

**FY 2015 Comprehensive
Federal Annual Monitoring and Evaluation (FAME) Report**

**State of Illinois
Illinois Department of Labor
Illinois OSHA**



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**Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region V
Chicago, Illinois**



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Report

I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this comprehensive Federal Annual Monitoring Evaluation (FAME) Report is to assess the state's progress towards achieving performance goals established in their Federal Fiscal Year (FY) 2015 Annual Performance Plan, to review the effectiveness of programmatic areas related to state and local government enforcement activities including a summary of an onsite evaluation, and to describe corrections made by the state in response to the FY 2014 FAME Report findings and recommendations. This report fully assesses the current performance of the Illinois Department of Labor (IDOL) – Occupational Safety and Health Division 23(g) compliance program.

FY 2015 saw major change in the Illinois OSHA Division, requiring restructuring and process changes to be made to ensure that program performance goals were being met. The second quarter of FY 2015 witnessed a new Illinois governor, IDOL Director, IDOL Chief Financial Officer and State Plan Division Manager. Additionally, two regulatory statutes were combined to create the Illinois Occupational Safety and Health Act. Combining the statutes into one streamlined the law and legislatively changed the name of the Division from the IDOL Safety Inspection and Education Division (SIED) to Illinois OSHA.

With the FY 2015 restructuring changes the State Plan assessed the existing programs, previous FAME reports, and outstanding findings and observations to evaluate the condition of the program. The new State Plan management felt the implementation of new procedures and modifications to existing processes were necessary to achieve significant program results and make progress toward meeting their annual goals. Significant changes included revising the 2014 Five-Year Strategic Plan, developing a Site-Specific Targeting (SST) plan, implementing metric based tracking and accountability systems, and legislatively changing and rebranding the Illinois OSHA program.

The IDOL – Illinois OSHA Five-Year Strategic Plan identifies three fundamental goals to reduce workplace injuries, illnesses, and fatalities in state and local government worksites throughout Illinois. These include: 1) to improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses, and deaths; 2) to promote safety and health values in the state and local government workplaces throughout Illinois; and 3) to invoke public confidence through excellence in the development and delivery of Illinois OSHA programs and services. The revised FY 2015 Annual Performance Plan provided the framework for accomplishing the goals of the Illinois OSHA Strategic Management Plan by establishing specific performance goals for FY 2015.

With the restructuring and process changes, Illinois OSHA improved the program administration and witnessed an increase in the State Plan's success in achieving their annual performance goals compared to previous years.

The State Plan closed 11 of the previous 13 findings, downgraded one finding to an observation, and was successful in 10 out of 13 strategic goals. While the State Plan failed to meet their overall projected inspection goal of 600 inspections, the program conducted 460

inspections (77%) of the FY 2015 goal; the State Plan improved in this area, up from 30% of the established inspection goal in FY 2014.

Illinois OSHA was less than successful in achieving two of their established strategic goals, Performance Goal 1.3 and Performance Goal 1.4. Both of these performance goals focus on reducing the number of injuries and illnesses in specific industries (1.3 – Local Fire Protection and 1.4 – Departments of Public Works) through enforcement, consultation, outreach, and marketing efforts. The State Plan conducted 110 of the 125 Local Fire Protection projected inspections and 89 of the 125 Departments of Public Works projected inspections.

The struggle to achieve success with the projected inspection and the performance goals was significantly impacted by the continuing struggle Illinois OSHA has with filling staff vacancies. As a part of the FY 2015 restructuring, the State Plan management increased the staff enforcement investigator positions to a total of 14, the original staffing benchmarks. The State Plan had 12 safety and health inspector positions filled during FY 2015. Of the available inspectors, five were fully trained; four were in training for part of the year, one retired and two resigned.

A thorough assessment of Illinois OSHA's progress in achieving their annual performance goals has been conducted. A four person OSHA team was assembled to accomplish the evaluation onsite in Springfield, Illinois, beginning on February 2, 2016. The OSHA team's evaluation consisted of case file reviews and interviews of State Plan staff.

A detailed explanation of the findings and recommendations of the Illinois OSHA performance evaluation is found in Section III, Assessment of State Plan Performance. A summary of all the findings and recommendations noted, as the result of OSHA's review, is found below and in Appendix A, New and Continued Findings and Recommendations.

In addition to the strategic goals previously discussed, the FY 2015 FAME assessment identified several deficiencies and areas with opportunity for continued program performance improvement. Of particular note in the assessment are the following:

- Three findings associated with the Illinois OSHA Whistleblower Protection Program complaint screening and intake processes. The findings include: administratively closed complaints lacked documented supervisor and complainant concurrence; complaints were not reviewed per guidelines for protected activity, knowledge, adverse action and/or nexus and screened in a timely manner. There were also multiple complaints that did not include documentation that an interview or telephone conversation was conducted with the complainant. A detailed explanation of the findings and recommendations of the Illinois OSHA whistleblower program performance evaluation is found in Section III.G. Workplace Retaliation Program.
- Three findings associated with the State Plan's inquiry, inspection, and citation procedures. The findings include: established inquiry procedures, associated with adequate abatement evidence and employer abatement response times, were not

followed; citation classification was not supported by the information in the case files; and all apparent violations were not addressed by the issuance of a citation.

- Three findings associated with the State Plan's citation processes. The findings include: a lack of information documented to support the violations; adequate employer abatement documentation was not included in the case file; and Petition for Modification of Abatement Date (PMA) requests from employers did not include information documenting interim worker protection during the abatement period.

B. State Plan Introduction

IDOL – Illinois OSHA operates a state and local government only OSHA developmental state program. The Illinois State Plan is administered by Illinois OSHA, under the leadership of the Director of IDOL. Illinois OSHA impacts state and local governments through enforcing safety and health standards, providing consultation services, investigating occupational safety and health whistleblower discrimination complaints, adopting Federal OSHA standards and providing outreach services.

The Illinois State Plan was approved as a Developmental Plan on September 1, 2009. Illinois OSHA originally had three years to complete the developmental steps established in the September 1, 2009 Federal Register so that Illinois OSHA would be at least as effective as OSHA. Since that time Illinois OSHA has requested multiple two-year extensions to complete the developmental steps. The most recent request was made in FY 2015, requesting an extension to September 30, 2016. OSHA approved this request. At the time this report was written, the final developmental program elements have been submitted by the State Plan for review and concurrence from OSHA.

FY 2015 witnessed major changes in the Illinois OSHA State Plan. On January 12, 2015 Bruce Rauner became Illinois' 42nd Governor. After his appointment, he quickly appointed a new IDOL Director, Mr. Hugo Chaviano. Director Chaviano made leadership changes and in March 2015, Mr. Ben Noven was hired as the division manager for Illinois OSHA and Mr. Todd Miller was hired as IDOL's chief financial officer. With the creation of the Illinois Occupational Safety and Health Act [820 ILCS 219] in January, the State Plan name was legislatively changed to Illinois OSHA.

Currently, there are seven vacant positions: two safety and two health investigators, one enforcement manager in Chicago (temporarily filled), a marketing/OIS coordinator, and a shared administrative assistant position. All positions were posted before the end of 2015. IDOL and Illinois OSHA continue to wait on the State of Illinois Central Management Systems (CMS) to grade applicant information, at which point these positions can be interviewed for and filled.

In FY 2015, the State Plan was approved at the base award level of \$1,527,100. In July 2015, the new administration quickly determined that budgeted grant projections would not be met due to the inability to fill vacant positions and Illinois OSHA de-obligated \$70,000.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the comprehensive year, and as such, OSHA performed on-site case file reviews beginning on February 2, 2016 and was on-site for four days. Seventy-two (72) inspection cases (49 safety and 23 health; seven are fatality cases) were selected randomly for review. A total of 30 complaints were evaluated, including non-formal complaint files consisting of 11 safety, and five health, with formal complaint inspection files consisting of six safety and eight health.

For the review period Illinois OSHA had one discrimination case and five administratively closed complaints; all were evaluated.

