

ILLINOIS DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

REPORT TO THE GOVERNOR

PURSUANT TO 820 ILCS 219/1-925

ANNUAL GOVERNOR'S REPORT

January 1, 2020 through December 31, 2020

BIENNIAL LEGISLATURE'S REPORT

January 1, 2019 through December 31, 2020

JB Pritzker
Governor

Michael D. Kleinik
Director



FEBRUARY 2021

Table of Contents

I. History & Background.....	p. 2-3
II. Mission Statement.....	p. 3
III. Vision.....	p. 4
IV. Illinois Public Sector Demographics.....	p. 4
V. Organizational Chart.....	p. 5
VI. Division Activities.....	p. 6-12
VII. Citations and Hazards.....	p. 13-14
VIII. Fatality and Non-Fatal Accident Investigations.....	p. 15-17
IX. Whistleblower Investigations.....	p. 18
X. Legal Issues.....	p. 19
XI. Safety and Health Achievement Recognition Program (SHARP).....	p. 20
XII. State Plan Application.....	p. 21-22

I. HISTORY & BACKGROUND

The Illinois Department of Labor (IDOL), Division of Occupational Safety and Health (Division) operates under the provisions of the Illinois Occupational Safety and Health Act [820 ILCS 219]. Annually, the Division receives funding from two federal grants, OSHA 23(g) Enforcement Operational Program (enforcement) and OSHA 21(d) On-Site Consultation Program (consultation).

ENFORCEMENT

Since 1985, the enforcement program, formally known as Safety Inspection and Education, has been in place to ensure safe and healthy working conditions for Illinois public sector employees. From 1985 to 2009 program operating costs were solely state funded. On September 1, 2009, the U.S. Department of Labor OSHA (OSHA) approved IDOL to become a developmental State and Local Government Plan (SLGP) for public sector worksites. Under OSHA's SLGP, States develop and operate their own safety and health programs, which must be at least as effective as OSHA and are eligible for up to 50 percent matching funds for operating costs. More information regarding the status of the SLGP application is on page 21. Initially the program operated under the provisions of the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225]. As of January 1, 2015, the Acts were combined into the Illinois Occupational Safety and Health Act [820 ILCS 219] (Act) and the program name was changed to Illinois OSHA (IL OSHA).

Any public employee has the right to file a hazardous working condition complaint with IL OSHA. The Act authorizes the enforcement of standards (General Industry, Construction, and Maritime Industries) identical to OSHA. Safety and health inspectors (Inspectors) conduct Programmed Planned Inspections (PPIs), respond to worker complaints and investigate serious accidents, including fatalities. A strong enforcement presence establishes an effective deterrent for public sector employers who fail to meet their occupational safety and health responsibilities.

CONSULTATION

In 1975, the United States Congress began funding the voluntary compliance On-Site Safety and Health Consultation program, and by 1980, all 50 States had a program [29 CFR 1908]. The Illinois On-Site Safety and Health Consultation Program (Consultation) is an integral part of the Division. Primarily targeted for private sector, small to medium size employers, this no-cost safety and health consultation service is completely separate from enforcement and does not result in penalties or citations. On October 1, 2011, Consultation expanded its services to include public sector employers.

Consultation is funded 90% by OSHA and 10% by State matching funds. Services are provided through on-site and virtual visits, which are initiated by an employer making a consultation request. Services include, but are not limited to, helping private and public employers identify safety and health hazards, control or eliminate hazards, establish or improve a workplace safety and health program and better understand all requirements of applicable federal and/or state standards. Additional services, hazard-specific training, partnership development and other safety and health related presentations and activities are arranged through management and presented by the Marketing and Outreach Coordinator, supervisors and consultation team.

II. MISSION STATEMENT

The mission is to ensure safe and healthy working conditions by setting and enforcing standards and providing training, outreach, education, and assistance to employers and employees throughout Illinois.

The Division's mission is accomplished by:

- Improving workers' knowledge of safety and health by informing them of their rights to participate in all inspections/investigations/visits/training activities and by encouraging workers to report potential hazards without fear of retaliation from their employer.
- Establishing, adopting, maintaining and enforcing standards that reduce hazards in the workplace.
- Encouraging employers and employees to recognize and reduce safety and health hazards in the workplace through education and training opportunities.
- Conducting PPIs without advance notice to selected workplaces including those in the National Emphasis Program (NEP).
- Investigating work-related incidents involving public sector employees that resulted in the loss of an eye, amputation, in-patient hospitalization, or death of one or more employees.
- Acting as a resource for occupational safety and health issues.
- Oversight of whistleblower discrimination investigations in accordance with the Whistleblower Investigation Manual.
- Ensuring that staff maintains and enhances professional standards of the Division by participating in continuing education courses at the OSHA Training Institute(OTI).
- Providing consultation services to help public and private employers identify safety and health hazards, control or eliminate hazards, establish or improve workplace safety and health programs, and understand all requirements of applicable federal and/or state standards.

