# FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**State of Illinois**

**Illinois Department of Labor**

**Division of Occupational Safety and Health (IL OSHA)**



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## Executive Summary

The primary purpose of this report is to assess the Illinois State Plan’s progress in Fiscal Year (FY) 2024, in resolving any outstanding findings from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. While the Illinois State Plan had no outstanding findings or recommendations, the State Plan worked on continuous operational improvement and was responsive to addressing the FY 2023 observations.

The State Plan made progress in addressing the previous three observations from the FY 2023 Comprehensive FAME Report and no new concerns were identified. The State Plan’s efforts to address the observations included hiring dedicated whistleblower investigative staff, improving the review and oversight of the inspection files by the enforcement managers and conducting multiple training sessions with the staff during the year. Of the three previous observations, one is closed, with the remaining two being continued through FY 2025. One observation will be assessed through a case file review during the next FAME audit.

Despite an FY 2024 grant funding reduction and distribution instability, the State Plan conducted more of their planned safety inspections than in FY 2023. Despite the 19% year-over-year improvement, they fell short on achieving their planned safety inspection goal. This concern will continue to be monitored through an observation. A detailed explanation of the observations, and the status of the State Plan’s response, is found in Section III.B Findings and Observations.

The Illinois Strategic Management Plan for FY 2021 to FY 2026 established three strategic goals: 1) Improve workplace safety and health in Illinois state and local government workplaces; 2) Promote a safety and health culture in the Illinois state and local government workforce; and 3) Strengthen public confidence through excellence in development and delivery of Illinois OSHA programs and services. The FY 2024 Performance Plan provided the framework for accomplishing the goals of the strategic plan by establishing specific performance goals for FY 2024.

In the FY 2024 State OSHA Annual Report (SOAR), Illinois OSHA provided information that outlines their accomplishments toward meeting their Five-Year Strategic Management Plan. The information has been reviewed and analyzed to assess their progress in meeting performance plan goals. Through effective resource utilization, targeted high-hazard inspections, outreach activities, and an overall commitment to performance goal achievements, all six annual performance goals, planned number of health inspections and consultation visit goals have been met or exceeded.

Quarterly monitoring meetings were held during FY 2024, at which time the State Activity Mandated Measures (SAMM) report and the State Indicators Report (SIR) were reviewed and discussed with Illinois State Plan staff. The FY 2024 SAMM is Appendix D of this report.

## State Plan Background

IL OSHA operates a state and local government only OSHA State Plan. The Illinois State Plan was approved as a Developmental Plan on September 1, 2009. During FY 2024, the period of this report, Mr. Erik Kambarian was IL OSHA’s Division Chief, administering the Illinois State Plan under Mrs. Jane Flanagan, Director of the Illinois Department of Labor. The State Plan covers over 8,500 units of state and local government with an estimated 742,351 state and local government employees in Illinois. IL OSHA protects state and local government employees by enforcing safety and health standards, providing consultation services, investigating both occupational safety and health as well as whistleblower complaints, adopting OSHA standards, and providing outreach services.

Since approval as a Developmental Plan on September 1, 2009, IL OSHA has requested multiple extensions to complete its developmental steps. In FY 2023, IL OSHA worked diligently to move successfully forward in their developmental steps by filling vacancies to move the program out of the developmental stage. IL OSHA submitted their application for certification on February 28, 2024, and it is currently under final review by OSHA.

The State Plan FY 2024 grant included full-time equivalent (FTE) staffing of 19.75 positions. The State Plan’s expected staffing level includes a division chief, assistant division chief, two regional enforcement managers, one administrative assistant, one office associate, 11 safety inspectors, three industrial hygienists, two consultation supervisors, four consultants, and a marketing and outreach coordinator. The division chief, assistant division chief, consultation staff, administrative staff, and the marketing and outreach coordinator split their time between the 23(g) state and local government enforcement program and the 21(d) private sector consultation program.

The FY 2024 grant originally included funding totaling $2,756,000. However, in June of 2024, OSHA amended the FY 2024 grant amount, reducing the funding amount by $50,000 (3.61%) to an adjusted funding total of $2,706,000. IL OSHA did not deobligate or request any additional funding during FY 2024.

### New Issues

In FY 2024, there was one Complaint About State Program Administration (CASPA), CASPA 2024-13, filed with OSHA during the first quarter of the year. The CASPA alleged that the State Plan did not follow established polices concerning the proper review and consideration of the supplied evidence and documentation attributable to the dispute of an employer’s response to a complaint.