In addition to reviewing the above cited case files, the audit team interviewed the whistleblower investigator, enforcement staff and management. Throughout the entire process, Illinois OSHA was cooperative, shared information, and ensured staff was available to discuss cases, policies, and procedures. Illinois OSHA staff members were eager to work with the evaluation team.

D. Findings and Observations

A detailed explanation of the findings and recommendations of the FY 2015 Illinois OSHA performance evaluation is found in Section III, Assessment of State Plan Performance. The FY 2014 Follow-up FAME identified 13 findings, 12 continued from the FY 2013 Comprehensive FAME Report, and two new observations. A review of FY 2015 case files verified completion of 11 of the 13 findings and one of the two observations. Of the remaining two findings, one is continued and one has been converted to an observation. A list of the observations is found in Appendix B, Observations Subject to New and Continued Monitoring. A list of the FY 2014 findings and recommendations and Illinois OSHA's progress in addressing the findings is found in Appendix C, Status of FY 2014 Findings and Recommendations.

As a result of the FY 2015 evaluation, several findings are being made for program development and improvement. A list of some of the new key findings is noted below. A complete list can be found in Appendix A, New and Continued Findings and Recommendations.

1. Finding FY 2015-02: All apparent violations were not addressed by a citation as required.

Recommendation FY 2015-02: Ensure pre-citation review of case files focuses on identifying and ensuring all apparent violations are addressed through the citation process.
2. Finding FY 2015-03: Citation Classification was not supported by the information in the case file violation worksheet.

Recommendation FY 2015-03: Ensure case file violation worksheets describe the

observed hazardous conditions or practices, including all relevant facts to support the citation classification.

3. Finding FY 2015-06: Whistleblower intakes/complaints, being dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainant document the complainant's concurrence.

Recommendation FY 2015-06: Utilize administrative closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual.

4. Finding FY 2015-07: Whistleblower intakes/complaints were not reviewed for Protected Activity, Knowledge, Adverse Action and/or Nexus and screened in a timely manner.

Recommendation FY 2015-07: Implement a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements.

II. Major New Issues

As previously noted, FY 2015 witnessed major changes in the Illinois OSHA State Plan management personnel and program operation. Along with the management restructuring changes, the State Plan assessed the existing programs, previous FAME reports, findings and observations to evaluate the condition of the program and implemented new procedures, and modified existing processes toward achieving their annual goals. These changes didn't occur until the mid-year point, allowing for a limited time for the changes to reflect in the program assessment data.

Along with the changes, Illinois OSHA created a Site-Specific Targeting (SST) plan. Illinois OSHA's SST plan is Illinois OSHA's main Program Planned Inspection (PPI) program for public employer establishments. Illinois OSHA uses a high hazard inspection targeting system based on OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections (January 4, 1995). The SST plan was developed utilizing Bureau of Labor Statistics (BLS) injury/illness rate data, past enforcement/consultation experience, and Illinois Department of Public Health's (IDPH) Survey of Occupational Injuries and Illnesses in Illinois, 2012 Report. Utilizing this information, the State Plan identified hazardous public occupations and workplaces with the most prevalent types of injuries and illnesses.

The State Plan revised the August 2014 Five-Year Strategic Plan with results-oriented measureable goals to impact and reduce these injuries and illnesses in the industries, listed by their North American Industry Classification System (NAICS) code below. The public occupations identified include:

- State Support Activities for Transportation (NAICS 488)
- State Nursing and Residential Care Facilities (NAICS 623)
- Local Fire Protection (NAICS 92216)

- Departments of Public Works (NAICS 926120)
- Water and Sewage Treatment Facilities (NAICS 2213)
- Elementary and Secondary Schools (NAICS 6111)

Three of the FY 2015 findings are directly associated with the State Plan’s whistleblower program. Finding FY 2015-07, Finding FY 2015-08, and Finding FY 2015-09 are all associated with the State Plan’s Whistleblower Protection Program complaint screening and intake processes. Due to their only being one case file to review for assessment, it did not provide enough data for an objective and consistent analysis of the whistleblower program for docketed case files, report of investigation, secretary’s findings, and case file management. However, several deficiencies were noted with the single case file that if not evaluated and corrected moving forward could result in findings during future FAME assessments.

Recognizing that the Illinois OSHA Whistleblower Protection Program is still in its early stages, OSHA recommended that the State Plan take steps to identify and train an adequate number of staff to conduct whistleblower investigations as well as increase supervisor oversight of the program and time keeping strategies. These steps should have a positive impact on the State Plan’s success with the whistleblower program in future years.

III. Assessment of State Plan Performance

A. State Plan Administration

The Illinois OSHA program administration follows closely with federal initiatives. The plan serves as a mechanism for communicating a shared set of expectations regarding the results that Illinois OSHA expects to achieve and the strategies that it will use to achieve them. Illinois OSHA will adjust the plan as circumstances necessitate, use it to develop the annual grant application and performance plan, report on progress in annual performance reports, and monitor program accountability for achieving the goals and outcomes.

1. Training

Illinois OSHA follows OSHA’s policy and guidelines for implementing competency-based training programs for compliance personnel (TED 01-00-019 Mandatory Training Program for OSHA Compliance Personnel). New compliance personnel attend, at a minimum, two initial courses in their first year and six job classification specific courses by the end of their third year. The staff attends the required training at the OSHA Training Institute (OTI) located in Arlington Heights, Illinois. Additionally, other opportunities outside of the organization are continuously pursued when it would help with the knowledge and performance of the staff.

2. Funding

In FY 2015, the State Plan was approved at the base award level of \$1,527,100, a 28% increase from FY 2014. In July 2015, the new administration quickly determined that budgeted grant projections would not be met due to the inability to fill vacant positions

and Illinois OSHA de-obligated \$70,000.

3. Staffing (including benchmarks, furloughs, hiring freezes, etc.)

Illinois OSHA consists of a division manager, two assistant enforcement managers, two administrative assistants, ten safety inspectors, four industrial hygienists, a State Plan coordinator and a marketing/OIS coordinator. The total complement of the Illinois Compliance Division is 19.35 full-time equivalent (FTE) positions.

Illinois OSHA’s continued struggle to fill staff vacancies was identified as a part of the FY 2015 restructuring. The State Plan management implemented a clear process to utilize the state’s existing hiring practices to fill every vacancy in as timely a manner as the system allows. The enforcement investigator staffing benchmarks were increased back to the original of 14 along with reclassifying two previously appointed positions to investigator positions. The State Plan had 12 safety and health inspector positions filled during FY 2015. Of the available inspectors, five were fully trained; four were in training for part of the year, one retired and two resigned.

There are currently six open positions at various stages in the hiring process. The open positions include two safety and one health investigator; one enforcement manager in Chicago (temporarily filled); the marketing/OIS position; and one administrative assistant position.

| Enforcement Investigator Staffing | | | | | | |
|-----------------------------------|------------------|---------------|------------------|------------------|---------------|------------------|
| | Safety Benchmark | Safety Filled | Safety Vacancies | Health Benchmark | Health Filled | Health Vacancies |
| FY 13 | 9 | 6 | 3 | 4 | 4 | 0 |
| FY 14 | 9 | 7 | 2 | 4 | 4 | 0 |
| FY 15 | 10 | 8 | 2 | 4 | 3 | 1 |

The Illinois Department of Central Management Services (CMS) Bureau of Personnel Division of Examining and Counselling has oversight for over 950 position titles under the jurisdiction of the Governor. The current Illinois hiring process has significant delays and a backlog in filling positions throughout the state. This includes evaluating, or “Grading” job applicants on their qualifications for those positions they have applied for. Applicants, both internal and external, are “Graded” prior to the creation of any eligibility lists for the hiring agency in accordance with Illinois Administrative Order 2 (2009), which requires that the applications shall be graded in the order received.

