

ILLINOIS DEPARTMENT OF LABOR

STATE OF ILLINOIS

SAFETY INSPECTION AND EDUCATION
DIVISION

State OSHA Annual Report (SOAR)
FEDERAL FY 2014



DECEMBER 2014

TABLE OF CONTENTS

INTRODUCTION

- DEMOGRAPHICS
- STRATEGIC PLAN OVERVIEW

MANDATED ACTIVITIES

TABLE 1: STATEWIDE INSPECTION ACTIVITY, FY 2014

ILLINOIS DEPARTMENT OF LABOR STATE PLAN
SOAR REPORT FOR FISCAL YEAR 2014

INTRODUCTION

The Illinois Department of Labor (IDOL) received approval to operate a public sector only Occupational Safety and Health Administration (OSHA) developmental state program on September 1, 2009. This report coverage period is for the fourth full year of the developmental program, October 1, 2013 to September 30, 2014. The Illinois Plan is administered by the Safety Inspection and Education Division (SIED), under the leadership of the Director of Labor and received a two year extension on the developmental program. IDOL-SIED enforces safety and health standards in public sector workplaces, provides consultation services to public sector workplaces, adopts standards, and provides outreach services to the public sector. Enforcement in the private sector employment remains with the U.S. Department of Labor, Occupational Safety and Health Administration in Illinois.

Enforcement and Consultation activities were conducted by the SIED staff of safety and health inspectors and consultants. The IDOL-SIED program consists of a Division Manager, two Assistant Managers of Enforcement, two Consultation Supervisors, a Marketing/Training Coordinator, the State Plan and Information Coordinator, ten Safety Inspectors, five Safety Consultants, four Industrial Hygienists, five Industrial Hygiene Consultants, one Administrative Assistant and four Office Associates.

The Consultation services enable employers to use a voluntary approach to improving safety and health management. This program became separate and independent activity from Enforcement on July 1, 2011. The Illinois On-Site Consultation program was relocated to the IDOL-SIED from another state agency on that date. The public sector consultation visits were implemented on October 1, 2011 by this staff.

The technical staff is highly experienced and well respected in the public sector community IDOL-SIED serves. IDOL-SIED continually provides technical and personal skill development opportunities for staff.

COMPREHENSIVE DEVELOPMENTAL STEPS

The Illinois State Plan program goals for 2014 were focused on our 2009 State Plan Application, namely meeting the comprehensive developmental steps. The original developmental steps were submitted/approved based upon the proposed ideal program for the State of Illinois public sector. This ideal was developed from the existing state-run Safety Inspection & Education Division. In the past five years, the terms of the comprehensive developmental steps have been interpreted by numerous monitors/reviewers to the subjective standard of "at least as effective as" the federal elements. This term has never been clearly defined or consistently applied as an evaluation tool. Does it apply to the overall program? Does it apply to each element of the program? Does it apply to each line of each element of the program?

The Illinois State Plan application covers a constituency which federal OSHA has no jurisdiction over, the public sector. There are just a handful of state plans that cover the public-sector only and most have been in existence for decades. The state plan approval process has certain benchmark elements for headcount that apply to comprehensive programs (i.e., private and public sector) but not to public sector programs. However, the headcount put forth in 2009 has been interpreted as our benchmark without flexibility. The dynamics of our program have changed significantly with the better defining of terms, the changes in Personnel costs as well as technology that have rendered some work obsolete. This element of our developmental steps needs to be reevaluated prior to certification.

Hiring of essential field staff was the most challenging of our developmental steps. The state of Illinois hiring process involves numerous approval and review processes. These processes as implemented by the state of Illinois Department of Central Management Services have extended the hiring to over six months and does not provide for a qualified candidate pool. The program has expedited the interviewing and selection of candidates' process but have very few technically qualified candidates. Another confounding variable is that the majority of staff is covered by the same collective bargaining agreement further limiting hiring options. This developmental step does not include management or support positions.

Numerous elements that were not originally included in our developmental steps have been added in order to be "at least as effective as" the federal OSHA program which has been in existence for over 40 years. Resources and time have been dedicated to developing these elements (i.e. Anti-Discrimination, Informal Complaints etc.) to a subjective standard of "at least as effective as" the federal equivalents. This was no small task as our program only receives approximately five alleged discrimination complaints per year. These have been handled by the enforcement field staff who was trained in addition to their regular duties. Now, federal OSHA wants dedicated staff to handle these limited investigations.

The public sector consultation duties in the 2009 application were going to be the responsibility of dedicated staff assigned to those roles. In 2011, the 21(d) consultation program was adopted by our Division and the public sector duties were transferred in the most economical and efficient means to this already qualified staff. No guidance was provided by OSHA on best practices associated with this type of transfer. The fine tuning of this element of both programs is being done by the program in response to audit findings.

