

# **Federal Annual Monitoring and Evaluation (FAME) Report**

**Illinois Public Sector**

**October 1, 2010 to September 30, 2011**

## Table of Contents

I.	Executive Summary .....	2
A.	Summary of the Report .....	2
B.	Introduction .....	4
C.	Data and Methodology.....	5
D.	Findings and Recommendations .....	5
II.	Major New Issues .....	5
III.	State Response to FY 2010 FAME Recommendations .....	5
IV.	Assessment of State Performance .....	6
A.	Enforcement.....	6
B.	Review Procedures.....	9
C.	Standards and Federal Program Changes Adoption .....	9
D.	Variances .....	10
E.	Public Employee Program .....	10
F.	Discrimination Program – Special Study.....	10
G.	CASPAs .....	10
H.	Voluntary Compliance Program .....	10
I.	Public Sector On-site Consultation Program .....	10
J.	Program Administration.....	10
K.	State Internal Evaluation Program .....	12
L.	Other Issues - Developmental Steps .....	12
V.	Assessment of State Performance.....	13
A.	Assessment of Progress in Achieving Annual Performance Goals .....	14
Appendix A	FY 2011 Findings and Recommendations .....	A-1
Appendix B	Status of State’s Actions in Response to FY 2010 EFAME Follow-up Recommendations .....	B-1
Appendix C	Enforcement Comparison.....	C-1
Appendix D	FY 2011 State Activity Mandated Measures (SAMM) Report.....	D-1
Appendix E	State Information Report (SIR) .....	E-1
Appendix F	Acronyms .....	F-1
Appendix G	Federal Program Changes .....	G-1
Appendix H	FY 2011 State OSHA Annual Report (SOAR) .....	H-1

## **I. Executive Summary**

### **A. Summary of the Report**

This Federal Annual Monitoring Evaluation (FAME) provides a status update of the Illinois Department of Labor – Safety, Inspection and Education Division, (IDOL-SIED) performance goals established in their Fiscal Year (FY) 2011 Annual Performance Plan and the effectiveness of programmatic areas related to enforcement.

IDOL-SIED deobligated \$285,000 of the \$1,584,500 FY 2011 grant due to delays in filling vacant positions. The State requested additional time to close out the grant. This deobligation was not completed in a timely manner, therefore, not allowing other State Plans to access the funds. Currently, there are two vacant positions, which include the State Plan Coordinator, and one safety compliance position. A letter was sent to the Governor, on February 8, 2011, stressing the need to fill all vacant positions.

On December 31, 2010, the Division Manager retired. The State Plan and Information Coordinator acted as the Division Manager during calendar year 2011. This has reduced the time available for State Plan development issues and delays occurred, which prevented IDOL-SIED from meeting the established goals for FY 2011. An Action Plan has been developed and approved to ensure all Developmental Steps are met by the end of FY 2012.

As required, IDOL-SIED started using OSHA's data management system in FY 2010. To date, while IDOL-SIED continues to enter data into the system, OSHA is not able to run the State Activity Mandated Measures (SAMM) report to monitor the Program. The *Enforcement* and *Inspection* reports are used. IDOL-SIED has continued to work with OSHA's help desk to resolve these problems.

Along with the performance goals established in the FY 2011 grant, several Developmental Steps were established, which included: updating the parts 29 CFR 1904, 1903, 1905, 1911, and 2200; developing a Field Operations Manual (FOM); and coordinating with the Illinois Department of Public Health (IDPH) and the Bureau of Labor Statistics (BLS) to expand the current survey. Two of the "second year" Developmental Steps and one of the "third year" were completed. These include coordinating with IDPH and BLS and the development of an inspection scheduling system and implementation of a 23(g) Consultation Program. An Action Plan has been developed to complete the other two-year Developmental Steps by the end of the FY 2012.

After completing a review of closed case files, several recommendations were noted. These recommendations included: better documentation of hazards; complete a comprehensive hazard evaluation; send final next of kin letters; and ensure appropriate abatement dates are established.

Federal OSHA received no Complaints About State Program Administration (CASPA) during FY 2011.

IDOL-SIED continues to work with Federal OSHA during their development period to make changes, where identified, that support continued improvement in developing a program that will be considered *at least as effective as* the Federal program.