Due to various policies and procedures within the CMS process the “Grading” backlog has increased over the years. CMS has an established grading priority, starting with those applicants that already work for the state, which include: upward mobility, qualification reviews (pre-quals), and competitive promotional application grading. There may be up to a 15 week turnaround time on the grading process for these internal candidates. Should an internal candidate not be found, the external candidate – open competitive – application grading is done which may result in as much as a 10 month

turnaround time depending on the position title. This may result in as much as 12+ months to elapse between the posting of a position and the interview process.

Under the new state administration CMS has made efforts and taken steps to reduce the backlog and improve the efficiency and time required to fill vacant positions. Illinois OSHA is continuing to work with CMS in an effort to fill these existing vacancies and to be more responsive when positions become vacant.

4. OSHA Information System (OIS) – Use of OIS Reports for State Plan Management

On October 1, 2014 Illinois OSHA transitioned from using the NCR system to using the OSHA Information System (OIS). Inspectors, administrative support and management received training prior to the October 1st date and were ready to use the system at the start of FY 2015. Using OIS streamlined processes and allowed inspectors to manage their case files efficiently, administrative support to enter data quickly and management to easily access numbers to manage progress towards meeting grant goals.

Illinois OSHA operates as paperless as possible. The use of OIS is integral to the process. Complaint and fatality intakes, assignments, case file processing, and many other operations are performed in OIS. Data is entered into the system in a timely manner.

5. State Internal Evaluation Program (SIEP) Report

During the developmental period of time, the state has focused on developmental issues. A comprehensive State Internal Evaluation Program (SIEP) will be implemented upon the completion of the developmental steps.

While Illinois OSHA does not have a formal SIEP, there are elements in place to help provide feedback and monitor the internal performance of the program. The State Plan has developed internal tracking and monitoring mechanisms in conjunction with the OIS reports to track enforcement and consultation specific performance and strategic goals on a weekly, monthly, quarterly and annual basis. For all state and local government consultation activities, Illinois OSHA also disseminates a survey. This survey is used to track customer satisfaction and ensure that 90% of the services are rated four or higher on a scale of one to five with five being the most effective.

B. Enforcement

During FY 2015, Illinois OSHA conducted 460 inspections: 303 safety and 157 health. Of these, 320 were programmed, 98 were complaints and referrals, seven were fatalities, nine were catastrophes (The Illinois Field Operations Manual (FOM) defines a catastrophe as the hospitalization of one or more employees resulting from a work-related incident or exposure), 19 were accidents, and seven were follow-ups. (Source: OIS Inspection Summary report dated March 10, 2016) The total number of inspections showed 77% progress towards meeting their FY 2015 goal compared to only 30% in FY 2014. (Note: Illinois OSHA requested a reduction in the FY 2015 inspection numbers from 1,300

inspections to 600 inspections (400 safety and 200 health). See Section IV. Assessment of State Plan Progress in Achieving Annual Performance Goals for details.)

Illinois OSHA had an acceptable average number of violations per inspection, with 2.56 serious/willful/repeat violations and .68 other-than-serious violations. The State Plan's in compliance rates were acceptable with 22 % safety and 38% health.

1. Complaints

During FY 2015, Illinois OSHA received a total of 112 complaints, of which 86 (77%) were formal and 26 (23%) were non-formal. The average number of days to initiate a complaint inspection in FY 2015 was 4.45, well below the negotiated standard of five days for safety and ten days for health. The average number of days to initiate a complaint investigation was 1.57. OSHA randomly selected 14 complaint investigations and 16 nonformal inquiries for review during this evaluation of the Illinois OSHA program.

Illinois OSHA's inquiry process reflects OSHA's established procedures. During the FY 2015 assessment it was found that the State Plan did not follow their established procedures and policies in 13 (81%) of the 16 files reviewed. In nine files (56%) appropriate employer response times and abatement periods were not ensured and in seven files (44%) the inquiry was closed without receiving adequate evidence of abatement from the employer.

Finding FY 2015-06: Inquiry procedures associated with adequate abatement evidence (44% of the files reviewed) and employer abatement response times (56% of the files reviewed) were not adhered to in accordance with Chapter 9 of the Illinois FOM.

Recommendation FY 2015-06: Illinois OSHA should ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an inquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM.

2. Fatalities

Illinois OSHA had 14 fatalities reported during FY 2015. The State Plan appropriately screened out six as having no jurisdiction due to the fatalities being related to natural causes. Of the remaining eight inspected, two additional fatalities were identified as deaths due to natural causes and the inspections were appropriately closed. These files were generally well documented with hazards identified and citations issued appropriately. Contact and involvement of families of victims, including notification of enforcement action, was well documented with copies of the next-of-kin letters found in the files.

During the FY 2015 assessment eight fatality files were reviewed. Illinois OSHA responded to seven of the eight fatality notifications within one day causing the percent of the work-related fatalities responded to in one workday to fall to 88%, below the 100% goal. The one fatality making the state fall short of 100% compliance was due to

an initial report by the media as a death due to natural causes. Follow-up inquiries and additional information, associated with the circumstances of the fatality, was not supportive of the original media notification. It was determined an investigation was warranted to ensure a full and adequate evaluation of the circumstances associated with the fatality was performed and an inspection was opened three days after the media notification. A citation for the failure to notify Illinois OSHA of the fatality was issued to the employer.

3. Targeting and Programmed Inspections

The Illinois OSHA program conducted 320 programmed inspections, 90 health and 230 safety. Out of the 72 inspections reviewed during the FY 2015 assessment, 41 were programmed inspections.

As a developmental state Illinois OSHA created a Site-Specific Targeting (SST) plan in FY 2015. Illinois OSHA's SST plan is Illinois OSHA's main Program Planned Inspection (PPI) program for public employer establishments. Illinois OSHA uses a high hazard inspection targeting system based on OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections (January 4, 1995). The SST plan was developed utilizing Bureau of Labor Statistics (BLS) injury/illness rate data, past enforcement/consultation experience, and Illinois Department of Public Health's (IDPH) Survey of Occupational Injuries and Illnesses in Illinois, 2012 Report. Utilizing this information the State Plan identified entities with the most prevalent types of injuries and illnesses in the most hazardous public occupations and workplaces and revised the August 2014 Five-Year Strategic Plan with results-oriented measureable goals to impact and reduce these injuries and illnesses. The public occupations identified include:

- State Support Activities for Transportation (NAICS 488)
- State Nursing and Residential Care Facilities (NAICS 623)
- Local Fire Protection (NAICS 92216)
- Departments of Public Works (NAICS 926120)
- Water and Sewage Treatment Facilities (NAICS 2213)
- Elementary and Secondary Schools (NAICS 6111)

As a state and local government program, the State Plan has limited application of several of OSHA's National Emphasis Programs (NEPs). However, the State Plan participates in several NEPs, which include Amputations, Primary Metals, Isocyanates, and Trenching.

Illinois OSHA issued serious, willful, and repeat violations in 244 of the programmed inspections, with another 19 inspections having other-than-serious citations issued. Illinois OSHA was slightly less than fully successful in achieving two of their five established strategic goals associated with programmed inspections in the high hazard public occupation goals, Performance Goal 1.3 and Performance Goal 1.4. Both of these performance goals focus on reducing the number of injuries and illnesses in specific industries (1.3 – Local Fire Protection and 1.4 – Departments of Public Works)

through enforcement, consultation, outreach, and marketing efforts. Illinois OSHA was fully successful in achieving the other three high hazard public occupation programmed inspection goals.

