

**FY 2012 Abridged Federal Annual Monitoring and Evaluation (FAME)
Report**

Illinois Public Sector Only

Evaluation Period: October 1, 2011 – September 30, 2012

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I. Executive Summary

This abridged 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) 2012 Annual Performance Plan and the effectiveness of programmatic areas related to enforcement.

The IDOL-SIED Public Sector Only State Plan was approved as a Developmental Plan on September 1, 2009. IDOL-SIED had 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 third developmental year of October 1, 2011 to September 30, 2012.

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. 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, one safety inspector, and one enforcement Assistant Manager.

IDOL-SIED deobligated \$384,500 of the \$1,584,500 FY 2012 grant due to delays in filling vacant positions. This is the third year the State has deobligated grant funds.

Along with the performance goals established in the FY 2012 grant, several Developmental Steps were established, which included: updating the parts 29 CFR 1904, 1903, 1905, 1911, and 2200; and developing a Field Operations Manual (FOM). The State did not complete any of these Developmental Steps. An Action Plan has been developed to complete all remaining Developmental Steps by the end of the FY 2014.

The State addressed each of the 13 Findings and Recommendations made in the FY 2011 FAME. While the training conducted for the staff closed five of 13 Recommendations, for the remaining eight Recommendations, the training was noted to be only an interim remedy. Once the State completes all of the required Developmental Steps, these remaining Recommendations will be closed. A complete Status Update for the Recommendations is included in Appendix A of this report.

II. Major New Issues

This was the third year of the State Plan. Staffing remains a concern. Multiple Statewide hiring freezes limited the opportunities to fill vacant positions.

Several Developmental Steps were not met in FY 12. A new timeline was established to ensure that all Developmental Steps are met by the end of FY 14.

III. State Progress in Addressing FY 2011 FAME Report Recommendations

An update of the State's progress addressing each of the Findings and Recommendations noted in the FY 2011 FAME are included below.

- **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.

State Action Plan 11-01: The Act(s) prescribe the ability to investigate formal complaints. If a non-formal complaint is valid, every attempt is made to formalize it so that an investigation can be conducted under the Act(s). The actual number of non-formal valid occupational safety and health complaints is well less than 1% of complaints received, therefore, no procedure for investigating non-formal complaints will be implemented.

Status Update 11-01: Until the State's Administrative Rules are finalized, the Field Operations Manual (FOM) is on hold. Prior to completion of the Development Steps, in order to meet the "at least as effective as" criteria, the State will be required to adopt a method to handle nonformal complaints. Based on a new timeline for completion of the State's Developmental Steps, the FOM will be completed by the end of FY 14. **This item remains open.**

- **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.

State Action Plan 11-02: The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012.

Status Update 11-02: In March 2012, IDOL-SIED implemented procedures and drafted letters for notifying complainants of the specific findings of their investigations. **This item is closed.**

- **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.

State Action Plan 11-03: The Illinois State Plan was notified of these new OSHA requirements during the review of files in February 2012. IDOL implemented procedures and drafted letters for notifying the next of kin of the investigation and the findings.

Status Update 11-03: Until the State's Administrative Rules are finalized, the Field Operations Manual (FOM) is on hold. Interim training was conducted in March 2012 based on a draft FOM. Additional training will need to be completed once the final FOM is developed and approved. **This item remains open.**

- **Finding 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 file documentation requirements include complete field notes, employee interviews, and complete hazard assessments.

State Action Plan 11-04: Enforcement staff received training on the need to enhance case file documentation including field notes and interviews. The Supervisors have been more closely monitoring this facet of the case files and have seen significant improvement.

Status Update 11-04: In March 2012, IDOL-SIED conducted training for all staff addressing case file documentation. **This item is closed.**

- **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.

State Action Plan 11-05: The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL implemented procedures and conducted training on the process of grouping violations. The severity and probability assessments were tied to the penalty chapter of the OSHA FOM, therefore, they were not implemented in Illinois due to the fact that first instance sanctions are not issued for all violations. IDOL has incorporated this characterization for NCR input, but has not added it to the IL FOM.

Status Update 11-05: Until the State's Administrative Rules are finalized, the Field Operations Manual (FOM) is on hold. Interim training was conducted in March 2012

based on a draft FOM. Additional training will need to be completed once the final FOM is developed and approved. **This item remains open.**

- **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.

State Action Plan 11-06: The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL conducted training and has implemented the numbering of citations in accordance with OSHA recommendation.

Status Update 11-06: In March 2012, IDOL-SIED conducted training for all staff addressing case file organization/citation numbering. **This item is closed.**

- **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.