The management information systems element of the original state plan application stated that our program would enter data into the IMIS database system. With limited training, our program

implemented this archaic program in January 2010. This one issue resulted in some audit findings that determined our program was functioning in a different manner than OSHA. The procedures and training elements were developed and implemented as issues arose. For example, the definition and use of the Employee Representative on the reporting program and in practice were clarified. The state information technology (IT) infrastructure demonstrated its weaknesses with the deployment planning for the new OSHA database system (OIS) in 2014. This infrastructure of hardware and software is maintained by the state of Illinois Central Management Systems with little flexibility for our Agency and/or program. The marketing element of our program was developed in 2014 with the hiring of our coordinator. The elements of our outreach efforts and provision of resources was severely limited by our webpage. The software is outdated and not dynamic enough to support the needs of the program.

In 2014, it was determined by OSHA that the site-specific targeting for inspections element of our steps is not "at least as effective as" the federal targeting program. The difference in constituency (i.e., public sector vs. private) does not allow for selection of NAICS codes to be used to identify Establishments to target. The state has developed a five year strategic plan starting in 2015 that will focus on certain elements in the public sector that simulate activities in the private sector. State emphasis programs are being developed and evaluated to ensure some targeting element is present in the program.

The Administrative Rules [56 IL Admin Code Part 350] have been updated and adopted in May 2014 to meet the applicable elements as put forth in the comprehensive developmental plan. This involved updating the IL Field Operations Manual (IL FOM) concurrently, another step in our developmental plan. OSHA provided input throughout this process.

The inspection goals put forth in July 2013 were not met in 2014. The majority of which were due to low headcount and lack of qualified inspectors. The delayed hiring of staff was identified in April 2014 with the deobligation of funding associated with those positions. Of note, the state was not aware that the Performance Plan could have and by all rights should have been amended as well to ensure the goals were attainable. The projected numbers were based upon a field staff of 10 safety inspectors and 4 industrial hygienists. We had the equivalent of three full-time equivalent safety inspectors and three industrial hygienists for the majority of the year. Progressive discipline was administered in accordance with the collective bargaining agreement for those inspectors who were not producing quality inspections/reports. This impacted the field time of staff as well.

The Illinois State Plan is a work in progress. Our goals as we have set them forth are presented with the best intentions at the time of submittal. There are various elements that are not within our control that have influenced our abilities and are being addressed. We continue to strive for a program that we believe is "at least as effective as" the federal program, whatever that entails.

ILLINOIS PUBLIC SECTOR DEMOGRAPHICS

The public sector constituency covered under the Safety Inspection and Education Act and Health and Safety Act includes approximately 50,000 public worksites with an estimated 1,194,632 public employees in Illinois. The majority of public sector employees are employed by the government directly - - approximately 825,700, with 121,600 of those at the state level and the remaining 704,100 being local government employees. The public sector constituency in Illinois includes approximately 368,932 educational employees. The majority of these are in elementary and secondary education at 151,243. The higher education portion of the public sector includes an estimated 35,000 at the community college level and 82,689 in the twelve public colleges and universities.

IDOL - SIED'S STRATEGIC PLAN OVERVIEW

IDOL - SIED's Strategic Plan established three strategic goals. These three goals are:

- *Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.*
- *Promote a safe and healthy culture through compliance assistance, cooperative programs and strong leadership.*
- *Maximize IDOL-SIED's effectiveness and efficiency by strengthening its capabilities and infrastructure.*

The Five Year Strategic Plan was developed for FY 2015 - 2020.

MISSION

The mission of IDOL-SIED is to assure, as far as possible, safe and healthful workplaces for all of the public employees in the State of Illinois.

FY 2014 PERFORMANCE PLAN (AND STRATEGIC GOALS)

The developmental steps outlined in the IDOL-SIED state plan application provide the framework for accomplishing the goals of the IDOL-SIED Strategic Plan. The following plan details the means and strategies needed to accomplish these performance goals.

Strategic Goal No. 1 – Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities.

This strategic goal uses almost every facet within the IDOL-SIED in order to address workplace hazards and improve worker safety and health. The tools include: enforcement, consultation, training and education.

A strong Enforcement program will serve as an appropriate response for employers who fail to meet their safety and health responsibilities. IDOL-SIED will enhance the Enforcement program through the following ways:

- Standards Adoption/Rules Amendments. The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subparts A, B, C, D & E] were adopted and effective May 16, 2014. These changes included the change in recordkeeping and notification requirements. This developmental step is complete.
- Annual Performance Plan. This plan is complementary to the developmental schedule in the State Plan Application Narrative and the FY 2014 grant application. The projected number of inspections was 1300 for FY 2014. With the limited field staff available for inspections, this number should have been amended with the deobligation of funds in April 2014.
- BLS Survey. The IDOL-SIED worked with the Illinois Department of Public Health on expanding the current Illinois state survey and set a baseline for statistics to better document the effectiveness of the program parameters in future performance plans. This developmental step is complete.