Performance Goal 1.3: Reduce the number of injuries and illnesses in Local Fire Protection (NAICS 92216) through enforcement, consultation, outreach, and marketing efforts.

| Activity Measure | FY 2015 Results |
|---------------------------------------|---------------------------------|
| 125 Inspections | Conducted 110 Inspections |
| 5 Consultation Visits | Conducted 5 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted 5 Outreach Events |
| 25 Marketing Materials Distributed | Distributed 110 Materials |
| 1 Alliance/Partnership | Established 1partnership |

Performance Goal 1.4: Reduce the number of injuries and illnesses in Departments of Public Works (NAICS 926120) through enforcement, consultation, outreach, and marketing efforts.

| Activity Measure | FY 2015 Results |
|---------------------------------------|---------------------------------|
| 125 Inspections | Conducted 89 Inspections |
| 5 Consultation Visits | Conducted 4 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted No Outreach Events |
| 25 Marketing Materials Distributed | Distributed 89 Materials |
| 1 Alliance/Partnership | Established No Partnerships |

4. Citations and Penalties

As a part of the FY 2015 assessment, a random sample of 45 files with violations were selected and evaluated. There were several deficiencies identified during the review, such as: 13 files (29%) did not have one or more of the violations classified correctly; 17 files (37%) did not have all of the apparent violations cited; 34 files (77%) did not have the severity and probability clearly addressed in the violations. The severity and probability information was contained in each of the violations, but the information was contradictory or was not directly associated with the condition addressed in the violation; and in 33 files (75%) adequate information required to support the basic elements of the violations were not included in the files.

A further review of the basic violation information that was lacking in the files determined that it was not all the same and thus did not identify any one specific element but several that would impact the effectiveness of the State Plan's program. With these 33 files over 160 violations were issued. Information that was missing from these violations included: 16 files (48%) lacked clear information related to employee exposure; 13 files (39%) lacked clear information related to the employer's knowledge

of the violative condition; and 11 files (33%) had violations that had the wrong standard selected or applied.

Finding FY 2015-02: In 37% (17 of 45) of case files reviewed, apparent violations were not addressed by a citation as required by Chapter 5 of the Illinois FOM.

Recommendation FY 2015-02: Illinois OSHA should verify that pre-citation review of case files focuses on identifying and ensuring all apparent violations are addressed through the citation process.

Finding FY 2015-03: In 29% (13 of 45) of the files reviewed, citation classification was not supported by the information in the case file violation worksheet as required by Chapter 5 of the Illinois FOM.

Recommendation FY 2015-03: Illinois OSHA should ensure that case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification.

Finding FY 2015-04: Adequate documentation of the information required to support the violations was not included in 75% (33 of 45) of the files reviewed.

Recommendation FY 2015-04: Illinois OSHA must provide staff with appropriate training on the necessary elements needed to be documented to support each violation.

Observation FY 2015-OB-03: The Severity and Probability information lacked clarity due to contradictory information or the information was not clearly associated with the condition addressed in the citation.

5. Abatement

As a part of the FY 2015 assessment, a random sample of 41 files with abatement due was selected and evaluated. Follow-up inspections appeared to have been done when indicated and in the majority of these files there was appropriate abatement periods associated with the files when issued. However, there were several deficiencies identified during the review, such as: 11 of the 38 files (29%) requiring abatement verification did not have adequate abatement information and evidence when the file was closed. In FY 2015, two files had post abatement date extensions requested and both were approved without clear information from the employer documenting the interim protective measures in place as a part of their Petition for Modification of Abatement Date (PMA).

Finding FY 2015-01(FY 2014-07): In 100% of the Petition for Modification of Abatement Date (PMA) requests information documenting interim worker protection during the abatement period was not included as required by Chapter 7 of the Illinois FOM.

Recommendation FY 2015-01 (FY 2014-07): Illinois OSHA should ensure that all PMA requests include information documenting interim worker protection during the

abatement period.

Finding FY 2015-05: Documentation of adequate employer abatement was not included in 29% (11 of 38) of the case files reviewed as required by Chapter 7 of the Illinois FOM.

Recommendation FY 2015-05: Illinois OSHA should ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file.

6. Worker and Union Involvement

During the Opening Conference, inspectors are required to verify if workers at the facility are represented by a union. Local union contact information, including names, addresses, and phone numbers, were included in the files. If an “authorized union representative” (i.e., union representative) was not available, any worker 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.

Employee interviews were generally adequately documented, but in 19 of 72 inspection files (26%) the employee interview documentation was limited or not as clear as it could have been. The employee information was reflected in the case file but the field notes recording the interviews were brief and should be improved on.

C. Review Procedures

1. Informal Conferences

Employers are given 15 working days to request an Informal Conference. Of the 460 cases conducted and closed in FY 2015, three employers requested an Informal Conference. Of the 72 inspections reviewed during the FY 2015 assessment, only one included an Informal Conference.

During the single informal conference evaluation it was determined there were no notes or justification in the file to reflect the modifications made. Interviews of the manager who conducted the informal conference determined that it was held during the transition period right after the new division manager had been hired, but had not fully taken over the post citation processes. A lack of documentation associated with all of the actions taken during an informal conference was a finding in the FY 2014 FAME report. Due to this, the other two files that included informal conferences were requested and evaluated. These two informal conferences did show detailed notes associated with the employer’s position in addition to clear information concerning the reasons for modifications and justifications made during the conference. All three files were settled through an Informal Settlement Agreement with the employer and Illinois OSHA. While this showed an improvement associated with the informal conference documentation, due to the limited number of informal conferences done by the State Plan, it was deemed appropriate to convert the FY 2014 finding to an observation.

Observation FY 2015-OB-02 (FY 2014-09): Documentation for all actions taken during informal conferences was not included in one of the three case files reviewed. This would include changes to citations and who participated in the conference.

2. Formal Review of Citations

Employers are required to file a letter of Contest within 15 working days of receipt of citation. Of the 460 cases conducted and closed in FY 2015, there were no contested cases requiring formal review and settlement.

D. Standards and Federal Program Changes (FPCs) Adoption

1. Standards Adoption

Illinois OSHA consistently responds to requests for their intent and adoption of standards in a timely manner. During FY 2014, three applicable standards were required to be adopted by the State of Illinois. During FY 2015, the adoption of one applicable standard was optional. Additionally, during FY 2015, OSHA published the Final Rule for Confined Spaces in Construction. Illinois is in the process of rulemaking to adopt the rule identically.

**Federally-Initiated Standards Log
Summary for IL Report**

| Subject | Intent to Adopt | Adopt Identical | Date Promulgated | Effective Date |
|---|-----------------|-----------------|------------------|----------------|
| Cranes and Derricks in Construction; Underground Construction and Demolition | YES | YES | 12/13/2013 | 12/31/2013 |
| Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment | YES | YES | 02/17/2016 | 02/17/2016 |
| Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions | YES | YES | 10/15/2015 | 10/19/2015 |
| Cranes and Derricks in Construction: Operator Certification | YES | YES | 02/02/2015 | 02/02/2015 |

2. OSHA or State Plan-Initiated Changes

All Federal Program Change (FPC) responses as well as plan change information was submitted timely. For those FPCs that the state did not adopt, the items were not adopted due to a limited or non-existent application to the state and local government.

**Federal Program Change
Summary for IL Report**

| Directive Number | Title | Adoption Required, Equivalency Required or Adoption Encouraged/Not Required | Intent to Adopt | Adopt Identical | State Adoption Date |
|-------------------------|--|--|------------------------|------------------------|----------------------------|
| CPL 03-02-003 2014 626 | OSHA Strategic Partnership Program for Worker Safety and Health | Adoption Encouraged / Not Required | NO | N/A | N/A |
| CPL 02-14-01 2014 645 | Site-Specific Targeting 2014 (SST-14) | Equivalency Required | YES | NO | ----- |
| CPL 02-00-157 2014 646 | Shipyard Employment "Tool Bag" Directive | Equivalency Required | NO | N/A | N/A |
| CPL 02-01-056 2014 684 | Inspection Procedures for Accessing Communication Towers by Hoist | Equivalency Required | NO | N/A | N/A |
| TED 01-00-019 2014 704 | Mandatory Training Program for OSHA Compliance Personnel | Equivalency Required | YES | YES | N/A |
| CPL 02-00-158 2014 705 | Inspection Procedures for the Respiratory Protection Standard | Equivalency Required | YES | YES | N/A |
| CPL 02-01-057 2015 724 | Compliance Directive for the Cranes and Derricks in Construction Standard | Equivalency Required | YES | YES | N/A |
| CPL 03-00-018 2015 725 | Revision – National Emphasis Program – Primary Metal Industries | Adoption Required | YES | YES | 12/15/2014 |
| CPL 02-03-005 2015 744 | Whistleblower Investigations Manual | Equivalency Required | YES | YES | N/A |
| CPL 02-02-078 2015 764 | Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis | Equivalency Required | YES | YES | N/A |
| CPL 02-02-079 2015 784 | Inspection Procedures for the Hazard Communication Standard (HCS 2012) | Equivalency Required | YES | YES | N/A |
| TED 04-01-002 2015 804 | OSHA Alliance Program CSP 04-01-002 | Adoption Encouraged / Not Required | YES | YES | N/A |
| CPL 03-00-019 2015 824 | National Emphasis Program on Amputations | Adoption Required | YES | YES | 12/01/2015 |
| TED 03-01-004 2015 825 | Special Government Employee Program Policies and Procedures Manual for the Occupational Safety and Health Administration's Voluntary Protection Programs CSP 03-01-004 | Intent Required | NO | N/A | N/A |
| CPL 02-03-006 2016 844 | Alternative Dispute Resolution Process for Whistleblower Protection Program | Adoption Encouraged / Not Required | YES | YES | N/A |