## **B. Introduction**

The IDOL-SIED Public Sector Only State Plan was approved as a Developmental Plan on September 1, 2009. IDOL-SIED has three years to complete the developmental steps established in the September 1, 2009 Federal Register so that IDOL-SIED will be *at least as effective as* Federal OSHA. This FAME covers the second developmental year of October 1, 2010, to September 30, 2011.

The Safety Inspection and Education Division is a division of the Illinois Department of Labor. Effective April 1, 2011, the Director of the Illinois Department of Labor has been Joseph Costigan. Mr. Costigan is the State Designee. On December 31, 2010, Frederick Lewison, then the Division Manager, retired. For calendar year 2011, Cheryl Neff was the Acting Division Manager. On December 28, 2011, Ms. Neff was selected as the Division Manager. She oversees the three offices located in Chicago, Springfield, and Marion. Currently, the staff also includes eight safety and three health inspectors. Vacant positions include the State Plan Coordinator and one safety inspector.

For FY 2011, the IDOL-SIED grant award was \$1,584,500. The State deobligated \$285,000. This is approximately 18% of their total grant. This is the second year where the State returned funds.

On July 1, 2011, the Illinois On-site Consultation Program moved from the Department of Commerce and Economic Opportunity to the Illinois Department of Labor (IDOL). The Division Manager now manages both the 23(g) and 21(d) programs.

During FY 2011, staff covered both enforcement and consultation services for the Public Sector. With the 21(d) On-site Consultation Program moving to IDOL, this separation of consultation and enforcement of the public sector became effective October 1, 2011. Federal OSHA maintains jurisdiction for all private sector and Federal employees.

## **C. Data and Methodology**

A review of the Illinois Public Sector Only State Plan was conducted February 6, 2012, through February 9, 2012. A total of 87 case files (complaint, programmed, referrals and accidents) were reviewed. Six nonformal complaint files were also reviewed. A database was used to evaluate and track findings providing a consistent review of the files.

## **D. Findings and Recommendations**

As a result of the review, several findings are being made for program development and improvement. A list of some key findings is noted below. A complete list can be found in Appendix A.

**Finding 11-01:** IDOL-SIED currently does not accept or investigate nonformal complaints.

**Recommendation 11-01:** Before finalizing the FOM, develop a procedure to investigate nonformal complaints.

**Finding 11-10:** Illinois did not meet all of the Developmental Steps during their second year as a developmental State Plan.

**Recommendation 11-10:** Ensure that the revised Developmental Steps timeline established in October 2011 are met.

**Finding 11-11:** Vacancies continue to remain a problem, as the State Plan Coordinator position, which is vital to meeting established Developmental Steps, is vacant along with one safety compliance position.

**Recommendation 11-11:** Fill positions as soon as possible, but not later than by the end of the second quarter of FY 12.

## **II. Major New Issues**

This is the second year of the State Plan. Staffing remains a concern. While the Division Manager position was filled December 28, 2011, it had been vacant for 12 months. Two positions remain vacant, including the State Plan Coordinator and one safety inspector.

Several Developmental Steps were not met in FY 11. A new timeline was established to ensure that all Developmental Steps are met in FY 12.

This is the first time that case files were reviewed and evaluated. Recommendations are noted throughout the report. As IDOL-SIED updates and finalizes their Field Operations Manual (FOM), many of the recommendations can be addressed.

## **III. State Response to FY 2010 FAME Recommendations**

No recommendations were made in the FY 2010 FAME follow-up report.

## IV. Assessment of State Performance

### A. Enforcement

During FY2011, IDOL-SIED conducted 1408 inspections; 1328 safety and 80 health. Of those 1408 inspections, 1101 were programmed, 114 were complaints, and 193 were follow-ups. Of the 2475 citations issued, 59% were serious. Case files were reviewed using the current draft FOM. While each file reviewed contained a Diary Sheet, the Diary Sheet could be used more effectively. Notations could include any delays, contact with the employer, and receipt of abatement information. The files were generally organized in the same manner.