Strategic Goal No. 2 – Promote a safe and healthy culture through compliance assistance, cooperative programs and strong leadership.

Improved workplace safety and health culture for all public employers are directly linked to reductions in injuries and hazards, improved labor-management relations, improved worker morale and reductions in lost workdays, with an expected increase in productivity.

IDOL-SIED staff has conducted consultation visits, training and educational programs upon request by public sector employers. The independent Consultation program was implemented ahead of the developmental schedule by the relocation of the Illinois On-Site Consultation program, effective July 1, 2011. The public sector consultation implementation date coincided with the FY 2012 on October 1, 2011. This developmental step is complete.

IDOL-SIED staff conducted thirty educational activities for over 4000 participants (i.e., training, speeches, DIOSH Day) and 44 consultation visits for the public sector in fiscal year

2014. No new outreach materials were developed in 2014 as our efforts were focused on building the infrastructure needed to develop and disseminate relevant materials.

Strategic Goal No. 3 – Maximize IDOL-SIED’s effectiveness and efficiency by strengthening its capability and infrastructure.

A generous portion of the developmental steps in the IDOL-SIED’s state plan application are dedicated to this strategic goal. The following steps are integral to the goal:

- **Staffing.** A total of five Safety Inspectors were hired/appointed in 2014. The Enforcement Assistant Manager position in Chicago was a promotional hire.
Note: the headcount is for the entire Division, may include 21(d) employees.

December 2013 – 30 employees

Office Associate retired

January 2014 – 30 employees

Safety Inspector not certified

Superintendent appointed

April 2014 – 30 employees

Chicago Enforcement Assistant Manager promoted temporary assignment

June 2014 – 30 employees

Safety Inspector transferred to Safety Consultant

July 2014 – 29 employees

Safety Consultant retired

September 2014 – 32 employees

4 Safety Inspectors hired

Office Associate permanently disabled

- **Standards Adoption/Rules Amendments.** The Illinois Administrative Rules [56 Ill. Admin. Code Part 350, Subparts A, B, C, D & E] were published that incorporated portions of 1903, 1904, 1905 and 1911 and included adopting the current OSHA standards. These rules were adopted with a May 16, 2014 effective date. This developmental step is complete.
- **IL Field Operations Manual (IL FOM).** The aforementioned elements of the Administrative Rule changes were implemented into the IL FOM with an October 1, 2014 effective date. The Enforcement staff was trained on these changes as well. This developmental step is complete.
- **Management Information Systems.** IDOL-SIED joined the existing OSHA IMIS system by incorporating an NCR server/network in January 2010. The Illinois State Plan spent significant resources preparing for the new OSHA database management system (OIS) deployment in October 2014.

MANDATED ACTIVITIES

Activities mandated under the OSHA state plan program are considered core elements of IDOL-SIED's occupational safety and health program. Their accomplishment is tied to achievement of the aforementioned strategic goals. Mandated activities will be listed in the annual Performance Plan as strategic tools used to achieve these goals. More specifically, programmed inspections are a significant strategic tool in IDOL-SIED's Plan.

The core elements outlined in the OSHA Act, 29 CFR 1902 and 29 CFR 1956 for public sector only plans are as follows:

- Prohibition against advanced notice.
- Employee access to hazard and exposure information.
- Safeguards to protect employer trade secrets.
- Employer recordkeeping.
- Legal procedures for compulsory process and right of entry.
- Posting of employee protections and rights.
- Right of employee representative to participate in walk-around.
- Right of an employee to review decision not to inspect (following a complaint).
- Voluntary compliance programs.

Mandated activities are tracked normally on a quarterly basis using the SAMM (State Activities Measures) Report which compares State activity data to an established reference point. There were some significant differences between the federal numbers from the IMIS database and where that data could not be reconciled, fully-reconcilable state data was used.

Following are the status of mandated activities for FY 2014:

- **Average number of days to initiate complaint inspections:** 19 Safety complaint inspections were conducted within an average of five working days, equivalent to the Illinois performance matrix of five working days. 79 Health complaint inspections were conducted within an average of one working day, lower than the Illinois performance matrix of ten working days. The federal SAMM data report for this measure was not reflective of the program; the state data directly from the NCR server was used.
- **Informal complaints.** This element of our program was not measured in 2014.

