

FY 2014 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

**State of Illinois
Illinois Department of Labor
Safety Inspection and Education Division**



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The purpose of this report is to assess the State Plan's activities for fiscal year (FY) 2014, and its progress in resolving outstanding findings and recommendations from previous FAME reports, with a focus being on the FY 2013 Comprehensive FAME Report. This report assesses the current performance of the Illinois Department of Labor – Safety, Inspection and Education Division (IDOL-SIED) compliance program and evaluates the State Plan's progress in meeting established goals.

Unfortunately, in FY 2014, IDOL-SIED failed in several areas necessary to conducting an effective program to - protect public workers in the state through mandated inspection activity. IDOL-SIED conducted a total of 372 inspections; approximately 30% of the 1,300 projected number of inspections planned for in the FY 2014 grant application. In FY 2013, IDOL-SIED conducted 825 inspections, which was 61% of the projected goals. The failure to conduct the projected number of inspections is addressed as a new finding for the FY 2014 FAME. This will allow OSHA to work closely with the State Plan on a quarterly basis monitor their progress in addressing this issue.

The decrease in the number of inspections had several contributing causes with vacancies being the most significant. State-wide hiring freezes, base award funding reductions and federal budget sequestration in FY 2013 created a critical shortage of available and qualified field staff at the start of FY 2014. IDOL-SIED began FY 2014 with vacancies in five of its 13 field investigator positions. During the year, IDOL-SIED was successful in filling a number of positions. However, because of the need to train these new staff, only 50% of field staff was available to conduct inspections, on average, throughout the year.

In FY 2014, the funding base award of \$1,189,500 was maintained at the FY 2013 level. Due to the lack of available field staff and the resulting reduction in inspection activity, Illinois de-obligated \$450,000 in April of FY 2014.

OSHA received three Complaints About State Program Administration (CASPA) during FY 2014: CASPA 2014-4, CASPA 2014-5 and CASPA 2014-6. The nature of the allegations in CASPA 2014-4 required that it be investigated as a "Sensitive" CASPA, and a finding letter being issued in June 2014. The State Plan responded adequately with complaint issues being resolved and others addressed through the State Plan's hiring efforts. CASPA 2014-5 resulted in a determination that an investigation was not warranted due to jurisdictional considerations and policy and procedure issues related to human resources within the state. The CASPA 2014-6 investigation resulted in grant funds being reimbursed to OSHA and corrective actions being taken to satisfy the findings.

Of significant note, the inauguration of a new governor took place in January 2015, creating a significant change of personnel at all levels throughout the state. A new Director of the Illinois Department of Labor was designated January 23, 2015 and a new IDOL-SIED Division Manager was appointed by the IDOL Director on March 1, 2015.

During FY 2014, IDOL-SIED made progress in addressing the 13 findings and recommendations from the FY 2013 FAME. Twelve of the findings remain in FY 2014, ten with a status of “Awaiting Verification” and two that are “Open.” Finding 2013-09 has been converted to a new observation. Finding 2014-11 continues to remain open until all of the vacancies within the program are filled. Finding 2014-12 remains open until the State Plan completes the remaining developmental steps.

Two new concerns were noted in FY 2014, one as a new observation and one as a new finding. The new Finding, FY 2014-13, is related to the State Plan’s actual number of inspections being far below the number of planned inspections for FY 2014. A new observation, FY 2014-OB-02, is associated with the average number of work days to initiate complaint inspections.

Entering into FY 2014, IDOL-SIED had five developmental steps remaining and the State Plan made progress by completing three of these developmental steps in FY 2014. In FY 2014, the program struggled to complete the final two developmental steps. However, the new management team at IDOL-SIED is working closely with OSHA to develop a plan to complete the remaining developmental steps in a timely manner.

B. State Plan Introduction

The IDOL-SIED State and Local Government Only State Plan was approved as a Developmental Plan on September 1, 2009. IDOL-SIED originally had three years to complete the developmental steps established in the September 1, 2009 Federal Register so that IDOL-SIED would be at least as effective as OSHA. In September 2012, IDOL-SIED requested a two-year extension to complete the developmental steps. OSHA approved this request. A new timeline was established to complete all developmental steps by the end of FY 2014. At the time this report was written, there are still two developmental steps outstanding.