State Action Plan 11-07: The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL implemented procedures that allow for more accurate timeframes for abatement to be issued. Please note that the public sector constituency has factors involved in abatement timeframes that the private sector does not have (i.e., money allocations, etc.) and were not factored into this recommendation.

Status Update 11-07: IDOL-SIED has implemented a policy to ensure abatement dates are assigned appropriately. **This item is closed.**

- **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.

State Action Plan 11-08: IDOL conducted training and provided samples of proper abatement documentation. Staff and Supervisors have implemented a more thorough review of abatement documentation.

Status Update 11-08: In March 2012, IDOL-SIED conducted training for all staff regarding abatement documentation. **This item is closed.**

- **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.

State Action Plan 11-09: The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. The public sector has union representation assigned to each site, which was the contact used for mailing inspection information. OSHA prefers the union hall be copied/notified. This change in procedure was implemented; however, IDOL does not believe that any employee representatives' rights were compromised.

Status Update 11-09: IDOL-SIED updated policy/procedures to ensure inspection findings are sent to not only the site union representative, but also the union hall. This item remains open until verification can be conducted. **This item remains open.**

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

State Action Plan 11-10: IDOL has conducted internal training as well as OTI training on these measures. Any additional Regional requirements have not been provided. IL FOM training has been conducted with each update and revision.

Status Update 11-10: Until the State's Administrative Rules are finalized; the Field Operations Manual (FOM) is on hold. Interim training was conducted in March 2012 based on a draft FOM. Additional training will need to be completed once the final FOM is developed and approved. **This item remains open.**

- **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.

State Action Plan 11-11: IDOL has made every attempt to complete the hiring of necessary positions under the Illinois State Plan. There have been many variables and obstacles in place that have encumbered this process outside of the Agency's control.

Status Update 11-11: While IDOL-SIED has made every attempt to fill vacancies; the State Plan continues to be under State hiring freezes. **This item remains open.**

- **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.

State Action Plan 11-12: The Illinois Administrative Rules have been reviewed by OSHA; their comments were implemented and are under Legal Pre-Review for publication at this time.

Status Update 11-12: A new timeline to extend the development period by two years was submitted to the OSHA Regional Office. The new timeline was approved. **This item remains open until all Developmental Steps are completed by the end of FY 2014.**

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

Recommendation 11-13: Ensure that the revised Developmental Steps timeline established in October 2011 is met.

State Action Plan 11-13: IDOL will work with Regional OSHA representatives on establishing new timelines for development and implementation of the Comprehensive Developmental Steps for the Illinois State Plan.

Status Update 11-13: A new timeline to extend the development period by two years was submitted to the OSHA Regional Office. The new timeline was approved. **This item remains open until all Developmental Steps are completed.**

IV. Assessment of FY 2012 State Enforcement Measures

A. Enforcement

During FY 2012, IDOL-SIED conducted 1,229 inspections; 1,003 safety and 226 health. Of those 1,229 inspections, 935 were programmed and 294 unprogrammed. The unprogrammed inspections included 107 complaints, 16 accident, 43 referrals, three monitoring and 125 follow-ups. The total number of inspections was a slight reduction

from 1,408 conducted in FY 2011. Of the 2,099 citations issued, 82% were serious. This is a 30% increase from FY 2011. This information was obtained from Enforcement and Inspection micro to host reports dated 10/30/12.

- **Complaints**

Currently, IDOL-SIED policy does not accept nonformal complaints. A mechanism to address non-formal complaints will be required to be in place prior to certification of the Plan. Currently, if a nonformal complaint is received, a letter is sent to the complainant stating that the complaint will not be investigated without being signed by a current employee.

Finding 12-1: IDOL-SIED currently does not accept/investigate nonformal complaints.

Recommendation 12-1: Before finalizing the FOM, develop a procedure to investigate nonformal complaints.

- **Fatalities**

Sixteen fatality/catastrophe events were investigated in FY 2012. Comprehensive inspections were conducted in each of these instances. Opening conferences were held within 24 hours for each of the events.

Finding 12-2: Neither initial nor final next of kin letters were included in all fatality investigation files.

Recommendation 12-2: 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.

- **Targeting and Programmed Inspections**

IDOL-SIED developed a plan to inspect all public sector sites over a five year period. IDOL-SIED is in the fourth year of this plan. Once all sites have been inspected, a Targeting Plan will be implemented. This targeting plan is expected to be implemented in FY14.

- **Citations and Penalties**

Almost 2,100 hazards were identified in FY 12, of which 82% were classified as serious. An average of 2.6 violations per initial inspection was issued. First sanction serious penalties are not assessed. Penalties are assessed for willful violations.