#### 1. Complaints

Currently, IDOL-SIED policy does not accept nonformal complaints. Once the FOM is finalized, a mechanism to address non-formal complaints will be included. Currently, if a nonformal complaint was received, a letter is sent to the complainant. This letter could include a request for signature; provide an address for the appropriate agency; or notification that IDOL-SIED does not have jurisdiction.

A total of 17 formal complaint files were reviewed. Over 75% of the files were handled in a timely manner and followed policies in place at that time. While copies of the final citations were sent to the complainant, the finding for each complaint item was not addressed.

**Finding 11-01:** IDOL-SIED currently does not accept or investigate nonformal complaints.

**Recommendation 11-01:** Before finalizing the FOM, develop a procedure to investigate nonformal complaints.

**Finding 11-02:** Review of case files noted that, while letters were sent in response to a complaint, they did not respond to each complaint item.

**Recommendation 11-02:** Ensure that final letters sent to the complainant address each complaint item.

#### 2. Fatalities

A total of seven fatality/catastrophe files were reviewed. Comprehensive inspections were conducted in each of these instances. These files were generally well documented. In all cases, the Opening Conferences were held within 24 hours of the event. Hazards were identified and citations issued.

Copies of the initial “next of kin” letters were found in only one file. None of the files had a copy of the final findings letter.

**Finding 11-03:** Initial next of kin letters were included in only one of seven fatality investigation files. None of the files contained a copy of the final result letter.

**Recommendation 11-03:** Before finalizing the FOM, develop and implement a policy requiring both initial and final next of kin letters be sent to the family and a copy included in the file.

### 3. Targeting and Programmed Inspections

After a review of inspection history, it was determined that some sites had been inspected regularly, while others had not been inspected in many years. IDOL-SIED developed a plan to inspect all public sector sites over a five year period. IDOL-SIED is in the third year of the Plan. Once all sites have been inspected, a Targeting Plan will be implemented. This targeting plan is expected to be implemented in FY14.

### 4. Citations and Penalties

A total of 87 inspection files were reviewed using the April 2011 draft Field Operations Manual (FOM). Comments had been shared with the State after a review was completed by Federal OSHA.

Almost 2,500 hazards were identified in FY 11, of which 60% were classified as serious. An average of 3.1 violations per initial inspection was issued. Penalties are assessed for willful violations.

Review of the citations issued noted that all hazards were identified and almost 60% of the hazards identified were classified correctly. Hazards misclassified included: unsecured drill press as other than serious (OTS); welding gases not secured as OTS; missing lockout/tagout program as OTS; and electrical as OTS. Currently, IDOL-SIED does not group violations.

In almost 60% of the case files reviewed, employee interviews and exposures were not documented. Limited field notes were included in the files. Severity and probability were not evaluated or included for any of the hazards cited.

In one case, willful violations were recommended and issued. Adequate documentation was included in the file.

It was noted that citations were not always numbered correctly. In at least two cases, Serious citations were numbered from 1-1 to 10-1 rather than 1-1 to 1-10. Citations were not organized numerically based on the standard cited.

**Findings 11-04:** Case files documentation did not include field notes, employee exposure, employee interviews, probability, or severity evaluations.

**Recommendation 11-04:** When the FOM is finalized, ensure that case files documentation requirements include complete field notes, employee interviews, and complete hazard assessment.

**Finding 11-05:** The FOM currently in use does not include a process for grouping violations or assessing hazard severity and probability.

**Recommendation 11-05:** Prior to finalizing the FOM, ensure that a process for grouping violations, assessing hazard severity and probability is included.

**Finding 11-06:** Citations were not organized according to the standard cited. Citations were not numbered correctly.

**Recommendation 11-06:** Prior to finalizing the FOM, ensure that the process for organizing/numbering the hazards is included. Train all staff on the new process.

## 5. Abatement

In approximately 65% of the files reviewed, established abatement dates were longer than what it might normally take to correct a hazard. In most case files, the same abatement date was given for all hazards identified. Examples of long abatement dates included: 30-45 days to replace GFCI outlets; 60 days for lack of a written Hazard Communication Program; 40 days to unblock an exit; 30 days to clear a working area around the electrical panel; and 45 days for a missing tongue guard for a bench grinder.

In 70% of the files, adequate abatement was provided by the employer and maintained in the file.