The State Plan responded openly and cooperatively with all stages of the investigation and provided all the requested documentation in a timely manner. Staff were made available for private interviews upon request and as needed. It was determined that the State Plan had followed its policies and procedures as established under the IDOL-Division of Occupational Safety and Health Field Operations Manual (IL-FOM) Chapter 9, which addresses the procedures specific to complaints, referrals, and whistleblower processing. The CASPA investigation revealed that the complainant had not exhausted all the administrative remedies provided for by state procedures and regulations and the CASPA was closed.

On February 28, 2024, IL OSHA submitted its certification application to OSHA for review and consideration. The application has gone through several levels of review and is currently under final review at the national office level.

In April of FY 2024, the State Plan adjusted their regulatory definition of a “catastrophe” to align with OSHA’s to enhance harmonization and clarification in their strategic goals and allow for better monitoring and tracking in the OSHA Information System (OIS). While this change was implemented in April of 2024, the State Plan applied it retroactively for the whole FY 2024 year.

In June of FY 2024, OSHA amended the FY 2024 grant amount, reducing the funding amount by $50,000 (3.61%) to an adjusted funding total of $2,706,000. As a result, the State Plan initiated a hiring freeze and restricted overtime spending. The State Plan maintained the original state fund match amount of $1,378,000, which was then considered as an overmatch of the grant funding and was used to support operations.

## Assessment of State Plan Progress and Performance

### Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

* State Activity Mandated Measures (SAMM) Report (Appendix D)
* State Information Report (SIR, dated 11/12/2024)
* Mandated Activities Report for Consultation (MARC, dated 11/13/2024)
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan
* Whistleblower Length of Investigation Legacy and OIS Report (Dated 3/6/2025)
* Whistleblower Pending Intake and Investigation Legacy and OIS Report (Dated 3/6/2025)

### Findings and Observations

#### Findings (Status of Previous and New Items)

The State Plan had no previous findings or recommendations but worked to address the previous three observations from the FY 2023 Comprehensive FAME Report. This follow-up FAME report contains no findings, no new observations, and two continued observations. The State Plan made continuous progress on addressing the three observations from FY 2023 and following the State Plan corrective actions, one of the observations was closed, and two observations are continued from last year’s FAME. Appendix A reflects no new or continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C reflects that there were no FY 2023 findings or recommendations for the State Plan to address in FY 2024.

#### Observations

**Closed FY 2023 Observation**

**Observation FY 2023-OB-03:** The Illinois State Plan currently has three pending docketed whistleblower cases and one pending whistleblower intake with 1,526 average days pending.

**Status:** In FY 2024, the State Plan successfully addressed and closed the outstanding docketed whistleblower cases and pending whistleblower intake. They focused on their oldest cases, closing the oldest four cases and an additional four old cases. At the close of FY 2024, the State Plan’s average days pending is comparable to OSHA’s average days pending. At the end of FY 2024, the State Plan’s oldest three cases had an average of 658 days pending. This observation is closed.

**Continued FY 2023 Observations**

**Observation FY 2024-OB-01 (FY 2023-OB-01):** The Illinois State Plan’s number of planned vs actual inspections (safety) (SAMM 7a) is below the further review level (FRL) of 380 safety inspections. The Illinois State Plan conducted 283 safety inspections (71%) of the 400 planned safety inspections.

**Status:** The SAMM 7a FRL for planned inspections compared to actual inspections is +/- 5% of the 400 safety inspections negotiated by OSHA and the State Plan through the grant application.The range of acceptable data not requiring further review is from 380 to 420 for safety.The State Plan began FY 2024 with a focus on hiring and filling field staff positions quickly to ensure their inspection goals were being met. During the first half of the year, OSHA grant funding experienced disruptions and in June of FY 2024, OSHA permanently reduced the Illinois State Plan funding amount by $50,000 (3.61%). In response to the funding challenges, the State Plan initiated a hiring freeze and restricted overtime spending, impacting the available resources to conduct safety inspections due to vacancies going unfilled. Despite these difficulties, the State Plan experienced a 19% improvement related to the SAMM 7a goal, going from 206 safety inspections in FY 2023 to completing 283 safety inspections in FY 2024. This observation will be continued.