E. Variances

With the creation of the Illinois Occupational Safety and Health Act [820 ILCS 219] in January 2015, the State Plan implemented administrative rules providing for the granting

of temporary or permanent variances. There were no variance requests received or variances granted during FY 2014 and FY 2015.

F. State and Local Government Worker Program

Illinois OSHA is a State and Local Government State Plan; all 460 inspections were in state and local government. Hazards were identified in 70% of all inspections and 79% of all hazards cited were classified as serious or repeat. While penalties are not issued for first sanction serious citations, penalties are issued for repeat and willful citations. During FY 2015, Illinois OSHA did not issue any violations with a penalty.

G. Workplace Retaliation Program

The FY 2015 year was the first full year for the Illinois OSHA Whistleblower Protection Program. All of the staff handling the whistleblower program duties are new to the program due to the restructuring that occurred in the spring of 2015. Procedurally, the Illinois OSHA whistleblower program follows the IDOL Whistleblower Investigations Manual (WIM), which closely adheres to OSHA's Whistleblower Investigations Manual, CPL 02-03-005. The IDOL WIM provides guidelines for the investigation and disposition of discrimination complaints. All intakes are reviewed by the Enforcement Assistant Manager in Springfield who then assigns them to the investigator for screening.

During this review period there was limited whistleblower activity, which limited the scope of the program review. For the FY 2015 assessment period there was only one case file that qualified for review. A single case file is insufficient to provide enough statistical information to make a determination as to the effectiveness of the program related to the management of the docketed case files. However, it was noted that the single case file reviewed had several deficiencies, to include the following missing items: telephone/activity log, docketing letter, notification letter, original complaint/intake, Report of Investigation (ROI), director's findings, and a closing letter.

In FY 2015 Illinois OSHA administratively closed five complaints; all were reviewed as a part of this assessment. There are three findings associated with the screening and intake process associated with whistleblower complaints. The issues addressed include: administratively closed complaints lacked documented supervisor and complainant concurrence; complaints were not reviewed for protected activity, knowledge, adverse action and/or nexus and screened in a timely manner; and there were multiple complaints that did not include documentation that an interview or telephone conversation was conducted with the complainant.

Finding FY 2015-07: Whistleblower intakes/complaints, being dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainants document the complainant's concurrence in accordance with the Illinois Whistleblower Investigations Manual Chapter 2.

Recommendation FY 2015-07: Illinois OSHA should utilize administrative closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual.

Finding FY 2015-08: Whistleblower intakes/complaints were not reviewed for Protected Activity, Knowledge, Adverse Action and/or Nexus and screened in a timely manner in accordance with the Illinois Whistleblower Investigations Manual Chapter 2. On average it took 5 ½ months to screen a complaint from the date of filing.

Recommendation FY 2015-08: Illinois OSHA should implement a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements.

Finding FY 2015-09: Whistleblower intakes/complaints did not include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.

Recommendation FY 2015-09: Illinois OSHA should ensure that all telephone conversations with complainants are documented by way of a memorandum to file or on the case/activity log.

H. Complaint About State Program Administration (CASPA)

In FY 2015 there was one CASPA 2015-07 filed with OSHA. There was no evidence to support the allegations and the CASPA investigation was closed. The nature of the allegations, a potential misuse of federal funds and property, required that CASPA 2015-07 be investigated as a “Sensitive” CASPA. The State Plan responded openly and cooperatively with all stages of the investigation and provided all of the requested documentation in a timely manner. Staff was made available for private interviews upon request.

I. Voluntary Compliance Program

In FY 2015 a Safety and Health Achievement Recognition Program (SHARP) was created for the smaller state and local government employer, and is scheduled to continue through FY 2020. The FY 2015 Annual Performance Plan projected program activities included achieving one new state and local government SHARP participant. In this first year of the state and local government SHARP program, the State Plan was able to work with the Posen Fire Department to achieve the first Illinois state and local government SHARP participant.

J. State and Local Government Sector 23(G) On-Site Consultation Program

Illinois OSHA provides consultation services to state and local government employers through the sharing of 21(d) Consultation Program employees. Two Consultation Supervisors split a small portion of their time (5%) related to supervision of the state and local government consultations. In FY 2015, four 21(d) consultants split their time, allocating 25% of their time assisting the employers.

In the annual performance plan for FY 2015, the State Plan 23(g) On-Site Consultation Program projected 45 total (25 safety and 20 health) state and local government consultation visits. In FY 2015 the State Plan conducted 71 total (40 safety and 31 health) visits. The visits consisted of 69 first time initial visits and two follow-up visits. Ninety seven percent (97%) of the initial visits were in high hazard establishments and in establishments with less than 250 employees. The consultants conferred with employees on all 71 visits. The visits resulted in 159 serious hazards being identified, resulting in 100% of the hazards being corrected in a timely manner.

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

In the FY 2015 State OSHA Annual Report (SOAR), Illinois OSHA provided information that explained the revision to the FY 2014 Five-Year Strategic Plan and outlined their accomplishments in meeting their strategic goals. The information has been reviewed and analyzed to assess their progress in meeting performance plan goals. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievements, all but three of the annual performance goals have been met or exceeded.

Utilizing Bureau of Labor Statistics (BLS) injury/illness rate data, past enforcement/consultation experience, and Illinois Department of Public Health's (IDPH) Survey of Occupational Injuries and Illnesses in Illinois, 2012 Report the 2014 Five-Year Strategic Plan was revised to better define goals, objectives and establish clear incremental annual progress measures for performance. The FY 2015 performance plan established the BLS base line levels to be utilized in measuring achievement of the State Plans annual performance goals, number 1.1 through number 1.5, in future annual performance plans beginning in FY 2016. For those annual performance goals that did not have established baseline values this year, the State Plan's assessment is based on their success in achieving their FY 2015 activity results as identified in the FY 2015 Annual Performance Plan.

With the restructuring and process changes, Illinois OSHA quickly realized that the projected FY 2015 23(g) inspections numbers were not realistic nor based on any methodology or strategy. The initial FY 2015 projected inspection goal was 1,300 inspections (900 safety and 400 health), as noted below in Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report, which was clearly unachievable.

On July 1, 2015 Illinois OSHA requested a reduction in the FY 2015 inspection numbers from 1,300 inspections to 600 inspections (400 safety and 200 health). The methodology used assumed a fully staffed and trained Division of 12 inspectors, 40 available weeks in the year, and an average of 1.25 inspections per week per safety/health inspector, and is based on previous work experience and past history. Upon review OSHA's Directorate of Cooperative and State Programs and OSHA's Region V Regional Administrator approved the reduction, which is reflected as the projected inspection annual goal throughout the FY 2015 FAME report.