III. VISION

The vision is to be an occupational safety and health resource for employers and employees in the public and private sector. It's realized through timely, practical, useful, courteous, and professional services, all of which is built on the premise that occupational deaths, injuries, and illnesses can be prevented.

The Division focuses on:

- State and local agencies having effective, self-sufficient occupational safety and health programs that exceed standard requirements.
- Innovative concepts and strategies that will be used to increase awareness and stakeholder participation in occupational safety and health matters.
- Education, technical support, and consultation activities that will provide learning opportunities to enable state and local agencies to become more proactive in addressing occupational safety and health issues.
- Developing and implementing information technology improvements to better meet the needs of customers.
- Maintaining a professional team committed to being the State's resource for promoting safety and health in the public and private sector work force.

IV. ILLINOIS PUBLIC SECTOR DEMOGRAPHICS

The public-sector constituency covered under the Illinois Occupational Safety and Health Act [820 ILCS 219] includes approximately 6,505 public establishments¹ with an estimated 722,628 public employees in Illinois.²

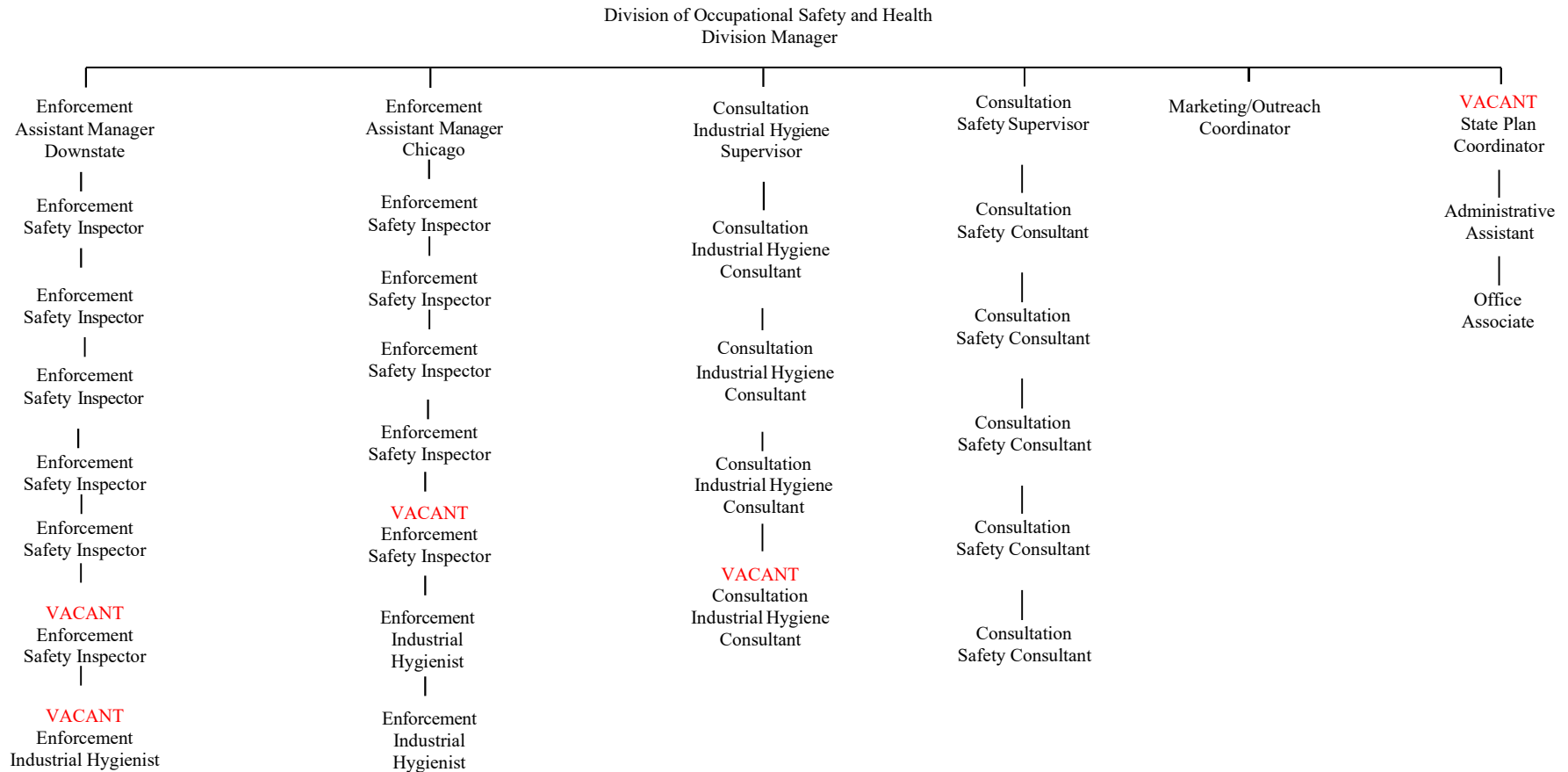
¹ Public establishments can, and in many cases do, have more than one worksite. This data is not currently collected and broken up individually by the State.

