



ILLINOIS DEPARTMENT OF LABOR

Bruce Rauner
Governor

Hugo Chaviano
Director

July 24, 2015

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

Re: FY 2014 Federal Annual Monitoring and Evaluation Report- Illinois OSHA

Dear Mr. Walters:

As the new Director of the Illinois Department of Labor (IDOL), it is a priority for me and our new team leadership to correct any findings which have occurred under the prior administration. IDOL and Illinois OSHA (IL-OSHA) appreciates the opportunity to respond to OSHA's FY 2014 Federal Annual Monitoring and Evaluation Report (FAME). Cooperative efforts between OSHA and IDOL-IL OSHA have facilitated continued improvements in state plan operations. OSHA's evaluation identified areas where IDOL-IL OSHA can improve its procedures and operation and IDOL-IL OSHA recognizes the importance of improvement and welcomes continued feedback and evaluation from OSHA.

Attached, please find IDOL-IL OSHA's statement in response to the FY 2014 FAME and Corrective Action Plan (CAP). Please post this letter along with the State OSHA Annual Report (SOAR) on the OSHA webpage. The link to the SOAR is <http://www.illinois.gov/idol/Laws-Rules/safety/Documents/FY2014%20SOAR.pdf>.

If you have any questions or comments regarding our responses and corrective action plan, please feel free to contact Ben Noven at 312-793-0846.

Sincerely,

Hugo Chaviano
Director

Enclosure: Illinois OSHA's Response to OSHA's FY 2014 Federal Annual Monitoring and Evaluation (FAME) Report

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ILLINOIS OSHA'S RESPONSE TO OSHA'S
FY 2014 FEDERAL ANNUAL MONITORING AND EVALUATION (FAME) REPORT
JULY 22, 2015

FY 2014-01

Finding: IDOL-SIED currently does not inspect or investigate complaints received from non-workers or those that are unsigned.

Recommendation: IDOL-SIED shall develop a protocol to investigate complaints received from non-workers or those that are unsigned.

Response: IL OSHA updated and adopted Field Operations Manual (FOM) on September 24, 2014 to evaluate complaints received from non-workers and unsigned complaints. Such complaints are investigated by using a non-formal investigation process.

Completion Date: August 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-02

Finding: Final next-of-kin letters were included in only one of seven fatality investigation files.

Recommendation: Ensure that a copy of both the initial and final next-of-kin letters sent to the victim's family are included in the file.

Response: Inspector policy and procedure training was conducted in April 2014 to ensure fatality letters were included in case files. Next-of-kin letter templates are located in the Enforcement J:drive.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-03

Finding: Case files documentation did not include field notes, worker exposure to hazards, or worker interviews, as required in Chapter 5 of the Illinois FOM.

Recommendation: Ensure that case files documentation requirements, such as complete field notes, worker interviews, and complete hazard assessment, are included in the file.

Response: Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files closely to ensure supporting documentation is in each file.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-04

Finding: Similar hazards are not grouped as required in Chapter 4 of the Illinois FOM.

Recommendation: Ensure that staff is trained on the process for grouping violations.

Response: Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files closely to ensure similar hazards are grouped as required in IL FOM.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-05

Finding: The hazard probability and severity for each citation was not assessed in accordance with the IL FOM. Limited documentation is included to support the assessment.

Recommendation: Ensure that staff is trained on the process of assessing probability and severity and that adequate documentation is included in the case file for each violation cited.

Response: Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files closely to ensure supporting documentation is in each file.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-06

Finding: Documentation of an effective evaluation of an employer's respiratory hazards is not included in the file when citations are issued for respiratory protection. This documentation would include the results of any air monitoring completed, as required by Chapter 4 of the Illinois FOM.

Recommendation: Ensure that all hazard documentation, such as air monitoring, is documented in the file when respiratory protection citations are issued.