While the State Plan failed to meet their overall projected inspection goal of 600 inspections, the program conducted 460 inspections (77%) of the FY 2015 goal. This represents a continuous improvement in this area. In FY 2014 the State Plan conducted 394 inspections, 30% of the FY 2014 projected goal of 1,300 inspections. The low number of inspections also impacted Annual Performance Goals 1.3 and 1.4. The primary element impacting the State Plan’s ability to meet the total inspection goal is staffing related. In FY 2015 the State Plan had at least two vacancies for the full year and out of the 12 Safety/Health Inspectors on staff only five were fully trained, four were in training for part of the year, one retired and two resigned.

Observation FY 2015-OB-01 (FY 2014-13): The actual number of inspections 460 (303 Safety/ 157 Health) was 77% of 600 planned inspections.

The following summarizes the activities and/or accomplishments for each of the FY 2015 performance goals.

Strategic Goal #1

Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses and deaths.

Performance Goal 1.1: Reduce the number of injuries and illnesses in State Support Activities for Transportation (NAICS 488) through enforcement, consultation, outreach, and marketing efforts.

Results: This goal was met.

Discussion: The FY 2015 activity measures and the State Plan results for each performance indicator is noted in the table below. The State Plan met or exceeded the majority of the activity measure goals.

| Activity Measure | FY 2015 Results |
|---------------------------------------|---------------------------------|
| 10 Inspections | Conducted 26 Inspections |
| 2 Consultation Visits | Conducted 3 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted 0 Outreach Events |
| 25 Marketing Materials Distributed | Distributed 26 Materials |

Performance Goal 1.2: Reduce the number of injuries and illnesses in State Nursing and Residential Care Facilities (NAICS 623) through enforcement, consultation, outreach, and marketing efforts.

Results: This goal was met.

Discussion: The FY 2015 activity measures and the State Plan results for each performance indicator are noted in the table below. The State Plan met or exceeded the majority of the activity measure goals.

| Activity Measure | FY 2015 Results |
|---------------------------------------|------------------------------------|
| 1 Inspections | Conducted 4 Inspections |
| 1 Consultation Visits | Conducted 0 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Contacted 59 Facilities W/Outreach |
| 10 Marketing Materials Distributed | Distributed 4 Materials |

Performance Goal 1.3: Reduce the number of injuries and illnesses in Local Fire Protection (NAICS 92216) through enforcement, consultation, outreach, and marketing efforts.

Results: This goal was met.

Discussion: The FY 2015 activity measures and the State Plan results for each performance indicator are noted in the table below. The State Plan met or exceeded the majority of the activity measure goals. The State Plan established a partnership with the Illinois Fire Service Institute.

| Activity Measure | FY 2015 Results |
|---------------------------------------|---------------------------------|
| 125 Inspections | Conducted 110 Inspections |
| 5 Consultation Visits | Conducted 5 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted 5 Outreach Events |
| 25 Marketing Materials Distributed | Distributed 110 Materials |
| 1 Alliance/Partnership | Established 1 Partnership |

Performance Goal 1.4: Reduce the number of injuries and illnesses in Departments of Public Works (NAICS 926120) through enforcement, consultation, outreach, and marketing efforts.

Results: This goal was not met.

Discussion: The FY 2015 activity measures and the State Plan results for each performance indicator are noted in the table below. The State Plan did not meet or exceed the majority of the activity measure goals.

| Activity Measure | FY 2015 Results |
|---------------------------------------|------------------------------------|
| 125 Inspections | Conducted 89 Inspections |
| 5 Consultation Visits | Conducted 4 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted 0 Outreach Events |
| 25 Marketing Materials Distributed | Distributed 89 Materials |
| 1 Alliance/Partnership | Established 0 Alliance/Partnership |

Performance Goal 1.5: Reduce the number of injuries and illnesses in Water and Sewage Treatment Facilities (NAICS 2213) through enforcement, consultation, outreach, and marketing efforts.

Results: This goal was met.

Discussion: The FY 2015 activity measures and the State Plan results for each performance indicator are noted in the table below. The State Plan met or exceeded the majority of the activity measure goals.

| Activity Measure | FY 2015 Results |
|---------------------------------------|------------------------------------|
| 50 Inspections | Conducted 60 Inspections |
| 2 Consultation Visits | Conducted 2 Consultation Visits |
| 1 Outreach/Training/Education Seminar | Conducted 0 Outreach Events |
| 15 Marketing Materials Distributed | Distributed 60 Materials |
| 1 Alliance/Partnership | Established 0 Alliance/Partnership |

Strategic Goal #2

Promote safety and health values in the state and local government workplaces in Illinois.

Performance Goal 2.1: 100% of Illinois OSHA activities will include employee involvement.

Results: This goal was met.

Discussion: Appendix D – FY 2015 State Activity Mandated Measures (SAMM) Report indicates 99% of the activities included employee involvement, below the 100% target. Subsequent SAMM reports, run after the data in appendix D, for the year indicates 100% for this goal. The variations in the report numbers appear to be due to data entry errors that existed when the SAMM report was initially run. After identifying the outlying data elements and identifying the inspection files, the files were verified and the data errors corrected.

Performance Goal 2.2: Award Safety and Health Achievement Recognition (SHARP) to five new public sector worksites by 2020; awarding one each year.

Results: This goal was met.

Discussion: In this first year of the state and local government SHARP program, the State Plan was able to work with the Posen Fire Department to achieve the first Illinois state and local government SHARP participant.

Performance Goal 2.3: 100% of Illinois OSHA’s public sector initial Consultation visits will include site-specific recommendations to improve the safety and health program management system at that facility.

Results: This goal was met.

Discussion: The Illinois OSHA goal in FY 2015 was to conduct 45 consultation visits with 100% of them having site-specific recommendations made to improve

the safety and health program management system. The State Plan conducted 71 consultation visits with all of them having site-specific recommendations made to improve the safety and health program management system.

Performance Goal 2.4: Conduct compliance assistance activities for high hazard industry organizations/groups concerning the hazards of relevant NEPs and OSHA Directives and promoting Illinois OSHA's On-Site Consultation services. The focus of the activities includes high hazard industries in NAICS 488, 926120, 2213, and 92216.

Results: This goal was met.

Discussion: Illinois OSHA conducted seven compliance assistance activities as noted below.

- 10/18/15 Urbana, IL. Illinois OSHA presented during the Office of State Fire Marshall Illinois Firefighters seminar.
- 10/30/14 SIOSH Day Carterville, IL. Illinois OSHA team members performed Temporary worker and Backover presentations.
- 1/8/15 Springfield, IL. Grain bin rescue round table discussion with the Office of State Fire Marshal, Illinois Fire Service Institute and the Illinois Corn Growers Association.
- 1/24/15 Peoria, IL. Illinois OSHA presented at the Illinois Society of Fire Service Instructor (ISFSI) Training Officer Boot camp.
- 3/4/15 DIOSH Day Peoria, IL. Illinois OSHA team members performed a temporary worker presentation.
- 8/13/15 Illinois State Fair Springfield, IL and on 8/28/15 DuQuoin State Fair DuQuoin, IL. Illinois OSHA partnered with the Illinois Fire Services Institute to educate and engage the public on grain bin rescue techniques.

Strategic Goal #3

Invoke public confidence through excellence in the development and delivery of Illinois OSHA's programs and services.

Performance Goal 3.1: Initiate inspections of fatal incidents and catastrophes within one working day of notification for 100% of occurrences to prevent further injuries or deaths. Enlist the services of other agencies to make reporting requirements more user-friendly and accessible to the public sector constituency.

Results: This goal was met.

Discussion: The State Plan opened seven of eight investigated fatalities within one day. Illinois OSHA responded to seven of the eight fatality notifications within one day causing the percent of the work-related fatalities responded to in one workday to fall to 88%, below the 100% goal. The one fatality making the state fall short of 100% compliance was due to an initial report by the media as a death due to natural causes. Follow-up inquiries and additional information,

associated with the circumstances of the fatality, was not supportive of the original media notification. It was determined an investigation was warranted to ensure a full and adequate evaluation of the circumstances associated with the fatality was performed and an inspection was opened three days after the media notification. A citation for the failure to notify Illinois OSHA of the fatality was issued to the employer.