**Finding 11-07:** Abatement dates granted were longer than expected. The same abatement date was generally given for all hazards identified during the inspection.

**Recommendation 11-07:** Prior to finalizing the FOM, ensure that guidance is included to ensure that each hazard identified is assessed individually. Guidance should also be provided to ensure appropriate dates are established.

**Finding 11-08:** In 30% of the files, adequate abatement was provided by the employer and maintained in the file.

**Recommendation 11-08:** Ensure that abatement for all hazards is obtained and included in the case file.

## 6. Employee and Union Involvement

Inspectors were required during the inspection Opening Conference to verify if employees at the facility were represented by a union. Local union contact information, including names, addresses, and phone numbers, was included in the

file. If an “authorized” union representative was not available, an employee at the site, who was a member of the union, was asked to participate in the inspection. Names and addresses were included in the file.

As noted earlier, there were limited field notes or interviews included in the files reviewed. Copies of the findings, including citations, were sent to the union representative at the site address. Copies were not sent to the local union address. By not sending the citations to the local union address, the union’s ability to exercise their rights may be limited.

**Findings 11-09:** Copies of the results of the inspection were sent to only the union employee at the site. Copies were not sent to the local union even when an address was available.

**Recommendation 11-09:** Prior to finalizing the FOM, develop a protocol to ensure that copies of all appropriate inspection findings are sent to the local union.

## **B. Review Procedures**

### **1. Informal Conferences**

Of the over 1400 cases conducted in FY 11, only 13 employers requested an Informal Conference. Employers are given 15 working days to request an Informal Conference. Only three of the 13 Informal Conferences were due to a penalty issue. For the other 10 cases, the employer had questions about abatement. Two of the three cases did go through the formal review process.

The FOM currently allows the Division Manager to reduce willful penalties from \$10,000 to \$1,000. In one case, these reductions were given to an employer. Documentation was provided in the file noting justification for changes.

### **2. Formal Review of Citations**

In FY 11, only two cases moved to the Formal Review system. Employers are required to file a letter of Contest within 15 working days of receipt of citation. One of the two cases was settled. The citation was vacated. The second case is currently pending. On average, the Formal Review process takes six months to complete.

## **C. Standards and Federal Program Changes Adoption**

### **1. Standards Adoption**

In FY 11, IDOL-SIED adopted three of four Standards. Illinois adopted the Standards Improvement Project, Phase III, Steel Erection Technical Amendments, and Cranes and Derricks in Constriction, but did not adopt the Final Rule on Working Conditions in Shipyards since the State does not have maritime jurisdiction. See Appendix G.

## **2. Federal Programs/State Initiated Changes**

IDOL-SIED adopted one out of the 10 FPCs in FY 2011. Illinois adopted PPE in General Industry. Two FPCs were not adopted as they relate to developmental steps the State is working on, including revising its record keeping standards and developing and FOM. The remaining FPCs were not adopted because they are not applicable to the Public Sector. See Appendix G

### **D. Variances**

While IDOL-SIED continues to develop Administrative Rules addressing variances, no variances were granted during this timeframe.

### **E. Public Employee Program**

Since IDOL-SIED is a Public Sector Only State Plan, all inspections were in the public sector. Penalties are not issued for first sanction citations. Penalties are issued for willful citations. During FY 2011, IDOL-SIED issued a total of \$8,000 in penalties for two inspections. All hazards are tracked until abated.

### **F. Discrimination Program – Special Study**

While the State currently has a Discrimination Program, the State is working with Federal OSHA to develop a Discrimination Program that is *at least as effective as* Federal OSHA.

### **G. CASPAs**

There was no Complaint About State Plan Administration filed in FY 2011.

### **H. Voluntary Compliance Program**

The State is in year two of their three year Development Plan and does not have any Voluntary Compliance Programs such as Partnerships, Alliances, and VPP.

### **I. Public Sector On-site Consultation Program**

On July 1, 2011, the Illinois Onsite Consultation Program (21d) moved from the Department of Commerce and Economic Opportunity to IDOL-SIED. During this time, IDOL-SIED began the process of implementing the Illinois Public Sector Consultation (23g) program. This Program was fully implemented effective October 1, 2011, one year earlier than required by the developmental plan.