The Safety Inspection and Education Division is a division of the Illinois Department of Labor. From April 2011 to January 2015, the Director of the Illinois Department of Labor was the State Designee, Mr. Joseph Costigan. On January 23, 2015, Mr. Hugo Chaviano was designated as the new Director of the Illinois Department of Labor. Ms. Cheryl Neff served as the Division Manager from December 2011 to January 2015. Mr. Benjamin Noven was appointed as the new Division Manager on March 1, 2015. The program staffs three offices located in Chicago, Springfield, and Marion. Currently, there are three vacant positions: one Downstate Chief Safety Inspector (appointed position); one Superintendent of Occupational Safety & Health (safety inspector and appointed position); and one State Plan Coordinator. The State Plan Coordinator position has been vacant since December of 2011.

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 manages both the 23(g) and 21(d) programs. Both private and state and local government employers receive consultation services through IDOL-SIED.

In FY 2014, the funding base award of \$1,189,500 was maintained at the FY 2013 level. In April of FY 2014, the State Plan de-obligated \$450,000 due to position vacancies and the reduction in inspection activity.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year and as such OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the FY 2013 comprehensive FAME.

In preparing the FY 2014 Follow-up FAME Report, multiple data sources were reviewed and utilized. The data sources include: the FY 2014 State OSHA Annual Report (SOAR); the FY 2013 Corrective Action Plan (CAP); any Complaints About State Program Administration (CASPA's); the FY 2014 State Activity Mandated Measures (SAMM) Report; and the FY 2014 23(g) State and Local Government Only State Plan Grant Application.

D. Findings and Observations

In FY 2014, OSHA identified 13 findings, 12 of which are continued from the FY 2013 Comprehensive FAME Report. OSHA also identified two new observations, one of which was converted from an FY 2013 finding. Of the 13 findings, the State Plan has taken corrective action on 10 and these are listed as awaiting verification. The State Plan addressed the nine findings associated with case file documentation by conducting training with the assistance of the Regional OSHA Office in April 2014. In addition, the State Plan addressed the remaining one finding by completing and adopting their updated Field Operations Manual (FOM) on September 24, 2014, which included addressing complaints received from non-workers, or those that are unsigned. During the comprehensive case file evaluation scheduled for next year, OSHA will verify that the State Plan's corrective actions for these 10 findings were effective by ensuring that the same issues are no longer present in the case files.

Finding 2014-11 continues to remain open because all of the vacancies within the program have not been filled. Finding 2014-12 remains open because the State Plan has not completed the remaining developmental steps. Finding 13-09, which dealt with entering informal conference and contest data into the legacy database system correctly, is converted to an observation, FY 2014-OB-01, in order to confirm the issue has been corrected with the roll-out and adoption of the new OSHA Information System (OIS) on October 1, 2014. A complete summary of the FY 2013 findings and recommendations, and the State Plan's progress in addressing the findings, can be found in Section III, Assessment of State Plan Corrective Actions as well as Appendix C, *Status of FY 2013 Findings and Recommendations*. A list of the continued findings can be found in Appendix A, *New and Continued Findings and Recommendations*.

Finding, FY 2014-13, is related to the State Plan's actual number of inspections conducted (372) for FY 2014. The number of inspections conducted failed to meet the number of planned inspections (1300) for FY 2014. This is the second year in a row that the State Plan has failed to

meet the planned inspection goal and the number of inspections conducted has trended downward over the same time period.

A second new observation, FY 2014-OB-02, is related to the State Plan's average number of days to initiate complaint inspections, which was 31.23 days according to SAMM 1. The negotiated reference standard for SAMM 1 is 5 days for safety complaints and 10 days for health complaints. See Appendix B, Observations Subject to New and Continued Monitoring, for a detailed description of the monitoring plans.

II. Assessment of State Plan Performance

A. Major New Issues

In January 2015, a new governor took office, creating a significant change of personnel at all levels throughout the state. At the time this report was written, a new Director of the Illinois Department of Labor and IDOL-SIED State Plan division manager have been designated and installed.