² Data Source: Illinois Department of Employment Security (IDES), Quarterly Census of Employment and Wages (QCEW), 2019 Q2.

V. ORGANIZATIONAL CHART

Fully staffed, the Division employs 32 professionals. Included in this number are one Division Manager, six Supervisors, 11 Safety Inspectors, three Industrial Hygiene Inspectors, five Safety Consultants, four Industrial Hygiene Consultants and two support staff.

At the beginning of 2019 there were 16 Division vacancies. IDOL Director, Michael Kleinik, immediately prioritized hiring to meet grant requirements. Since then, the Division hired 14 professionals. Three positions recently became vacant which left the Division with only five vacancies to fill in 2021.



VI. DIVISION ACTIVITIES

ENFORCEMENT

IL OSHA's system for conducting inspections is designed to allocate available resources as effectively as possible to ensure that maximum protection is provided to state and local government employees. Inspections are scheduled and prioritized by unprogrammed and programmed with priority given to unprogrammed planned inspections.

The pandemic has had an impact on IL OSHA's activities. As the COVID-19 complaints and questions started increasing in March 2020, IL OSHA quickly looked for guidance from OSHA and other state plans to develop a Continuity of Operations Plan (COOP). With OSHA's guidance, IL OSHA implemented a COOP plan that identified critical functions, developed preventative measures, determined jurisdiction, tracked efforts to ensure effectiveness and implemented response processes and procedures.

Unprogrammed Planned Inspections

Unprogrammed inspections are scheduled in response to alleged hazardous working conditions identified at a specific worksite. Inspections are prioritized by imminent danger, fatality, non-fatal accident, complaints, referrals, follow-up then monitoring. See Table 1.0 for inspection activity.

Programmed Inspections

Inspectors could not possibly inspect every state and local government unit every year and certainly could not inspect every establishment under IL OSHA jurisdiction. Therefore, a Site-Specific Targeting (SST) plan was developed to direct enforcement resources on four state and local government operation. These operations: 1) incur a high percentage of reportable incidents, and 2) perform activities that can be regulated through standards adopted by and rules promulgated under the Act.

- 237310 – Road Maintenance/Construction (e.g. street or highway depts., road/bridge districts)
- 922160 – Local Fire Protection (e.g. fire depts., fire districts)
- 221310 – Water Supply/Distribution (e.g. water depts., water districts)
- 221320 – Sewage Treatment (e.g. sewer depts., wastewater treatment plants, sanitary districts)

Reportable incident data is collected by using the OSHA Information System (OIS). Periodic tracking and analysis of the data helps IL OSHA achieve its goal of reducing the number of injuries and illnesses that occur at state and local government establishments and by directing enforcement resources to inspect where the most serious injuries are likely to occur. See table 1.0 for inspection activity.

Covid-19 Complaints and Inspections

When responding to COVID-19 complaints, IL OSHA first determined jurisdiction. The majority of the complaints fell under the jurisdiction of the following enforcement agencies:

- IL OSHA – public sector employers
- OSHA – private sector employers
- Department of Commerce and Economic Development (DCEO) – business essential
- Illinois Department of Public Health (IDPH)/Illinois Attorney General Workplace Rights Bureau (WRB)– social distancing, masks and occupancy requirements

The complaints that fell under OSHA’s jurisdiction were entered into the OSHA Information System (OIS) and transferred to one of the five OSHA Area Offices. All complainants were notified as to where their complaint had been forwarded.

Private sector complaints with alleged violation of social distancing, business essential, stay at home order, mask or occupancy requirements were forwarded to DCEO, IDPH and/or WRB. All complainants were notified as to where their complaint had been forwarded.