### **J. Program Administration**

#### **1. Training**

A training plan has been developed, which includes training for compliance staff in-house and also at the OSHA Training Institute (OTI). This training plan mirrors OSHA's training directive.

As noted earlier in the report, deficiencies were noted in the case files reviewed. This included: 40% of "serious" hazards cited were misclassified as "other than serious;" fatality files did not include all next of kin letters; and documentation of interviews conducted.

**Finding 11-10:** While IDOL-SIED has a training plan in place, review of the case files noted that not of the necessary elements of the files was included.

**Recommendation 11-10:** Once the final FOM is in place, ensure that all compliance staff receives FOM training covering enforcement policies and procedures.

## 2. Funding

In FY 2011, Illinois deobligated \$285,000, which is 18% of their \$1,584,500 grant. In FY 2010, the State deobligated \$500,000 of the \$1,500,000 grant. As in FY 2010, much of the funds returned were for salaries. Vacant positions were not filled as quickly as the State had hoped.

## 3. Staffing

As noted previously, the Division Manager position was vacant from December 31, 2010, through December 28, 2011. IDOL-SIED continues to fill vacant positions. Currently, the State Plan Coordinator and one safety compliance position are not filled. A letter was sent to the Governor on February 8, 2012, noting the importance of filling all vacant positions.

**Finding 11-11:** Vacancies continue to remain a problem, as the State Plan Coordinator position, which is vital to meeting established Developmental Steps, is vacant along with one safety compliance position.

**Recommendation 11-11:** Fill positions as soon as possible, but not later than by the end of the second quarter of FY 12.

## 4. Information Management

IDOL-SIED continues to enter data into the Integrated Management Information System (IMIS). While many of the routine monitoring reports are available, the SAMM report is not. The State and the Regional Office continue to work with the help desk to resolve this issue.

## **K. State Internal Evaluation Program**

During the developmental period of time, the State has focused on those issues. A State Internal Evaluation Program will be implemented in FY 13.

## **L. Other Issues - Developmental Steps**

Illinois is entering the third, and final, year of its developmental period as a public employee only State Plan. As such, Illinois must complete the developmental steps outlined in 29 CFR 1956.81 and established with the State at the time of Plan approval on September 1, 2009. During FY 2011, only two of the six Developmental Steps were completed. A new timeline was proposed and agreed to, with the goal of completing all Developmental Steps by the end of FY 2012.

Currently, Illinois's Administrative Rules have been reviewed by OSHA and comments provided to Illinois early in calendar year (CY) 2012. Updated Rules are currently under review by JCAR. Prior to publishing these Rules in the Illinois Register, "final" draft copies are to be provide to OSHA for final review. As of April 15, 2012, the "final" draft has not been provided to OSHA for approval.

A draft version of the Illinois Field Operations Manual was provided to OSHA in FY 2010. Comments were provided to Illinois in December 2010. The finalization of the FOM was put on hold in FY11 until the Administrative Rules were completed and approved. No further action has been taken on the FOM.

**1. 29CFR 1956.81(b)** - Illinois will update and adopt amendments to the Illinois Administrative Rules (56 ILAC 350) regarding identical standards, variances, inspections, review system for contested cases and employee access to information equivalent to 29 CFR parts 1903, 1905, 1911 and 2200 within two years after plan approval.

**Status:** Illinois did not meet this Developmental Goal in FY 2011. In October 2011, an updated timeline was established and agreed to. Illinois provided copies of their Administrative Rules to the Regional Office October 2011. Comments have been provided to Illinois in a timely manner. Illinois hopes to publish the new Administrative Rule in the State Register in early 2012.

**2. 29 CFR 1956.81(c)** - Illinois will adopt amendments to rules regarding recordkeeping substantially identical to 29 CFR Part 1904, within two years after Plan approval.

**Status:** Illinois did not meet this Developmental Goal in FY 2011. In October 2011, an updated timeline was established and agreed to. Illinois provided copies of their Administrative Rules to the Regional Office in October 2011. Comments have been provided to Illinois in a timely manner. Illinois hopes to publish the new Administrative Rule in the State Register in early 2012.

**3. 29CFR 1956.81(e)** - Illinois will develop an inspection scheduling system that targets high hazard establishments within two years of Plan approval.