As previously discussed, Finding FY 2014-13 is related to the State Plan's actual number of inspections conducted for FY 2014. The number of inspections conducted (372) failed to meet the number of planned inspections (1300) for FY 2014. This is the second year in a row that the State Plan has failed to meet the planned inspection goal and the number of inspections conducted has trended down since last year.

The decrease in the number of inspections had several contributing factors with the greatest being related to staffing issues. State-wide hiring freezes, base award funding reductions and federal budget sequestration in FY 2013 created a critical shortage of available and qualified field staff entering into FY 2014. IDOL-SIED began FY 2014 with eight vacant positions, five of which were field inspector positions. During the year, efforts were made to address the critical shortages by hiring and training individuals for the field. However, these efforts took a significant amount of time and resources and resulted in only 50% of the program field staff being available to conduct inspections, on average throughout the year. The number of planned inspections was not realistic from inception considering the fluctuation of available trained staff.

OSHA recommends that the State Plan reevaluate their method and strategy for developing the planned inspection goals with an emphasis on adjusting the expected number of inspections to be done by each field inspector position. Along with fully staffing the program and training the field staff, these steps should have a positive impact on the State Plan's success in setting realistic inspection goals and achieving them in future years. OSHA will review the actual number of inspections conducted and discuss the progress made toward achieving the planned inspection goal with the State Plan on a quarterly basis.

As previously noted, a second new observation, FY 2014-OB-02, is related to the State Plan's average number of days to initiate complaint inspections, which was 31.23 days according to SAMM 1. The negotiated reference standard for SAMM 1 is 5 days for safety complaints and 10 days for health complaints. It is recommended that the State Plan monitor the number of work

days it takes to initiate the complaint inspections and look for administrative and processing improvements that may further decrease the average number of work days it takes to initiate the inspection. By ensuring assignments are processed and opened timely, along with fully staffing the program, the State Plan can be sure to maintain a SAMM 1 that is below the reference standards. OSHA will review the average number of work days to initiate complaint inspections and discuss the progress made toward achieving and maintaining the reference standards of 5 days safety and 10 days health with the State Plan on a quarterly basis.

OSHA received three Complaints About State Program Administration (CASPA) during FY 2014: CASPA 2014-4, CASPA 2014-5 and CASPA 2014-6.

- CASPA 2014-4 alleged vacant positions were not being filled and staff was not paid during the government shutdown in October of 2013. This was investigated as a “Sensitive” CASPA with a finding letter being issued in June 2014. The State Plan responded adequately by resolving the complainant’s issues and addressing others addressing through the State Plan’s hiring efforts.
- CASPA 2014-5 alleged safety hazards were not abated in the Illinois Department of Labor offices and new hires were not certified in a timely manner. It was determined that an investigation was not warranted due to jurisdictional considerations and policy and procedure issues related to human resources within the state.
- CASPA 2014-6 alleged abuse of government vehicles and the firewall between consultation and enforcement was not maintained. This was also investigated as a “Sensitive” CASPA and resulted in funds being reimbursed to the Grant and corrective actions being taken to satisfy the findings.

B. Assessment of State Plan Progress in Achieving Annual Performance Goals

As a Developmental Plan, IDOL-SEID was still working to develop a Strategic Plan with specific Annual Performance Goals in FY 2014. The State Plan has three strategic goals which are closely tied to the developmental steps, and the state outlined certain strategies and means to accomplish these goals rather than specific performance goals. The FY 2014 State OSHA Annual Report (SOAR), provided information regarding IDOL-SIED’s progress in meeting these strategic goals.

Strategic Goal # 1 - Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.

Results: This goal was partially met.

Discussion: In FY 2014, IDOL-SIED conducted 372 inspections according to the SAMM report: 186 safety and 186 health. The State Plan made some internal data corrections and ran a state data report for FY 2014 after the SAMM report was run and reported 394 inspections, 194 safety and 200 health inspections. This was a still decrease in 450 inspections from FY 2013 and was only 30% of the 1,300 projected number of

inspections for FY 2014. Of those 394 inspections, 225 were programmed, 67 were complaints, 13 were fatality/accidents, and 29 were follow-ups. Of the 1,233 citations issued, 88% were serious.