**Observation FY 2024-OB-02 (FY 2023-OB-02):** Fifteen of the 50 (30%) files reviewed, employee interviews were not thoroughly documented as required by Chapter 3-7. C.2 of the Illinois FOM.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This observation will be continued.

### State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon FRL which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2024 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure.

The State Plan was outside the FRL on the following SAMMs:

**SAMM 5a – Average number of violations per inspection with violations by violation type**

Discussion of State Plan Data and FRL: The FRL for the average number of serious, willful, repeat and unclassified (SWRU) violations per inspection with violations is +/- 20% of the three-year national average of 1.74, which equals a range of 1.39 to 2.08. The Illinois State Plan’s average for SWRU violations is 2.76, higher than the FRL. Although slightly higher than the FRL for SWRU violations, this metric is not a cause for concern and is a positive outcome.

Explanation: The Illinois State Plan’s average number of SWRU are evaluated during quarterly monitoring meetings and discussed when warranted. As a State and Local Government State Plan, Illinois OSHA does not conduct inspections on a wide variety of establishments represented by the three-year national average. Illinois OSHA prioritizes and focuses their inspection resources on high-hazard establishments for which they have jurisdictional coverage such as, but not limited to highway, street, and bridge construction; fire protection; water supply and irrigation systems; and sewage treatment facilities.

**SAMM 7b – Planned v. actual inspections (health)**

Discussion of State Plan Data and FRL: The FRL for planned health inspections compared to actual inspections is +/- 5% of the 100 health inspections negotiated by OSHA and the State Plan through the grant application. The Illinois State Plan conducted 128 health inspections, which is above the acceptable range of 95 to 105 health inspections. Although slightly higher than the FRL for the planned health inspection goal, this metric is not a cause for concern and is a positive outcome when coupled with the high average number of SWRU violations.

Explanation: The Illinois State Plan’s number of planned vs actual health inspections (SAMM 7b) is above the FRL primarily due to a focused effort on health hazards related to covered fire protection entities and the availability of experienced health inspectors throughout the year. The State Plan establishes inspection goals for each inspector based on their experience and training and these inspection goals are monitored on a weekly basis to ensure annual goals are achieved for the staff positions that are filled. This is reflected in the State Plan’s success with achieving and exceeding their planned health inspections during the FY 2024 year. The Illinois State Plan experienced limited turnover in their health inspectors resulting in a higher availability of health staff to conduct additional inspections beyond the established health goal.

**SAMM 9a – Percent In-Compliance**

Discussion of State Plan Data and FRL: The FRL for percent in-compliance for safety inspections is +/- 20% of the one-year national average of 32.83% which equals a range of 26.27% to 39.40%. The Illinois State Plan’s percent in-compliance for safety is 14.46% which is lower than the FRL but not a cause for concern and is a positive outcome.

Explanation: The percent in compliance for safety inspections being below the FRL is not a concern with the Illinois State Plan. As a state and local government only plan, Illinois OSHA does not conduct inspections on the wide variety of establishments represented by the FRL three-year national average. Illinois OSHA prioritizes and focuses their inspection resources on high-hazard establishments for which they have jurisdictional coverage which results in their lower in-compliance rate.

**SAMM 11a – Average lapse time (safety)**

Discussion of State Plan Data and FRL: The FRL for average lapse time for safety inspections is +/- 20% of the three-year national average of 56.02 days, which equals a range of 44.82 to 67.23 days. The Illinois State Plan’s lapse time for safety is 40.98 days, which is slightly below the FRL but not a cause for concern.

Explanation: As a state and local government only plan, Illinois OSHA does not conduct inspections on the wide variety of establishments represented by the FRL three-year national average. The focused nature of inspections results in staff being very experienced in identifying and addressing hazards by completing case files and issuing citations in a timely manner. The State Plan’s inspection lapse time has historically been below the three-year national average and is consistent with year-over-year trending.

**SAMM 11b – Average lapse time (health)**

Discussion of State Plan Data and FRL: The FRL for the average lapse time for health inspections is +/- 20% of the three-year national average of 67.21 days, which equals a range of 53.77 to 80.65 days. The Illinois State Plan’s lapse time for health is 44.19 days which is below the FRL but not a cause for concern.

Explanation: As a state and local government only plan, Illinois OSHA does not conduct inspections on the wide variety of establishments represented by the FRL three-year national average. The focused nature of inspections results in staff being very experienced in identifying and addressing hazards by completing case files and issuing citations in a timely manner. The State Plan’s inspection lapse time has historically been below the three-year national average and is consistent with year-over-year trending.

