



ILLINOIS DEPARTMENT OF LABOR

Pat Quinn
GOVERNOR

Joseph Costigan
DIRECTOR

August 6, 2014

Mr. Nick A. Walters, Regional Administrator
U.S. Dept. of Labor – OSHA
230 S. Dearborn Street, Room 3244
Chicago, IL 60604

Re: FY 2013 FAME

Mr. Walters:

This letter is to serve as a formal response regarding the FY2013 Federal Annual Monitoring Evaluation (FAME) Report for the Illinois State Plan. This letter will summarize some of the corrections that need to be made as well as point out certain areas where the FY2013 report requires some clarification. The Illinois Department of Labor (IDOL) corrective action plan will be submitted separately.

The following corrections should be noted:

1. Cover Page – the initial approval date was September 1, 2009.
2. I.A. page 5 – the FY 2013 budget reduction included 5% for sequestration and 15% for early deobligation of funds. (Reference: Narrative for amendment package)
3. I.B. page 5 – The State Plan Coordinator was hired in April 2010 and was promoted to Division Manager in December 2011.
4. Pages 16 and 19 – see comment #2 about deobligation and sequestered funding.
5. Pages 16, 18 and 19 – see comment #3 about the State Plan Coordinator position.
6. Information Management, page 16 – there is no separate database that the state uses to manage the inspection activity.
7. Review Process, page 12 – spelling error, rational should be “rationale”.
8. Appendix D – numerous errors due to the IMIS system. Items 13, 14, and 15 are not state data as no 11c cases have been entered into the NCR. Item 21 is not accurate.

IDOL also respectfully wishes to point out certain areas where IDOL believes clarifications maybe appropriate to fully address all issues:

- III.A.1, page 9 – these are two separate performance measures that the state met. Three days was the average response time for safety complaints, while health complaints were responded to within eight days. The performance measures are five and ten days respectively.

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- III.A.3, page 10 – I believe the targeting program to identify all public sector sites within a finite timeframe does not appropriately represent the programmed planned activities of the state in that initial timeframe does not account for staffing, NEPs, and other programs that significantly impact the quantity of random programmed planned inspections that can be completed. The 2015 – 2020 Strategic Plan we believe more appropriately define their protocol.
- III.A.4, page 10 – IDOL did not assess any penalties for Repeat violations in FY2013.
- III.A.4, page 10 – Assessment of the probability and severity are related to the federal OSHA gravity-based penalty calculation system. Since the state does not issue first instance sanctions, the additional classification has no impact on the penalty structure. Grouping of hazards also has no impact on the effectiveness of the program. While the state has included these sections in the IL FOM, we believe neither has a bearing on the outcome or effectiveness of the program.
- III.A.6, page 12 – for each Notice of Informal Settlement, the Employee Representative was carbon copied (cc:)
- III.C, page 13 – FPC Summary is inaccurate in that CPL-02-01-054-2013 545 was adopted but is not identical in all its terms. CPL-03-00-017 2013 585 was not adopted due to limited applicability in the public sector constituency.
- III.J, page 15 – IDOL’s original allocation of staff (headcount) for the public sector consultation activities in 2009 was an attempt to ensure there was territorial coverage for the entire state. In 2011 when the 21(d) program was transferred, it was determined that using the existing staff for public sector coverage would be more efficient and effective for territorial as well as demand/workload. The percentage of time allocated to the public sector was better identified and will be better defined as the program reaches maturity.

Thank you for your understanding of these areas and IDOL appreciates the partnership that the State of Illinois has forged with the U.S. Department of Labor – OSHA.

The FY2013 SOAR report can be found at the following link:
<http://www.illinois.gov/idol/Laws-Rules/safety/Pages/healthsafetyact.aspx>

Sincerely,

Joseph Costigan
Director

cc: Julie Evans, OSHA
Ron Willis, IDOL
Cheryl Neff, IDOL