In addition to staffing issues, an additional factor that affected available time for field inspection activity included transitioning from the legacy inspection data base, NCR, to the new OIS database. This included time spent in the fourth quarter of the year training for the roll-out of the new system at the beginning of FY 2015.

However, IDOL-SIED did make progress in this area in two other ways:

- The IDOL-SIED worked with the Illinois Department of Public Health on expanding the current Illinois state survey and set a baseline for statistics to better document the effectiveness of the program parameters in future performance plans.
- The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subparts A, B, C, D and E] were adopted and effective May 16, 2014.

Strategic Goal # 2 - Promote a safety and health culture through compliance assistance, cooperative programs and strong leadership.

Results: This goal was met.

Discussion: The IDOL-SIED staff conducted 30 educational activities (e.g., Downstate Illinois Occupational Safety and Health Day, Southern Illinois Occupational Safety and Health Day, association training and presentation opportunities, and various speeches) for over 4,000 participants and 44 consultation visits for state and local government employers.

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

Results: This goal was not met.

Discussion: The State Plan continued to struggle with protecting the state and local government workers in the state through mandated inspection activity. The decrease in the number of inspections had several contributing factors with the greatest being related to staffing issues. State-wide hiring freezes, base award funding reductions and federal budget sequestration in FY 2013 created a critical shortage of available and qualified field staff entering into FY 2014. Additional staffing issues are related to the time spent in development and training of the newly hired staff and addressing performance deficiencies with new and existing field staff. The program reported the following field inspection staffing availability levels for each of the FY 2014 quarters: 1st Quarter – 50%; 2nd Quarter – 43%; 3rd Quarter – 57%; and 4th Quarter - 43%. The five new staff members in FY 2014 were in a training and development status for four to six months. Currently, there are three vacant positions: one Downstate Chief Safety Inspector

(appointed position); one Superintendent of Occupational Safety & Health (appointed position); and one State Plan Coordinator.

However, the State Plan did make progress in achieving several other goals related to this strategic goal in FY 2014:

- The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subparts A, B, C, D and E] were adopted and effective May 16, 2014.
- The State Plan developed a Five Year Strategic Plan that began in FY 2015 and targeted the most hazardous public occupations and industries.
- The State Plan completed and adopted their updated FOM on September 24, 2014, which included addressing complaints received from non-workers, or those that are unsigned.
- The State Plan completed and adopted their Whistleblower Inspection Manual and implemented the changes to the whistleblower program effective October 1, 2014.
- The State Plan successfully transitioned to OIS.

C. Highlights from the State Activity Mandated Measures (SAMM)

Appendix D, *FY 2014 SAMM Report* provides detailed data points that summarize the activities and/or accomplishments of the State Plan. IDOL-SIED either met or exceeded most of the established measures for FY 2014. Those where they failed to meet or exceed are discussed further below.

- SAMM 1 – According to SAMM data, the average number of work days to initiate complaint inspections was 31.23 days. In FY 2014, the average number of work days was reported as: 1st Quarter – 6.18 days; 2nd Quarter – 83.56 days; 3rd Quarter - 5.57 days; and 4th Quarter - 16.26 days. The State Plan reported that their FY 2014 average days for Safety Inspection response changed after a system software update was implemented in the 2nd quarter. The State Plan could not duplicate an inspection report for the 2nd Quarter that reflected the data in SAMM report. With the transition from the legacy data base system to the new OIS system, it is expected that review and evaluation of these values will be more consistent in FY 2015. OSHA has made this an observation, FY 2014-OB-02, to ensure this is corrected.
- SAMM 13, 14, and 16 – These measures are all associated with the State Plan’s discrimination program. With the completion and adoption of the Whistleblower Inspection Manual, the State Plan completed the final measures necessary to establish a fully functioning program that will be as effective as OSHA’s, and the program became effective on October 1, 2014. These SAMM Measures will be recorded and tracked in FY 2015.
- SAMM 17 - The number of inspections conducted failed to meet the number of planned inspections (1300) for FY 2014. This is the second year in a row that the State Plan has failed to meet the planned inspection goal and the number of inspections conducted has

trended downward over the same time period. Please see Finding FY 2014-13(Appendix A) for further detail.