Response: Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files closely to ensure supporting documentation is in each file.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-07

Finding: Petition for Modification of Abatement Date (PMA) requests from employers did not include information documenting interim worker protection during the abatement period, as required by Chapter 7 of the Illinois FOM.

Recommendation: Ensure that all PMA requests include information documenting interim worker protection during the abatement period.

Response: Inspector policy and procedure training was conducted in April 2014 to ensure PMA's included interim protective measures prior to issuance with Enforcement Assistant Managers.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-08

Finding: Case file review found that documentation of actions with unions during the entire inspection process, from opening conference to informal settlement conference, was not included, as required by the Illinois FOM.

Recommendation: Ensure that documentation verifying all actions with unions, such as onsite inspection participation, sending citations and allowing participation in the informal settlement process, is included in the case file.

Response: Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files closely to ensure supporting documentation is in each file.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-09

Finding: Documentation for all actions taken during informal conferences is not included in the case file. This would include changes to citations and who participated in the conference, as required by Chapter 7 of the Illinois FOM.

Recommendation: Ensure that all informal conference notes are included in the file. This would include justification for any changes made to the citations and documentation of who participated.

Response: Informal conference notes have been included in the case files. Notes include attendance and justification for any changes in citations.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-10

Finding: Case file review found that all of the necessary elements for hazard identification and documentation were not included in the case file.

Recommendation: Ensure that all compliance staff receives FOM training covering enforcement documentation policies and procedures.

Response: Inspector FOM training was conducted in April 2014 with some assistance from Regional OSHA representatives. Enforcement Assistant Managers are reviewing case files closely to ensure FOM policies and procedures are being followed.

Completion Date: April 2014

Status: Completion verification will be confirmed during comprehensive annual review.

FY 2014-11

Finding: Vacancies continue to remain a concern, such as one Downstate Chief Safety Inspector, one Superintendent of Occupational Safety and Health (appointed position), and the State Plan Coordinator position, which is vital to meeting established Developmental Steps.

Recommendation: Fill positions by the agreed upon date.

Response: Currently IL OSHA is addressing vacancies, and has posted for, and is about to begin the interview process for the following positions, which will be filled by December 2015.

- One Chicago Enforcement Assistant Manager
- One State Plan Coordinator
- Two Public Safety Inspectors

IL OSHA has changed their hiring plan which removed appointed positions (Downstate Chief Safety Inspector and Superintendent of Occupational Safety and Health). Removal of appointed positions will allow IL OSHA the ability to hire experienced safety and health inspectors.

Completion Date: Goal of October 2015

Status: Open.

FY 2014-12

Finding: IDOL-SIED did not complete all Developmental Steps. A new timeline was submitted and agreed to in October 2012. At the time of this report, the development of an inspection scheduling system that targets high hazard establishments and a fully staffed program need to be completed and vacancies need to be filled.

Recommendation: Complete the remaining Developmental Steps within the agreed upon timeframe.

Response: Illinois OSHA's high hazard Site-Specific Targeting (SST) plan is 90% complete and is projected to be sent to Region for review by August 30, 2015.

Completion Date: Goal of October 2015

Status: Open

FY 2014-13

Finding: The actual number of inspections conducted (372) for FY 2014 was 30% of the 1300 planned inspections.

Recommendation: Establish a method and strategy for developing the planned inspection goals based on staffing and resources, establishing the projected number of inspections to be conducted and a tracking system to ensure the planned inspection goals are achieved.

Response: IL OSHA recently worked with Region and National Office to determine a methodology for establishing projected number of inspections for each fiscal year. Based on previous work experience and past history, Illinois OSHA will calculate projected number of inspections by assuming 40 available work weeks in the year, and an average of 1.25 inspections per week per Safety/Health Inspector.

To ensure planned inspection goals are achieved, IL OSHA will generate weekly and monthly OIS reports.

Completion Date: July 2015

Status: Completion verification will be confirmed during comprehensive annual review.