**Status:** Completed

- 4. 29CFR 1956.81(f)** - Illinois will develop a comprehensive field operations manual that is *at least as effective as* the Federal Field Operations Manual (FOM), within two years after Plan approval.

**Status:** Illinois did not meet this Developmental Goal in FY 2011. While a draft copy of the Illinois FOM was provided for review in the second quarter, this project was placed on hold until the Administrative Rules are finalized and in place. A new timeline has been established for completion of the FOM.

- 5. 29CFR 1956.81(h)** - Illinois will hire the additional Enforcement program field and support staff within two years of Plan approval.

**Status:** While some positions have been filled, the Division Manager position was vacant for 12 months. Currently, the State Plan Coordinator and one safety enforcement positions are vacant.

- 6. 29CFR 1956.81(i)** - Illinois will fully implement and staff a public employer/employee Consultation Program equivalent to 29 CFR part 1908, and training and education programs separate from Enforcement, within three years after Plan approval.

**Status:** Completed - On July 1, 2011, the 21(d) Consultation Project moved to IDOL. Effective October 1, 2011, the 23(g) Enforcement and Consultation Programs became two separate units. This developmental step was completed one year earlier than expected.

- 7. 29 CFR 1956.81(l)** - Illinois will coordinate with the Illinois Department of Public Health and the Bureau of Labor Statistics to expand the current Illinois survey to provide more detailed injury/illness/fatality rates on State and local government, within two years of Plan approval.

**Status:** Completed

**Finding 11-12:** As noted above, IDOL-SIED did not complete all “year two” Developmental Steps. A new timeline was submitted and agreed to in October 2011. At the time of this report, the Administrative Rules have yet to be approved by OSHA.

**Recommendation 11-12:** In order to complete the remaining Developmental Steps prior to September 30, 2012, a new detailed timeline shall be developed and implemented.

## **V. Assessment of State Performance**

IDOL-SIED developed and implemented an annual performance plan. They met one of three performance goals.

**A. Assessment of Progress in Achieving Annual Performance Goals**

The following summarizes the activities and/or accomplishments for each of the FY 2011 performance goals.

**Performance Goal 1.1:** Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.

**Results:** This goal was not met.

**Discussion:** Draft Illinois Administrative Rules, comparable to OSHA's Regulations, were submitted early in October 2011. These Rules were to have been reviewed and approved in FY 2011. The Director submitted an updated timeline for this developmental goal in October. The new timeline was accepted and the Region continues to monitor the progress of this developmental goal.

The Annual Performance Plan was submitted in a timely manner. The goals remain focused on meeting the developmental plan goals.

**Performance Goal 2:** Promote a safe and healthy culture through compliance assistance, cooperative programs and strong leadership.

**Results:** This goal was met.

**Discussion:** IDOL-SIED staff conducted 145 advisory visits, 12 educational activities, which included speeches and training, and five written program evaluations.

**Performance Goal 3:** Maximize IDOL-SIED's effectiveness and efficiency by strengthening its capability and infrastructure.

**Results:** This goal was not met.

**Discussion:** IDOL-SIED still had difficulty filling all positions. The Division Manager position was vacant from January 1, 2011, until December 28, 2011. During this time, the State Plan Coordinator was designated as the Acting Division Manager. Filling both roles limited the time available to move IDOL-SIED forward in their Developmental Steps.

Effective July, 1, 2011, the Illinois On-site Consultation Program moved from DECO to IDOL. While this move appears to be a benefit for the Consultation Program, additional duties were added to the Acting Division Manger's workload, which limited time available for the Developmental Steps.

Vacancies remained in both program. See Section J of this report.

**Finding 11-13:** Illinois did not meet all of the Developmental Steps during their second year as a developmental State Plan.

**Recommendation 11-13:** In order to complete the remaining Developmental Steps prior to September 1, 2012, a new detailed timeline shall be developed and implemented.