- **Percent of complaints where complainants were notified in a timely manner:** For every complaint inspection conducted in this timeframe, the complainants were all notified with copies of the findings/reports in a timely manner.
- **Percent of notices of imminent danger responded to within 24 hours:** There were no imminent danger notifications in the time period.
- **Number of denials where entry not obtained:** There were no denial of entries in this time period.
- **Percent of S/W/R violations verified abated within abatement date + 30 days:** 100 % of the S/W/R violations were verified abated within abatement date + 30 days according to the SAMM data.
- **Average number of violations per inspection, broken out by S/W/R, and other-than-serious violations:** 84 % of the programmed planned inspections had citations issued according to the federal data. The average number of citations per initial inspection is 4 for S/W/R and <1 for Other than Serious.
- **Percent of total inspections conducted in the public sector:** Since the Illinois State Plan covers the public sector only, 100% of the total inspections were conducted in the public sector during this time period.
- **Average lapse time from receipt of contest to first level decision:** This number is not available due to the limitations of the information system.
- **Percent of discrimination investigations completed within 90 days:** All discrimination investigations conducted during this time period were completed in 90 days.
- **Percent of discrimination investigations that are found meritorious:** There were no discrimination investigations found meritorious during this time period.
- **Percent of meritorious discrimination complaints that are settled:** There were no discrimination investigations found meritorious during this time period.
- **Inspections. Safety. Health.** There were 394 inspections conducted during this time frame, 194 Safety and 200 Health. This measure/goal should have been amended in April 2014 when the deobligation of funding was presented due to delay in hiring field staff.
- **3 Year Average Number of Inspections for Enforcement Presence.** 372 is the number from the SAMM.
- **Percent in Compliance.** Overall for the Program 25.4% inspections resulted in no violations, Safety is 10.8%, Health is 27.8%.
- **Average Lapse Time from Inspection Open Date to Issue Date.** For Safety Inspections it is 50 days for Health it is 44 days as average lapse time. There was no

method for the state to reconcile these numbers as they came directly from the federal SAMM report. Of note, the review of case files was being conducted by the Downstate Enforcement Assistant Manager for the Chicago Office staff. The additional time may have been in the mailing process. The state has temporarily assigned a Chicago Enforcement Assistant Manager and has switched to electronic case files to eliminate any delays.

- **Percent of Initial Inspections with Employee Walk Around Representation.**
100% of the inspections had employees participate in the walk-around.
- **Percent of Federal program changes adopted within the established timeframe:**
All applicable Federal standards changes were adopted to current on May 16, 2014.
- **Percent of State-initiated changes submitted within established time frame:**
There were no State-initiated changes during this time period.
- **Percent of permanent standards adopted within six months; emergency temporary standards adopted within 30 days:** There were no permanent standards or emergency temporary standards issued or adopted in this time period.
- **Number of permanent variances granted:** There were no permanent variances granted during this time period.
- **Number of temporary variances granted:** There were no temporary variances granted during this time period.

TABLE 1: ILLINOIS STATEWIDE INSPECTION ACTIVITY

October 1, 2013 – September 30, 2014

STATE ACTIVITY MANDATED MEASURES		ILLINOIS
TOTAL INSPECTIONS		394
INSPECTIONS BY CATEGORY		
SAFETY INSPECTIONS		194
HEALTH INSPECTIONS		200
INSPECTIONS BY TYPE		
UNPROGRAMMED		
	FATALITY/ACCIDENT	13
	COMPLAINT	67
	REFERRAL	55
	MONITORING	1
	VARIANCE	0
	FOLLOW-UP	29
	UNPROGRAMMED RELATED	4
	OTHER	0
PROGRAMMED		
	PLANNED	224
	PROGRAMMED RELATED	1
	OTHER	0
OTHER		0
INSPECTIONS BY INDUSTRY		N/A
CONSTRUCTION		
MARITIME		
MANUFACTURER		
OTHER		
INSPECTIONS BY OWNERSHIP		
PUBLIC SECTOR		394

ILLINOIS

VIOLATIONS

WILLFUL	0
REPEAT	42
SERIOUS	1079
OTHER	112
F-T-A	0

TOTAL 1233

PENALTIES

WILLFUL	
REPEAT	
SERIOUS	
UNCLASSIFIED	
OTHER	0
F-T-A	0

TOTAL \$0

CONTESTED CASES

INSPECTION CONTESTED	1
INSP W/CITATIONS	
CONTESTED (%)	<1%

LAPSE DAYS INSP TO CIT ISSUED

AVG LAPSE SAFETY INSP	50.0 days
AVG LAPSE HEALTH INSP	43.6 days

Please note that the numbers are directly from the NCR database.