Finding 12-3: The FOM currently in use does not include a process for grouping violations and assessing hazard severity and probability.

Recommendation 12-3: Prior to finalizing the FOM, ensure that a process for grouping violations, assessing hazard severity and probability is included.

- **Abatement**

While the State obtains abatement information for all hazards identified, this information is not entered into IMIS. SAMM #6 does not accurately reflect hazard abatement.

Finding 12-4: While abatement information is obtained for identified hazards, IDOL-SIED does not enter abatement information into IMIS as reflected in SAMM #6.

Recommendation 12-4: Enter all abatement information into IMIS.

- **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, is obtained. 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.

Finding 12-5: 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 12-5: 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

- **Informal Conferences**

As with Federal OSHA, IDOL-SIED allows employers 15 working days to request an informal conference. Only three employers requested an informal conference.

- **Formal Review of Citations**

In FY 12, no cases moved to the Formal Review system. Employers are required to file a letter of contest within 15 working days of receipt of the citation.

C. Standards and Federal Program Changes Adoption

- **Standards Adoption**

In FY 12, IDOL-SIED did not respond to the two standards changes within the established timeframes. Multiple requests for a response were sent to the State by the Region.

- **Federal Programs/State Initiated Changes**

IDOL-SIED did not adopt three of the six FPCs in FY 2012. In the other three cases, IDOL-SIED did provide a response after multiple requests from Federal OSHA.

Findings 12-6: IDOL-SIED did not respond to the standards changes or Federal Program Changes (FPC) by the required due date.

Recommendation 12-6: Respond to all standard and Federal Program changes within the established due dates.

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 2012, IDOL-SIED issued a total of \$7,500 in penalties for two inspections. All hazards are tracked until abated.

A total of 10 safety and 32 health consultation visits were conducted, Over 115 serious and 15 other-than-serious hazards were identified.

F. Discrimination Program

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. The Whistleblower Investigator has completed the Whistleblower training program at OSHA's Training Institute (OTI).

G. Voluntary Compliance Program

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

H. Program Administration

- **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.

Finding 12-7: While IDOL-SIED has a training plan in place, review of the case files noted that not all of the necessary elements of the files was included.

Recommendation 12-7: Once the final FOM is in place, ensure that all compliance staff receives FOM training covering enforcement policies and procedures

- **Funding**

In FY 2012, Illinois deobligated \$384,500, an increase of \$100,000 from FY 2011. Each year the Plan has deobligated funds due to the inability to fill vacancies due to Statewide hiring freezes.

- **Staffing**

On December 28, 2011, the vacant Division Manager position was filled. The Division Manager oversees the three offices located in Chicago, Springfield, and Marion. The staff includes eight safety and three health inspectors. Currently, the State Plan Coordinator, one safety inspector, and one enforcement Assistant Manager are not filled. A letter was sent to the Governor on February 8, 2012, noting the importance of filling all vacant positions. Vacancies have been difficult to fill due to Statewide hiring freezes.

Finding 12-8: 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.

Recommendation 12-8: Fill positions as soon as possible, but not later than the end of the third quarter of FY 12.

- **Information Management**

IDOL-SIED continues to enter data into the Integrated Management Information System (IMIS).

V. State Progress in Achieving Annual Performance Goals

The following summarizes the activities and/or accomplishments for each of the FY 2012 performance goals.

Performance Goal 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 step in October 2012. The new timeline was accepted and the Region continues to monitor the progress of this developmental step.

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 44 consultation visits, both initial and follow-up, identifying over 100 serious hazards.

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

Results: This goal was not met.

Discussion: While IDOL-SIED continues to have difficulty filling all positions due to multiple Statewide hiring freezes, they were able to backfill a safety inspector and health inspector position.

VI. Other Areas of Note

Developmental Steps

Illinois entered the third, and final, year of its developmental period as a public employee only State Plan in FY 2012. As such, Illinois should have completed 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 2012, no 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 2014.

Currently, Illinois's Administrative Rules have been reviewed by OSHA and comments were provided to Illinois early in calendar year (CY) 2012. Updated Rules are currently under review by Illinois's Joint Committee on Administrative Rules (JCAR). Prior to publishing these Rules in the Illinois Register, "final" draft copies are to be provide to OSHA for final review. As of March 1, 2013, 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 continues to be on hold into FY 2013 until the Administrative Rules are completed and approved. No further action has been taken on the FOM.

Finding 12-9: Illinois did not meet all of the established Developmental Steps during the three year developmental time period. Five Developmental Steps remain incomplete.