Performance Goal 3.2: Initiate 100% of safety and 95% of health complaint inspections within five days of notification, excluding indoor air quality and sanitation issues.

Results: This goal was met.

Discussion: During FY 2015, Illinois OSHA received a total of 112 complaints, of which 86 (77%) were formal and 26 (23%) were non-formal. The average number of days to initiate a complaint inspection in FY 2015 was 4.45, well below the negotiated standard of five days for safety and ten days for health.

Performance Goal 3.3: Survey customer satisfaction rates for consultation visits in the public sector and ensure that 90% of the services are rated four or higher on a scale of one to five, with 5 being the most effective.

Results: This goal was met.

Discussion: For all state and local government consultation activities, Illinois OSHA disseminates a survey. The survey is used to track customer satisfaction and ensure that 90% of the services are rated four or higher on a scale of one to five with five being the most effective. Twelve surveys were returned and all had a rating of four or higher.

Performance Goal 3.4: Each year, increase the number of compliance assistance activities (i.e. direct mailings, advertising, newsletters, etc.) conducted or distributed in the public sector.

Results: This goal was met.

Discussion: Illinois OSHA will use FY 2015 compliance assistance activity counts as a baseline to evaluate the number of compliance assistance activities performed each year moving forward.

V. Other Special Measures of Effectiveness and Areas of Note

As previously discussed, in FY 2015 Illinois OSHA created a Site-Specific Targeting (SST) plan. In developing the targeting plan Illinois OSHA utilized a high hazard inspection targeting system based on OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections (January 4, 1995)*, which is based on Bureau of Labor Statistics (BLS) injury/illness rate data. The BLS data and the SST plan will help

Illinois OSHA achieve its goal of reducing the number of injuries and illnesses that occur at public employer establishments by directing enforcement resources to those establishments where the highest rate of injury and illness has occurred.

The State Plan evaluation found that the Illinois specific state and local government BLS injury and illness data is limited but still provides valuable information regarding injuries and illnesses that occur in Illinois. According to 2012 BLS data for Illinois, 29,600 work related injuries and illnesses were reported in state and local government. For state government alone, a total of 4,200 injuries and illnesses were reported during 2012. Of these injuries and illnesses, the state government employees experienced 1,800 injuries and illnesses involving days away from work—500 were cases where the employee was transferred or restricted because of an injury and 1,900 were other recordable cases. The total recordable case rate per 100 full-time workers for injuries and illnesses in state government was 3.5. The rate for cases with days away from work, job transfer or restriction was 1.9. The rate for cases with days away from work was 1.5, the job transfer or restriction rate was 0.4 and the rate for other recordable cases was 1.6. The major industry with publishable data for 2012 is education and health services with 2,300 recordable cases. During 2012, there were approximately 25,400 injuries and illnesses in local government. Of these injuries and illnesses, the local government employees experienced 6,500 injuries and illnesses involving days away from work, 1,600 were cases where the employee was transferred or restricted because of an injury and 17,400 were other recordable cases. The total recordable case rate per 100 full-time workers for injuries and illnesses in local government was 6.0. The rate for cases with days away from work, job transfer or restriction was 1.9. The rate for cases with days away from work was 1.5, the job transfer or restriction rate was 0.4, and the rate for other recordable cases was 4.1. The major industries with publishable data for 2012 are public administration with 11,600 recordable cases; education and health services with 11,200 recordable cases; and trade, transportation and utilities with 1,300 recordable cases. See pages 11- 13 in Illinois Department of Public Health Survey of Occupational Injuries and Illnesses in Illinois, 2012 Report (September 2014).

National BLS data on occupational injuries/illnesses and fatal injuries from 2009 through 2013 were evaluated for the following state and local government NAICS. Data tables for these areas are located in the table below.

- State Support Activities for Transportation (NAICS 488)
- State Nursing and Residential Care Facilities (NAICS 623)
- Local Fire Protection (NAICS 92216)
- Departments of Public Works (NAICS 926120)
- Water and Sewage Treatment Facilities (NAICS 2213)
- Elementary and Secondary Schools (NAICS 6111)

| INDUSTRY | NAICS CODE | 2009 BLS RATE | 2010 BLS RATE | 2011 BLS RATE | 2012 BLS RATE | 2013 BLS RATE |
|---|-------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| State Support Activities for Transportation | 488 | 7.6 | 7.2 | 7.3 | 6.9 | 7.1 |
| Nursing and Residential Care Facilities | 623 | 11.0 | 15.1 | 13.1 | 13.6 | 13.7 |
| Local Fire Protection | 92216 | 11.5 | 10.2 | 10.3 | 10.4 | 10.2 |
| Department of Public Works | 926120 | 7.9 | 7.6 | 7.9 | 7.5 | 7.3 |
| Water and Sewage Treatment Facilities | 2213 | 6.5 | 6.2 | 6.2 | 5.8 | 6.3 |
| Elementary and Secondary Schools | 6111 | 2.6 | 2.6 | 2.6 | 2.3 | 2.1 |

Data from the Bureau of Labor Statistics, U.S. Department of Labor

Utilizing this information, the State Plan revised the FY 2015 Annual Performance Plan, providing the framework for accomplishing the goals of the Illinois OSHA Strategic Management Plan by establishing specific performance goals for FY 2015. Additionally, for the State Plan's FY 2016 Annual Performance Plan, they included a new performance goal: 1.6 Elementary and Secondary Schools (NAICS 6111).

Appendix A – New and Continued Findings and Recommendations

FY 2015 Illinois State Plan Comprehensive FAME Report

| FY 2015-# | Finding | Recommendation | FY 2014-# or FY 2014-OB-# |
|------------|--|--|------------------------------|
| FY 2015-01 | In 100% of the Petition for Modification of Abatement Date (PMA) requests information documenting interim worker protection during the abatement period was not included as required by Chapter 7 of the Illinois FOM. | Illinois OSHA should ensure that all PMA requests include information documenting interim worker protection during the abatement period. | FY 2014-07 |
| FY 2015-02 | In 37% (17 of 45) case files reviewed, apparent violations were not addressed by a citation as required by Chapter 5 of the Illinois FOM. | Illinois OSHA should verify pre-citation review of case files focuses on identifying and ensuring all apparent violations are addressed through the citation process. | |
| FY 2015-03 | In 29% (13 of 45) of the files reviewed citation classification was not supported by the information in the case file violation worksheet as required by Chapter 5 of the Illinois FOM. | Illinois OSHA should ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification. | |
| FY 2015-04 | Adequate documentation of the information required to support the violations was not included in 75% (33 of 45) of the files reviewed. | Illinois OSHA must provide staff with appropriate training on the necessary elements needed to be documented to support each violation. | |
| FY 2015-05 | Documentation of adequate employer abatement was not included in 29% (11 of 38) of the case files reviewed as required by Chapter 7 of the Illinois FOM. | Illinois OSHA should ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file. | |
| FY 2015-06 | Inquiry procedures associated with adequate abatement evidence (44% of the files reviewed) and employer abatement response times (56% of the files reviewed) were not adhered to in accordance with Chapter 9 of the Illinois FOM. | Illinois OSHA should ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an enquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM. | |
| FY 2015-07 | Whistleblower intakes/complaints, being | Illinois OSHA should utilize administrative | |

| | | | |
|------------|---|--|--|
| | dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainants document the complainant's concurrence in accordance with the Illinois Whistleblower Investigations Manual Chapter 2. | closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual. | |
| FY 2015-08 | Whistleblower intakes/complaints were not reviewed for Protected Activity, Knowledge, Adverse Action and/or Nexus and screened in a timely manner in accordance with the Illinois Whistleblower Investigations Manual Chapter 2. On average it took 5 ½ months to screen a complaint from the date of filing. | Illinois OSHA should implement a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements. | |
| FY 2015-09 | Whistleblower intakes/complaints did not include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3. | Illinois OSHA should ensure that all telephone conversations with complainants are documented by way of a memorandum to file or on the case/activity log. | |