- SAMM 21 – The percent of fatalities responded to in one work day (86%) fell below the 100% reference standard. A review of the State Plan’s fatality report showed the state had eight fatality inspections for the year and only one was responded to in more than one work day. This one fatality was initially reported as a possible heart attack. Additional information was obtained several days later that resulted in IDOL-SIED changing the original information from a death caused by natural causes to a work-related death, resulting in the opening of an inspection four days after the initial notification.
- SAMM 23a – The average lapse time for safety inspections was slightly higher than the reference standard, but due to the staffing concerns previously discussed and the limited availability of safety inspectors during the year, this value is in line with expectations.

III. Assessment of State Plan Corrective Actions

The State Plan took corrective action on all but two of the 13 findings from the FY 2013 Comprehensive FAME Report. The actions taken have resulted in one finding being converted to an observation and 10 findings listed as awaiting verification. Two findings remain in an open status. A detailed discussion of the status of the FY 2013 findings, as listed in Appendix C, is outlined below.

Finding FY 2013-01: IDOL-SIED currently does not inspect or investigate complaints received from non-workers or those that are unsigned.

Status: Awaiting Verification. IDOL-SIED updated and adopted the Illinois Field Operations Manual (FOM) on Sept. 24, 2014, which includes a non-formal investigation process.

Finding FY 2013-02: Final next-of-kin letters were included in only one of seven fatality investigation files.

Status: Awaiting Verification. Training and discussion of protocols was conducted in April 2014 to ensure fatality letters were included in case files.

Finding FY 2013-03: Case files documentation did not include field notes, worker exposure to hazards, or worker interviews as required in Chapter 5 of the Illinois FOM.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-04: Similar hazards are not grouped as required in Chapter 4 of the Illinois FOM.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-05: 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.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-06: 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.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-07: 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.

Status: Awaiting Verification. Training and discussion of protocols were conducted in April 2014 to ensure PMAs included interim protective measures prior to issuance.

Finding FY 2013-08: 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.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-09: Informal conference and contest data is not entered correctly into IMIS.

Status: Converted to Observation. On October 1, 2014 the Illinois State Plan completed the roll-out and implementation of the new OSHA Information System (OIS), which did away with the legacy data base system. This was converted to an observation to ensure that informal conference and contest data is being entered correctly into the new OSHA Information System (OIS) database.

Finding FY 2013-10: 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.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by management personnel.

Finding FY 2013-11: Case file review found that all of the necessary elements for hazard identification and documentation were not included in the case file.

Status: Awaiting Verification. Training was conducted by Regional Office OSHA representatives in April 2014 and changes were implemented by field inspectors.

Finding FY 2013-12: Vacancies continue to remain a concern, such as the State Plan Coordinator position, which is vital to meeting established Developmental Steps, along with one enforcement manager, one administrative assistant, one office assistant, one safety consultant, three safety inspectors, and one health consultant.

Status: Open. In FY 2014, the program hired five new inspectors. As of March 1, 2015, there are currently three vacant positions: one Downstate Chief Safety Inspector (appointed position), one Superintendent of Occupational Safety & Health (Safety Inspector and appointed position), and one State Plan Coordinator.

Finding FY 2013-13: 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 Administrative Rules have yet to be approved by OSHA.

Status: Open. The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subparts A, B, C, D and E] were adopted and were effective May 16, 2014. The State Plan completed and adopted their updated Field Operations Manual (FOM) on September 24, 2014. The State Plan completed and adopted their Whistleblower Inspection Manual and implemented the changes to the whistleblower program effective October 1, 2014. Two developmental steps remain outstanding: develop an inspection scheduling system that targets high hazard establishments, and fully staffing the program.

