%)	<1%

*LAPSE DAYS INSP TO CIT ISSUED

- AVG LAPSE SAFETY INSP
- AVG LAPSE HEALTH INSP
- AVG LAPSE ALL INSP

*Cannot report
due to
database
incompatibility.