Appendix B – Observations Subject to New and Continued Monitoring

FY 2015 Illinois State Plan Comprehensive FAME Report

| Observation # FY 2015-OB-# | Observation# FY 2014-OB-# or FY 2014-# | Observation | Federal Monitoring Plan | Current Status |
|-------------------------------|--|---|--|----------------|
| FY 2015-OB-01 | FY 2014-13 | The actual number of inspections 460 (303 Safety/ 157 Health) was 77% of 600 planned inspections. | OSHA will review actual number of inspections conducted on a quarterly basis and discuss quarterly progress with the State Plan. | New |
| FY 2015-OB-02 | FY 2014-09 | Documentation for all actions taken during informal conferences was not included in one of the three case files reviewed. This would include changes to citations and who participated in the conference. | During next year’s FAME, a limited scope review of selected case files will be reviewed to determine if this item was addressed. | New |
| FY 2015-OB-03 | | The Severity and Probability information lacked clarity due to contradictory information or the information was not clearly associated with the condition addressed in the citation. | During next year’s FAME, a limited scope review of selected case files will be reviewed to determine if this item was addressed. | New |

Appendix C - Status of FY 2014 Findings and Recommendations

FY 2015 Illinois Comprehensive FAME Report

| FY 2014-# | Finding | Recommendation | State Plan Response/ Corrective Action | Completion Date | Current Status and Date |
|-----------|---|---|--|-----------------|-------------------------|
| 2014-01 | Illinois OSHA currently does not inspect or investigate complaints received from non-workers or those that are unsigned. | Illinois OSHA shall develop a protocol to investigate complaints received from non-workers or those that are unsigned. | Illinois OSHA updated and adopted Field Operations Manual (FOM) on September 24, 2014 to evaluate complaints received from non-workers and unsigned complaints and investigates as appropriate by using a non-formal investigation process. ILLINOIS OSHA began investigating these complaints in March of 2015. | September 2014 | Completed 02/05/2016 |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 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. | Inspector policy and procedure training was conducted by Regional OSHA representatives in April 2014. Enforcement Assistant Managers are reviewing case files | April 2014 | Completed 02/05/2016 |

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|---------|---|--|---|------------|-------------------------|
| | | | closely to ensure similar hazards are grouped as required in IL FOM. | | |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 2014-07 | Petition for Modification of Abatement Date (PMA) requests | Ensure that all PMA requests include information documenting interim | Inspector policy and procedure training was conducted in April 2014 to ensure PMA's included interim protective measures prior to | April 2014 | Open 02/05/2016 |

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|---------|---|--|--|------------|---|
| | from employers did not include information documenting interim worker protection during the abatement period, as required by Chapter 7 of the Illinois FOM. | worker protection during the abatement period. | issuance with Enforcement Assistant Managers. | | |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 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. | Senior management gave instruction, following a visit by Regional OSHA representatives, that Informal Conference notes are to be included in the case files. Notes are now maintained in the file and include attendance and justification for any changes in citations. In March of 2015 when the new administration came on board, instruction was given to have the Administrative Assistant sit in on Informal Conferences | April 2014 | Converted to Observation 02/05/2016 |

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| | | | when possible to take additional notes. | | |
| 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. | 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. | April 2014 | Completed 02/05/2016 |
| 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. | Currently IL OSHA has the following vacancies and plans to have all position filled by December 2015. <ul style="list-style-type: none"> • 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. | N/A | Completed 02/05/2016 |
| 2014-12 | IDOL-SIED did not complete all Developmental Steps. A new timeline was | Complete the remaining Developmental Steps within the agreed upon | Illinois OSHA's high hazard Site-Specific Targeting (SST) plan is complete and under review by the Region. | N/A | Completed 02/05/2016 |

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| | 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. | timeframe. | | | |
| 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. | 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. | July 2015 | Converted to Observation 02/05/2016 |

Appendix D - FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Illinois Comprehensive FAME Report

| U.S. Department of Labor | | | | |
|---|---|-----------------|--|--|
| Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs) | | | | |
| State Plan: Illinois - IDOL-SIED | | | FY 2015 | |
| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| 1a | Average number of work days to initiate complaint inspections (state formula) | 4.45 | 5 days for safety; 10 days for health | State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 3.27 | N/A | State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of work days to initiate complaint investigations (state formula) | 1.57 | TBD | State Plan data is pulled from OIS. Further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | .04 | N/A | State Plan data is pulled only from OIS. This measure is for informational purposes only and is not a mandated measure. |
| 3 | Percent of complaints and referrals responded to within one workday (imminent danger) | 100% | 100% | State Plan data is pulled from OIS. Further review level is fixed for all State Plans. |
| 4 | Number of denials where entry not obtained | 0 | 0 | State Plan data is pulled from OIS. Further review level is fixed for all State Plans. |

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FY 2015 Illinois Comprehensive FAME Report

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| 5 | Average number of violations per inspection with violations by violation type | SWRU: 2.56 | +/- 20% of SWRU: 1.92 | State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS. |
| | | Other: .68 | +/-20% of Other: .87 | |
| 6 | Percent of total inspections in state and local government workplaces | 100% | 100% | Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces. |
| 7 | Planned v. actual inspections – safety/health | S: 303 | +/- 5% of S: 400 | State Plan data is pulled from OIS. Further review level is based on a number negotiated by OSHA and the State Plan through the grant application. |
| | | H: 157 | +/-5% of H: 200 | |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | N/A | +/- 25% of \$2,002.86 | N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS. |
| | a. Average current serious penalty in private sector (1-25 workers) | N/A | +/- 25% of \$1,402.49 | N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS. |
| | b. Average current serious penalty in private sector (26-100 workers) | N/A | +/- 25% of \$2,263.31 | N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS. |
| | c. Average current serious penalty in private sector (101-250 workers) | N/A | +/- 25% of \$3,108.46 | N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS. |

Appendix D - FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Illinois Comprehensive FAME Report

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| | d. Average current serious penalty in private sector (greater than 250 workers) | N/A | +/- 25% of \$3,796.75 | N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate, pulled only from OIS. |
| 9 | Percent in compliance | S: 22.34% | +/-20% of S: 28.47% | State Plan Data is pulled from OIS. |
| | | H: 37.93% | +/- 20% of H: 33.58% | Further review level is based on a one-year national rate, pulled only from OIS. |
| 10 | Percent of work-related fatalities responded to in one workday | 87.50% | 100% | State Plan data is pulled from OIS. Further review level is fixed for all State Plans. |
| 11 | Average lapse time | S: 50.11 | +/-20% of S: 42.78 | State Plan data is pulled from OIS. |
| | | H: 40.49 | +/-20% of H: 53.48 | Further review level is based on a one-year national rate, pulled only from OIS. |
| 12 | Percent penalty retained | 0% | +/-15% of 67.96% | State Plan data is pulled from OIS. Further review level is based on a one-year national rate, pulled only from OIS. |
| 13 | Percent of initial inspections with worker walk around representation or worker interview | 98.91% | 100% | State Plan data is pulled from OIS. Further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | 0% | 100% | State Plan data is pulled from WebIMIS. Further review level is fixed for all State Plans. |
| 15 | Percent of 11(c) complaints that are meritorious | 0% | +/- 20% of 24% | State Plan data is pulled from WebIMIS. Further review level is based on a three-year national average, pulled from WebIMIS. |

Appendix D - FY 2015 State Activity Mandated Measures (SAMM) Report

FY 2015 Illinois Comprehensive FAME Report

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| 16 | Average number of calendar days to complete an 11(c) investigation | 0 | 90 | <p>State Plan data is pulled from WebIMIS.</p> <p>Further review level is fixed for all State Plans.</p> |
| 17 | Percent of enforcement presence | N/A | +/- 25% of 1.35% | <p>N/A – This is a State and Local Government State Plan and is not held to this SAMM.</p> <p>Further review level is based on a one-year national rate, pulled only from OIS.</p> |