Recommendation 12-9: Ensure that all Developmental Steps are completed by September 30, 2014 as requested in the September 28, 2012 letter submitted to the Chicago Regional Office.

The status of the Developmental Steps is as follows.

1. **29 CFR 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 Step in FY 2012. In October 2012, 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 CY 2013.

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 Step in FY 2012. In October 2012, 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 CY 2013.

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

Status: IDOL-SIED developed a plan to inspect all public sector sites over a five year period. IDOL-SIED is in the fourth year of this plan. Once all sites have been inspected, a Targeting Plan will be implemented. This targeting plan is expected to be implemented in FY14.

4. **29 CFR 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 Step in FY 2012. 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 by the end of FY 2014.

5. **29 CFR 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, one enforcement Assistant Manager and one safety enforcement position are vacant.

6. **29 CFR 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

Complaint(s) About State Plan Administration (CASPA)

During FY 2012, two CASPAs were filed.

1. A CASPA alleged that employees had not been interviewed by the Inspector during the inspection. After investigating the allegations, OSHA determined that the Inspector had interviewed employees, including union representation. No corrective action was necessary.
2. A CASPA alleged that the Inspector did not follow proper inspection policies and procedures while conducting the inspection. The Complainant also alleged that not all complaint items had been investigated. OSHA determined that while the complaint had been completely investigated following proper policies and procedures, the letter to the complainant did not address all complaint items. IDOL-SIED corrective action to this finding was to re-train staff on responding to complaints. This item is closed.

Appendix A – New and Continued Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec #	Findings	Recommendations	FY 11
12-1	IDOL-SIED currently does not accept/investigate nonformal complaints.	Before finalizing the FOM, develop a procedure to investigate nonformal complaints.	11-1
12-2	Neither initial nor final next of kin letters were included in all fatality investigation files.	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.	11-3
12-3	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.	11-5
12-4	While abatement information is obtained for identified hazards, IDOL-SIED does not enter abatement information into IMIS as reflected in SAMM #6.	Enter all abatement information into IMIS.	NA
12-5	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.	11-9
12-6	IDOL-SIED did not respond to the standards changes or Federal Program Changes (FPC) by the required due date.	Respond to all standard and Federal Program changes within the established due dates.	NA
12-7	While IDOL-SIED has a training plan in place, review of the case files noted that not all 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	11-10
12-8	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.	11-11
12-9	Illinois did not meet all of the established Developmental Steps during the three year developmental time period. Five Developmental Steps remain incomplete.	Ensure that all Developmental Steps are completed by September 30, 2014 as requested in the September 28, 2012 letter submitted to the Chicago Regional Office.	11-12, 11-13

Appendix B – Observations Subject to Continued Monitoring
FY 2012 Illinois State Plan Abridged FAME Report

There were no Observations for fiscal year 2012.

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-1	IDOL-SIED currently does not accept/investigate nonformal complaints.	Before finalizing the FOM, develop a procedure to investigate nonformal complaints.	The Act(s) prescribe the ability to investigate formal complaints. If a non-formal complaint is valid, every attempt is made to formalize it so that an investigation can be conducted under the Act(s). The actual number of non-formal valid occupational safety and health complaints are well less than 1% of complaints received; therefore no procedure for investigating non-formal complaints will be implemented.	None to date. Prior to completion of the Development Steps, in order to meet the “at least as effective as” criteria, the State will need to adopt a method to handle nonformal complaints.	Open
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.	The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012.	In March 2012, IDOL-SIED implemented procedures and drafted letters for notifying complainants of the specific findings of their investigations.	Closed
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.	The Illinois State Plan was notified of these new OSHA requirements during the review of files in February 2012. IDOL implemented procedures and drafted letters for notifying the next-	Interim training was conducted in March 2012 based on a draft FOM.	Open

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			of-kin of the investigation and the findings.		
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.	Enforcement staff received training on the need to enhance case file documentation including field notes and interviews. The Supervisors have been more closely monitoring this facet of the case files and have seen significant improvement.	In March 2012, IDOL-SIED conducted training to all staff addressing case file documentation.	Closed
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.	The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL implemented procedures and conducted training on the process of grouping violations. The severity and probability assessments were tied to the penalty chapter of the OSHA FOM, therefore not implemented in Illinois due to the fact that first instance sanctions are not issued for all violations. IDOL has incorporated this	Interim training was conducted in March 2012 based on a draft FOM.	Open