Appendix A – New and Continued Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2014-#	Finding	Recommendation	FY 2013-#
2014-01	IDOL-SIED currently does not inspect or investigate complaints received from non-workers or those that are unsigned.	IDOL-SIED shall develop a protocol to investigate complaints received from non-workers or those that are unsigned. <i>(Corrective action complete, awaiting verification.)</i>	2013-01
2014-02	Final next-of-kin letters were included in only one of seven fatality investigation files.	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. <i>(Corrective action complete, awaiting verification.)</i>	2013-02
2014-03	Case files documentation did not include field notes, worker exposure to hazards, or worker interviews, as required in Chapter 5 of the Illinois FOM.	Ensure that case files documentation requirements, such as complete field notes, worker interviews, and complete hazard assessment, are included in the file. <i>(Corrective action complete, awaiting verification.)</i>	2013-03
2014-04	Similar hazards are not grouped as required in Chapter 4 of the Illinois FOM.	Ensure that staff is trained on the process for grouping violations. <i>(Corrective action complete, awaiting verification.)</i>	2013-04
2014-05	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.	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. <i>(Corrective action complete, awaiting verification.)</i>	2013-05
2014-06	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.	Ensure that all hazard documentation, such as air monitoring, is documented in the file when respiratory protection citations are issued. <i>(Corrective action complete, awaiting verification.)</i>	2013-06
2014-07	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.	Ensure that all PMA requests include information documenting interim worker protection during the abatement period. <i>(Corrective action complete, awaiting verification.)</i>	2013-07
2014-08	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.	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. <i>(Corrective action complete, awaiting verification.)</i>	2013-08

Appendix A – New and Continued Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2014-#	Finding	Recommendation	FY 2013-#
2014-09	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.	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. <i>(Corrective action complete, awaiting verification.)</i>	2013-10
2014-10	Case file review found that all of the necessary elements for hazard identification and documentation were not included in the case file.	Ensure that all compliance staff receives FOM training covering enforcement documentation policies and procedures. <i>(Corrective action complete, awaiting verification.)</i>	2013-11
2014-11	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.	Fill positions by the agreed upon date.	2013-12
2014-12	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.	Complete the remaining Developmental Steps within the agreed upon timeframe.	2013-13
2014-13	The actual number of inspections conducted (372) for FY 2014 was 30% of the 1300 planned inspections.	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.	

Appendix B – Observations Subject to New and Continued Monitoring

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Observation # FY 2014-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2014-OB-01	FY 2013-09	Informal conference and contest data is not entered correctly into IMIS.	OSHA will review informal conference and contest data and its entry into OIS on a quarterly basis and discuss the content and quality of the data entered with the State Plan.	New
FY 2014-OB-02		The average number of work days to initiate complaint inspections, SAMM 1, was 31.23 days.	OSHA will review the average number of work days to initiate complaint inspections and discuss the progress made toward achieving and maintaining the reference standards of 5 days safety and 10 days health with the State Plan on a quarterly basis.	New

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-01	IDOL-SIED currently does not inspect or investigate complaints received from non-workers or those that are unsigned.	IDOL-SIED shall develop a protocol to investigate complaints received from non-workers or those that are unsigned.	SIED does evaluate complaints received from non-workers and unsigned complaints and investigates as appropriate. Updated and adopted FOM on Sept. 24, 2014. Includes Non-Formal investigation process.	August 2014	Awaiting Verification March 2015
FY 2013-02	Final next-of-kin letters were included in only one of seven fatality investigation files.	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.	Training and discussion of protocols was conducted in April 2014 to ensure fatality letters were included in case files. Copies of all letters were available on DM's computer.	April 2014	Awaiting Verification March 2015
FY 2013-03	Case files documentation did not include field notes, worker exposure to hazards, or worker interviews, as required in Chapter 5 of the Illinois FOM.	Ensure that case files documentation requirements, such as complete field notes, worker interviews, and complete hazard assessment, are included in the file.	Training was conducted by Regional OSHA representatives in April 2014. Enforcement assistant managers (EAMs) are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015
FY 2013-04	Similar hazards are not grouped, as required in Chapter 4 of the Illinois FOM.	Ensure that staff is trained on the process for grouping violations.	Training was conducted by Regional OSHA representatives in April 2014. EAMs are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015
FY 2013-05	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.	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.	Training was conducted by Regional OSHA representatives in April 2014. EAMs are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-06	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.	Ensure that all hazard documentation, such as air monitoring, is documented in the file when respiratory protection citations are issued.	Training was conducted by Regional OSHA representatives in April 2014. EAMs are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015
FY 2013-07	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.	Ensure that all PMA requests include information documenting interim worker protection during the abatement period.	Training and discussion of protocols was conducted in April 2014 to ensure PMAs included interim protective measures prior to issuance with EAMs.	April 2014	Awaiting Verification March 2015
FY 2013-08	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.	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.	Training was conducted by Regional OSHA representatives in April 2014. EAMs are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015
FY 2013-09	Informal conference and contest data is not entered correctly into IMIS.	Ensure that all informal conference and contest data is entered into IMIS.	No training or guidance documents were provided on entry protocol for IMIS for these issues. Region will ensure that this has been corrected with the rollout of OIS.	October 2014	Converted to Observation March 2015