**Appendix A**  
**FY 2011 Illinois Findings and Recommendations**  
**Findings and Recommendations**

Rec #	Findings	Recommendations	FY 10 #
11-1	IDOL-SIED currently does not accept/investigate nonformal complaints.	Before finalizing the FOM, develop a procedure to investigate nonformal complaints.	
11-2	Review of case files noted that, while letters were sent in response to a complaint, they did not respond to each complaint item.	Ensure that final letters sent to the complainant address each complaint item.	
11-3	Initial next of kin letters were included in only one of seven fatality investigation files. None of the files contained a copy of the final result letter.	Before finalizing the FOM, develop and implement a policy requiring both initial and final next of kin letters be sent to the family and a copy included in the file.	
11-4	Case files documentation did not include field notes, employee exposure, employee interviews, probability or severity evaluations.	When the FOM is finalized, ensure that case files documentation requirements includes complete field notes, employee interviews, and complete hazard assessment.	
11-5	The FOM currently in use does not include a process for grouping violations and assessing hazard severity and probability.	Prior to finalizing the FOM, ensure that a process for grouping violations, assessing hazard severity and probability is included.	
11-6	Citations were not organized according to standard cited. Citations were not numbered correctly.	Prior to finalizing the FOM, ensure that the process for organizing/numbering the hazards is included. Train all staff on the new process.	
11-7	Abatement dates granted were longer than expected. The same abatement date was generally given for all hazards identified during the inspection.	Prior to finalizing the FOM, ensure that guidance is included to ensure that each hazard identified is assessed individually. Guidance should also be provided to ensure appropriate dates are established.	
11-8	In 30% of the files, adequate abatement was provided by the employer and maintained in the file.	Ensure that abatement for all hazards is obtained and included in the case file.	
11-9	Copies of the results of the inspection were sent to only the union employee at the site. Copies were not sent to the local union even when an address was available.	Prior to finalizing the FOM, develop a protocol to ensure that copies of all appropriate inspection findings are sent to the local union.	
11-10	While IDOL-SIED has a training plan in place, review of the case files noted that not of the necessary elements of the files was included.	Once the final FOM is in place, ensure that all compliance staff receives FOM training covering enforcement policies and procedures	
11-11	Vacancies continue to remain in the Program. The State Plan Coordinator position, which is vital to meeting established developmental steps, is vacant along one safety compliance position.	Fill positions as soon as possible, but not later than the end of the third quarter of FY 12.	
11-12	Illinois did not meet all of the established developmental steps during their second year as a developmental State Plan. A new timeline was submitted and agreed to in October 2011. At the time of this report, the Administrative Rules have yet to be approved by OSHA.	Ensure that the revised developmental steps timeline established in October 2011 is met.	
11-13	As noted above, IDOL-SIED did not complete all "year two" Developmental Steps.	In order to complete the remaining Developmental Steps prior to September 1, 2012, a new detailed timeline shall be developed and implemented.	

Appendix B  
FY 2011 Illinois State Plan FAME Report  
Status of FY 2010 Findings and Recommendations

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	NONE				

## Appendix C

### Illinois Public Sector Only State Plan FY 2011 Enforcement Activity

	IL*	State Plan Total	Federal OSHA
<b>Total Inspections</b>	<b>1,408</b>	<b>52,056</b>	<b>36,109</b>
Safety	1,328	40,681	29,671
% Safety	94%	78%	82%
Health	80	11,375	6,438
% Health	6%	22%	18%
Construction	71	20,674	20,111
% Construction	5%	40%	56%
Public Sector	1,408	7,682	N/A
% Public Sector	100%	15%	N/A
Programmed	1,101	29,985	20,908
% Programmed	78%	58%	58%
Complaint	114	8,876	7,523
% Complaint	8%	17%	21%
Accident	29	2,932	762
Insp w/ Viols Cited	745	31,181	25,796
% Insp w/ Viols Cited (NIC)	53%	60%	71%
% NIC w/ Serious Violations	67.0%	63.7%	85.9%
<b>Total Violations</b>	<b>2,475</b>	<b>113,579</b>	<b>82,098</b>
Serious	1,465	50,036	59,856
% Serious	59%	44%	73%
Willful	-	295	585
Repeat	29	2,014	3,061
Serious/Willful/Repeat	1,494	52,345	63,502
% S/W/R	60%	46%	77%
Failure to Abate	-	333	268
Other than Serious	981	60,896	18,326
% Other	40%	54%	22%
Avg # Violations/ Initial Inspection	3.1	3.4	2.9
<b>Total Penalties</b>	<b>\$ 8,000</b>	<b>\$ 75,271,600</b>	<b>\$ 181,829,999</b>
Avg Current Penalty / Serious Violation	\$ 5.50	\$ 963.40	\$ 2,132.60
% Penalty Reduced	0.0%	46.6%	43.6%
<b>% Insp w/ Contested Viols</b>	<b>0.1%</b>	<b>14.8%</b>	<b>10.7%</b>
Avg Case Hrs/Insp- Safety	0	17.1	19.8
Avg Case Hrs/Insp- Health	0	26.8	33.1
Lapse Days Insp to Citation Issued- Safety	28.3	35.6	43.2
Lapse Days Insp to Citation Issued- Health	52.1	43.6	54.8
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	22	1,387	2,436