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
			characterization for NCR input but has not added to IL FOM.		
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.	The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL conducted training and has implemented the numbering of citations in accordance with OSHA recommendation.	In March 2012, IDOL-SIED conducted training to all staff addressing case file organization/citation numbering.	Closed
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.	The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. IDOL implemented procedures that allow for more accurate timeframes for abatement to be issued. Please note that the public sector constituency has factors involved in abatement timeframes that the private sector do not have (i.e., money allocations etc.) and were not factored into this recommendation.	IDOL-SIED has implemented a policy to ensure abatement dates are appropriate assigned.	Closed

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
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.	IDOL conducted training and provided samples of proper abatement documentation. Staff and Supervisors have implemented a more thorough review of abatement documentation.	In March 2012, IDOL-SIED conducted training to all staff regarding abatement documentation.	Closed
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.	The Illinois State Plan was notified of these OSHA requirements during the review of files in February 2012. The public sector has union representation assigned to each site which was the contact used for mailing inspection information. OSHA prefers the union hall be copied/notified. This change in procedure was implemented however; IDOL does not believe that any employee representatives' rights were compromised.	IDOL-SIED updated policy/procedures to ensure inspection findings are sent to not only the site union representative, but also the union hall. This item remains open until verification can be conducted.	Open
11-10	While IDOL-SIED has a training plan in place, review of the case files noted that not all of the necessary elements	Once the final FOM is in place, ensure that all compliance staff receives FOM training covering	IDOL has conducted internal training as well as OTI training on these measures. Any additional	Interim training was conducted in March 2012 based on a draft FOM.	Open

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	of the files was included.	enforcement policies and procedures	Regional requirements have not been provided. IL FOM training has been conducted with each update and revision.		
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.	IDOL has made every attempt to complete the hiring of necessary positions under the Illinois State Plan. There have been many variables and obstacles in place that have encumbered this process outside of the Agency's control.	While IDOL-SIED has made every attempt to fill vacancies, the State Plan continues to be under State hiring freezes.	Open
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.	The Illinois Administrative Rules have been reviewed by OSHA; their comments implemented and are under Legal Pre-Review for publication at this time.	A new timeline to extend the development period by two years was submitted to the OSHA Regional Office. The new timeline was approved. This item will be closed when all Developmental Steps are completed.	Open
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	IDOL will work with Regional OSHA representatives on establishing new timelines for development and	A new timeline to extend the development period by two years was submitted to the OSHA Regional	Open

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 Illinois State Plan Abridged FAME Report

Rec. #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
		developed and implemented.	implementation of the Comprehensive Developmental Steps for the Illinois State Plan.	Office. The new timeline was approved. This item will be closed when all Developmental Steps are completed.	

Appendix D - FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 Illinois State Plan Abridged FAME Report

NOV 09, 2012
RID: 0551700

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	512 4.49 114	76 6.90 11	Negotiated fixed number for each state
2. Average number of days to initiate Complaint Investigations	0 0	0 0	Negotiated fixed number for each state
3. Percent of Complaints where Complainants were notified on time	114 100.00 114	11 100.00 11	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	3 100.00 3	0 0 0	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	0 0	0 0	100%
Public	0 .00 1742	0 .00 1742	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	28208 49.22 573	2311 37.88 61	2032800 55.9 36336
Health	7000 63.63 110	431 23.94 18	647235 67.9 9527

0*IL FY12

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix D - FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 Illinois State Plan Abridged FAME Report

NOV 09, 2012
RID: 0551700

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
8. Percent of Programmed Inspections with S/W/R Violations			
	466	49	76860
Safety	57.25	76.56	58.5
	814	64	131301
	55	10	9901
Health	53.40	100.00	53.0
	103	10	18679
9. Average Violations per Inspection with Violations			
	1779	163	367338
S/W/R	2.60	2.06	2.1
	683	79	175950
	349	26	216389
Other	.51	.32	1.2
	683	79	175950
10. Average Initial Penalty per Serious Violation (Private Sector Only)	0	0	624678547
	0	0	1990.5
	0	0	313826
11. Percent of Total Inspections in Public Sector	1237	86	3777
	100.00	100.00	100.0
	1237	86	3777
12. Average lapse time from receipt of Contest to first level decision	0	0	3197720
	0	0	187.0
	0	0	17104
13. Percent of 11c Investigations Completed within 90 days*	0	0	100%
	.00	.00	100%
	28	4	
14. Percent of 11c Complaints that are Meritorious*	3	2	1619
	10.71	50.00	23.4
	28	4	6921
15. Percent of Meritorious 11c Complaints that are Settled*	3	2	1444
	100.00	100.00	89.2
	3	2	1619

*Note: Discrimination measures have been updated with data from SAMM reports run on 1/3/2013

Appendix E - State OSHA Annual Report (SOAR)
FY 2012 Illinois State Plan Abridged FAME Report

[Available Upon Request]