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-10	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.	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.	Informal conference notes have been included in the case files that include attendance and justification for any changes in citations. Please note that attendance was documented in each informal conference conducted.	April 2014	Awaiting Verification March 2015
FY 2013-11	Case file review found that all of the necessary elements for hazard identification and documentation were not included in the case file.	Ensure that all compliance staff receives FOM training covering enforcement documentation policies and procedures.	Training was conducted by Regional OSHA representatives Dustin Miller and Julie Evans in April 2014. EAMs are reviewing case files closely for these terms.	April 2014	Awaiting Verification March 2015
FY 2013-12	Vacancies continue to remain a concern, such as the State Plan Coordinator position, which is vital to meeting established Developmental Steps, along with one enforcement manager, one administrative assistant, one office assistant, one safety consultant, three safety inspectors, and one health consultant.	Fill positions by the agreed upon date.	EAM (CHI) hired April 2014. Administrative Assistant (AA) (CHI) starts Sept. 2014. Office Assistant (OA) (SPI) returned from medical disability in August 2014. OA (MAR) will be eliminated due to OIS and office closure. Safety Inspectors (four) hired August 2014. Safety Consultant and Health Consultant vacancies are not assigned to 23(g) program. In FY 2014, the program hired five new inspectors. There are currently four vacant positions: Division Manager, one Downstate Chief Safety Inspector, one Superintendent of Occupational Safety and Health (safety inspector and appointed position), and one State Plan Coordinator.	Not Completed	Open March 2015

Appendix C - Status of FY 2013 Findings and Recommendations

FY 2014 Illinois State Plan Follow-up FAME Report

FY 2013-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2013-13	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 Administrative Rules have yet to be approved by OSHA.	Complete the remaining Developmental Steps within the agreed upon timeframe.	IL Administrative Rules were approved and finalized in May 2014. Regional OSHA provided comments after the second notice of another change that was immediately implemented and the first notice expired in August 2014. Two developmental steps are outstanding: Develop an inspection scheduling system that targets high hazard establishments (§29 CFR 1956.81(e)), and fully staffing the program: 11 Safety Inspectors, three Industrial Hygienists (non-supervisory), and a public sector consultation staff of three Safety Consultants and two Industrial Hygiene Consultants (§29 CFR 1956.81(j)).	Not Completed	Open March 2015

Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report

FY 2014 Illinois State Plan Follow-up FAME Report

OSHA is in the process of moving operations from a legacy data system (NCR) to a modern data system (OIS). During FY 2014, federal OSHA case files were captured on OIS, while most State Plan case files continued to be processed through NCR. Illinois opened 372 enforcement inspections in FY 2014. Of those, 372 inspections were captured in NCR, while 0 were captured in OIS. The SAMM Report, which is native to IMIS (a system that generates reports from the NCR), is not able to access data in OIS. Additionally, certain algorithms within the two systems are not identical. These challenges impact OSHA's ability to combine the data. For FY14 we will use a format very similar to the one used for FY13. Below is an explanation of which data OSHA was able to use when calculating each metric.

- a. Measures 1 & 2 will use State Plan data for FY14 as captured in NCR and compared to the State Plan's negotiated number. Any State Plan data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR.
- b. Measures 20a-b, 23, and 24 will use State Plan data for FY14 as captured in NCR and compared to the historical FY2011 national average (FY09-11). Any State Plan data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR.
- c. Measures 5, 9, 11, 17, 19, 21, and 25 will use State Plan data for FY14 as tabulated manually to include both OIS and NCR data and compared to the fixed/negotiated/national numbers associated with them.
- d. Measures 13, 14 and 16 will be extracted from NCR (OIS conversion should not impact). National data will be pulled from WebIMIS for FY12-14.
- e. Measures 18a-e will use State Plan data for FY14 as captured in NCR. Any data from OIS will not be considered due to irregularities in the algorithm between OIS and NCR. Much like FY13, no national data will be available for comparison.
- f. Measure 22 will be excluded from the report (other than as a placeholder to demonstrate that it is one of the agreed upon metrics, but not one we can currently generate).
- g. Measure 4 will use State Plan data for FY 14 as captured in NCR.