Note: Federal OSHA does not include OIS data.  
The total number of inspections for Federal OSHA is 40,684.

**Appendix D**  
**FY 2011 State Activity Mandated Measures (SAMM) Report**

None available at this time

**Appendix E**  
**State Information Report**

None available at this time

## **Appendix F Acronyms**

BLS	Bureau of Labor Statistics
CAPR	Consultation Annual Project Report
CASPA	Complaint(s) About State Program Administration
CSHO	Compliance Safety and Health Officer
DCEO	Department of Commerce and Economic Opportunity
FAME	Federal Annual Monitoring Evaluation
FY	Fiscal Year
IDOL	Illinois Department of Labor
IDOL-SIED	Illinois Department of Labor – Safety, Inspection and education division
IDPH	Illinois Department of Public Health
IMIS	Integrated Management Information System
OSHA	Occupational Safety and Health Administration
OTS	Other Than Serious
SAMM	State Activity Mandated Measures Report
SIED	Safety Education and Enforcement Division
SOAR	State OSHA Annual Report

## Appendix G

### Federal Program Change Summary for IL Report 01/06/2012

Directive Number	Title	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	State Adoption Date
CPL-02(10-06) 2011 400	SST-10	NO	YES	NO	N/A	N/A
CPL-02(10-07) 2011 401	Recordkeeping NEP - September 2010 Changes	NO	YES	NO	N/A	Developmental Step
CPL-02-01-049 2011 402	PPE in Shipyard Employment	NO	YES	NO	N/A	N/A
STD-03-11-002 2011 403	Compliance Guidance for Residential Construction	NO	YES	NO	N/A	N/A
CPL-02-01-050 2011 422	PPE in General Industry	NO	YES	YES	YES	06/30/2011
CPL-03(11-01) 2011 423	NEP Microwave Popcorn Processing Plants	YES	YES	NO	NO	N/A
CPL-02-00-150 2011 442	Revisions to Field Operations Manual - April 2011	YES	YES	YES	NO	Developmental Step
CPL-02-01-051 2011 443	Confined Spaces in Shipyards	NO	YES	NO	N/A	N/A
CPL-03-00-013 2011 444	NEP Primary Metals	YES	YES	NO	NO	N/A
CPL-02-00-151 2011 445	Commercial Diving Operations	NO	YES	NO	N/A	N/A
<b>Total</b>				<b>2</b>	<b>1</b>	

### Federally Initiated Standards Log Summary for IL Report 01/10/2012

Federal Standard Number	Subject	Intent to Adopt	Adopt Identical	Date Promulgated	Effective Date
,1910,1926,1915 2010 39	Hexavalent Chromium - Direct Final Rule	YES	YES	04/2010	10/2010
,1926.754 2010 40	Safety Standards for Steel Erection !! Technical Amendment	YES	YES	04/2010	10/2010
,1926(various) 2010 41	Cranes and Derricks in Construction - Final Rule	YES	YES	04/2010	10/2010
,1910,1915 2011 42	Working Conditions in Shipyards - Final Rule	NO	N/A	N/A	N/A
,1910,15,18,19,26,28 2011 43	Standards Improvement Project, Phase III	YES	YES	04/2010	10/2010
<b>Total</b>		<b>4</b>	<b>4</b>		

**Appendix H**  
**FY 2011 State Annual Report (SOAR)**

(Available Separately)