### Appendix A – New and Continued Findings and Recommendations

FY 2024 Illinois OSHA Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 2023-# or** **FY 2023-OB-#** |
|   |  None |   |   |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 Illinois OSHA Follow-up FAME Report

| **Observation #****FY 2024-OB-#** | **Observation#****FY 2023-OB-# *or* FY 2023-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2024-OB-01 | FY 2023-OB-01 | The Illinois State Plan’s number of planned vs actual inspections (safety) (SAMM 7a) is below the further review level of 380 safety inspections. The Illinois State Plan conducted 283 safety inspections (71%) of the 400 planned safety inspections. | OSHA will discuss and evaluate Illinois OSHA’s inspection strategies and progress during quarterly monitoring meetings. | Continued |
| FY 2024-OB-03 | FY 2023-OB-02 | In FY 2024, 15 of the 50 (30%) files reviewed, employee interviews were not thoroughly documented as required by Chapter 3-7. C.2 of the Illinois FOM. | In FY 2025, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed. | Continued |
|  | FY 2023-OB-03 | The Illinois State Plan currently has three pending docketed whistleblower cases and one pending whistleblower intake with 1,526 average days pending. |  | Closed |

### Appendix C - Status of FY 2023 Findings and Recommendations

FY 2024 Illinois OSHA Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status** **and Date** |
|  |  None |  |  |  |  |

### Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 Illinois OSHA Follow-up FAME Report

| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| --- | --- | --- | --- | --- |
| 1a | Average number of work days to initiate complaint inspections (state formula) | 4.27 | 5 days for safety; 10 days for health | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 3.32 | N/A | 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) | 1.49 | 3 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | 0.09 | N/A | 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) | N/A | 100% | The further review level is fixed for all State Plans. The Illinois State Plan did not receive any imminent danger complaints during FY 2024. |
| 4 | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 2.76 | +/- 20% of 1.74 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU.  |
| 5b | Average number of violations per inspection with violations by violation type (other) | 1.05 | +/- 20% of 0.94 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS. |
| 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. |
| 7a | Planned v. actual inspections (safety) | 283 | +/- 5% of Grant 400 | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 380 to 420 for safety. |
| 7b | Planned v. actual inspections (health) | 128 | +/- 5% of Grant 100 | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 95 to 105 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | N/A | +/- 25% of $3,793.81 | N/A – This is a State and Local Government State Plan.The further review level is based on a three-year national average. |
| 8a | Average current serious penalty in private sector (1-25 workers) | N/A | +/- 25% of $2,498.51 | N/A – This is a State and Local Government State Plan.The further review level is based on a three-year national average. |
| 8b | Average current serious penalty in private sector (26-100 workers**)** | N/A | +/- 25% of $4,322.61 | N/A – This is a State and Local Government State Plan.The further review level is based on a three-year national average. |
| 8c | Average current serious penalty in private sector(101-250 workers) | N/A | +/- 25% of $6,114.84 | N/A – This is a State and Local Government State Plan.The further review level is based on a three-year national average. |
| 8d | Average current serious penalty in private sector(greater than 250 workers) | N/A | +/- 25% of $7,533.58 | N/A – This is a State and Local Government State Plan.The further review level is based on a three-year national average. |
| 9a | Percent in compliance (safety) | 14.46% | +/- 20% of32.83% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 26.27% to 39.40% for safety. |
| 9b | Percent in compliance (health) | 36.28% | +/- 20% of44.18% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health. |
| 10 | Percent of work-related fatalities responded to in one workday | 100% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 40.98 | +/- 20% of 56.02 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23 for safety. |
| 11b | Average lapse time (health) | 44.19 | +/- 20% of 67.21 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health. |
| 12 | Percent penalty retained | N/A | +/- 15% of70.81% | NA – This is a State and Local Government State Plan and is not held to this SAMM.The further review level is based on a three-year national average.  |
| 13 | Percent of initial inspections with worker walk-around representation or worker interview | 100% | 100% | The further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | N/A | N/A | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A | N/A | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A | N/A | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 17 | Percent of enforcement presence | N/A | N/A | NA – This is a State and Local Government State Plan and is not held to this SAMM.  |

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2024, as part of OSHA’s official end-of-year data run.