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Illinois			FY 2014	
SAMM Number	SAMM Name	State Plan Data	Reference/Standard	Notes
1	Average number of work days to initiate complaint inspections	31.23	5 days safety; 10 days health	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.

Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report

FY 2014 Illinois State Plan Follow-up FAME Report

2	Average number of work days to initiate complaint investigations	1	TBD	State Plan data taken directly from SAMM report generated through IMIS. The reference/standard is a negotiated number for each State Plan.
4	Percent of complaints and referrals responded to within one work day (imminent danger)	0.0%	100%	State Plan data taken directly from SAMM report generated through IMIS.
5	Number of denials where entry not obtained	0	0	State Plan data taken directly from SAMM report generated through IMIS and Open Inspection OIS report.
9a	Average number of violations per inspection with violations by violation type	3.68	SWR: 1.99	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS; national data was manually calculated from data pulled from both IMIS and OIS for Fiscal Years (FY) 2012-2014.
9b	Average number of violations per inspection with violations by violation type	0.31	Other: 1.22	
11	Percent of total inspections in the public sector	100.00%	100.00%	State Plan data taken from SAMM report generated through IMIS and the Inspection summary report generated in OIS. The reference/standard is derived from the FY 14 grant application.
13	Percent of 11(c) investigations completed within 90 calendar days	n/a	100%	State Plan data taken directly from SAMM report generated through IMIS; national data was pulled from webIMIS for FY 2012-2014.
14	Percent of 11(c) complaints that are meritorious	n/a	24.8% meritorious	State Plan data taken directly from SAMM report generated through IMIS; national data was pulled from webIMIS for FY 2012-2014.
16	Average number of calendar days to complete an 11(c) investigation	n/a	90 Days	State Plan data taken directly from SAMM report generated through IMIS; national data was pulled from webIMIS for FY 2012-2014.

Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report

FY 2014 Illinois State Plan Follow-up FAME Report

17	Planned vs. actual inspections - safety/health	186/186	1000/300	State Plan data taken from SAMM report generated through IMIS and the inspection summary report generated in OIS; the reference/standard number is taken from the FY 2014 grant application. The reference/standard is a negotiated number for each State Plan.
18a	Average current serious penalty - 1 -25 employees	0		State Plan data taken directly from SAMM report generated through IMIS.
18b	Average current serious penalty - 26-100 employees	0		
18c	Average current serious penalty - 101-250 employees	0		
18d	Average current serious penalty - 251+ employees	0		
18e	Average current serious penalty - Total 1 - 250+ employees	0		
19	Percent of enforcement presence	n/a	National Average 1.51%	Data is pulled and manually calculated based on FY 2014 data currently available in IMIS and County Business Pattern data pulled from the US Census Bureau.
20a	20a) Percent In Compliance – Safety	10.83	Safety - 29.1	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2014 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
20b	20b) Percent In Compliance – Health	27.78	Health - 34.1	
21	Percent of fatalities responded to in one work day	86%	100%	State Plan data is manually pulled directly from IMIS for FY 2013.
22	Open, Non-Contested Cases with Abatement Incomplete > 60 Days	n/a		Data not available.

Appendix D - FY 2014 State Activity Mandated Measures (SAMM) Report

FY 2014 Illinois State Plan Follow-up FAME Report

23a	Average Lapse Time - Safety	50.02	43.4	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2011 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
23b	Average Lapse Time - Health	43.62	57.05	
24	Percent penalty retained	0	66	State Plan data taken directly from SAMM report generated through IMIS; current national data is not available. Reference data is based on the FY 2011 national average, which draws from the collective experience of State Plans and federal OSHA for FY 2009-2011.
25	Percent of initial inspections with employee walk around representation or employee interview	100	100%	State Plan data taken from SAMM report generated through IMIS and the Inspection where Workers Involved report generated in OIS.