



ILLINOIS DEPARTMENT OF LABOR

Bruce Rauner
Governor

Joe Beyer
Acting Director

July 12, 2017

Mr. Ken Nishiyama Atha, Regional Administrator
U.S. Department of Labor – OSHA
230 S. Dearborn Street, Room 3244
Chicago, IL 60604

Re: FY 2016 Federal Annual Monitoring and Evaluation Report - Illinois OSHA Response

Dear Mr. Atha:

Attached please find the Illinois Department of Labor- Illinois OSHA Division (IDOL- IL OSHA) response to the U.S. Department of Labor - OSHA's ("OSHA") FY 2016 Federal Annual Monitoring and Evaluation Report (FAME) and our Corrective Action Plan (CAP). Please post this letter along with the State OSHA Annual Report (SOAR) on the OSHA webpage.

We appreciate OSHA's identification of areas where IDOL-IL OSHA can improve, and welcome continued feedback and evaluation from OSHA. If you have any questions or comments regarding our responses and CAP, please feel free to contact Ben Noven at 312-793-0846.

Sincerely,

Joe Beyer
Acting Director

Enclosure: Illinois OSHA's Response and CAP to OSHA's FY 2016 Federal Annual Monitoring and Evaluation (FAME) Report

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ILLINOIS OSHA'S RESPONSE TO OSHA'S
FY 2016 FEDERAL ANNUAL MONITORING AND EVALUATION (FAME) REPORT
JULY 12, 2017

FY 2016-01

Finding: 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: Illinois OSHA should ensure that all PMA requests include information documenting interim worker protection during the abatement period. Corrective action complete; awaiting verification.

Response: On May 19, 2016, Illinois OSHA created a new PMA form that will help ensure that all PMA requests document interim worker protection during the abatement period.

FY 2016-02

Finding: 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: Illinois OSHA should verify pre-citation review of case files focusing on identifying and ensuring all apparent violations are addressed through the citation process. Corrective action complete; awaiting verification.

Response: Training was held August 23-26, 2016 for all staff members to help ensure pre-citation review of case files focus on identifying and ensuring all apparent violations are addressed through the citation process. This is also part of CHSO training for new team members.

FY 2016-03

Finding: 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: Illinois OSHA should ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification. Corrective action complete; awaiting verification.

Response: Training was held August 23-26, 2016 for all staff members to ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification. This is also part of CHSO training for new team members.

FY 2016-04

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

Recommendation: Illinois OSHA must provide staff with appropriate training on the necessary elements needed to be documented to support each violation. Corrective action complete; awaiting verification.

Response: Training was held August 23-26, 2016 for all staff members on the necessary elements needed to be documented to support each violation. This is also part of CHSO training for new team members.

FY 2016-05

Finding: 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: Illinois OSHA should ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file. Corrective action complete; awaiting verification.

Response: Training was held August 23-26, 2016 for all staff members to help ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file. This is also part of CHSO training for new team members.

FY 2016-06

Finding: 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: 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. Corrective action complete; awaiting verification.

Response: Training was held August 23-26, 2016 for all staff members to help 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. This is also part of CHSO training for new team members.

FY 2016-07

Finding: 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: Illinois OSHA should utilize administrative closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual. Corrective action complete; awaiting verification.

Response: On April 18-22, 2016 Illinois OSHA Whistleblower staff member received technical assistance from OSHA Whistleblower staff, which included training staff on a number of Whistleblower policies and procedures. On May 13, 2016 Illinois OSHA created administrative closure letter templates, EAM reviewed procedures with designated Whistleblower staff, and EAM and designated Whistleblower staff members will continue to work with OSHA to better ensure compliance with the Illinois Whistleblower Manual procedures.

FY 2016-08

Finding: 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: 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. Corrective action complete; awaiting verification.

Response: On April 18-22, 2016 Illinois OSHA Whistleblower staff member received technical assistance from OSHA Whistleblower staff, which included training staff on a number of Whistleblower policies and procedures. On March 23, 2016, Illinois OSHA implemented 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 2016-09

Finding: 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: 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. Corrective action complete; awaiting verification.

Response: On April 18-22, 2016 Illinois OSHA Whistleblower staff member received technical assistance from OSHA Whistleblower staff, which included training staff on a number of Whistleblower policies and

procedures. On May 13, 2016, EAM reviewed procedures with designated Whistleblower staff, and EAM and designated Whistleblower staff members will continue to work with OSHA to better ensure compliance with the Illinois Whistleblower Manual procedures. Whistleblower intakes/complaints now include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.