All complaints against public sector employers with alleged violation of social distancing, stay at home order, mask, occupancy, personal protective equipment or Center for Disease Control (CDC) guidelines were handled by sending a certified letter to the employer notifying them of the complaint and requesting a self-audit with corrective measures taken within five days of receipt of the letter. The employer was required to provide adequate proof, such as pictures or documents, showing hazard correction. If the employer failed to communicate or correct the hazard, an automatic inspection was triggered. The complainant was notified that a letter was sent to the employer and that they would be provided the employers corrective action response.

From March 1, 2020 to December 31, 2020, IL OSHA received 233 public sector COVID-19 complaints. Of the 233 complaints, seven warranted an on-site inspection. While the inspections did result in citations being issued, none were related to COVID-19. Additionally, 366 private sector complaints were entered into the OIS system and transferred to one of the five OSHA Area Offices.

TABLE 1.0 – TOTALS BY ENFORCEMENT INSPECTION ACTIVITY

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020
UNPROGRAMMED INSPECTIONS							
Complaint	70	83	43	52	41	42	12
Fatality	13	9	4	4	7	4	3
Follow-up	27	20	27	5	0	7	3
Monitoring	1	1	3	3	0	0	1
Non-Fatal Accident <small>(amputations, hospitalizations, non-hospitalizations)</small>	0	33	42	37	31	26	21
Referral	47	8	12	4	5	2	4
PROGRAMMED INSPECTIONS							
Planned	205	394	279	140	91	208	199
TOTALS	363	548	410	245	175	289	243

CONSULTATION

Because consultation is a voluntary activity, an employer must request a visit through the website www.osha.illinois.gov, calling 800-972-4216 or emailing dol.consultation@illinois.gov. Once the request is received, a consultant will contact the employer to discuss their specific needs. Consultations are either limited or comprehensive in scope and are categorized as initial visit, training and education or follow-up. See Table 1.1 for Consultation visit activities.

Similar to enforcement, Consultation encountered unprecedented times. From March 21, 2020 until June 27, 2020, COVID-19 mitigation measures, such as, a stay at home order, prohibited non-essential travel and ceased operations of all non-essential businesses had an impact on the Consultation’s ability to meet some activity measures and fill vacancies as required by the federal grant.

Even in these times, Consultation proved to be resilient. As COVID-19 guidance became available, consultants found innovative and unique ways to continue its mission to help employers with their workplace safety and health needs. Hundreds of employers were called offering our services. The Consultation team attended and conducted COVID-19 workplace safety and health

trainings, collaborated with other agencies to create guidance documents and developed the Back to Business Illinois program where employers can request a COVID-19 workplace safety and health consultation or complete a self-certification training module. Additionally, for the first time in six years, no federal funds were deobligated.

Back to Business Illinois

Back to Business Illinois (BBIL) is an effort to connect small employers with consultants who will help them address COVID-19 workplace safety and health issues and assist with creating a plan to ensure a safe, healthy and productive environment for employees and visitors. BBIL offers confidential consultations that can take place virtually or on-site. Additionally, there is a voluntary “Back to Business” self-certification, which is designed to show employees and visitors that necessary measures have been addressed to keep them safe and healthy. Businesses can voluntarily complete a series of modules online and institute the necessary practices to ensure they are promoting a safe work environment and operating responsibly. The online guidance and education program emphasize areas including basic infection prevention, physical space modification, infectious disease planning, employee monitoring and workplace flexibility. So far 256 employers have utilized this service, 220 Back to Business self-certification and 36 virtual or on-site consultation requests.



Continued Program Efforts

In the future the illinois.gov/worksafe website will be used to facilitate consultation program services and promote Consultation. It will transition from Back to Business Illinois to Workplace Safety and Health Consultation. The goal is for the site to be a valuable workplace safety and health resource for small to medium sized Illinois employers. Webinars, videos, guidance documents, sample programs in addition to all content created will be provided by the website.

Visits Impacted by Covid-19

The pandemic impacted Consultation’s ability to conduct consultation visits. 29 visits were completely cancelled, and 39 visits were postponed. While there was a decrease in visits being conducted, consultants did assist 64 employers/employees who emailed or called with COVID-19 questions. Additionally, consultants called the following employers offering our services and guidance.

- April 29, 2020 thru May 6, 2020 – COVID-19 outreach to 315 meat packing employers.
- May 7, 2020 thru May 13, 2020 - COVID-19 outreach to 445 long term care facilities with less than 100 employees
- June 9, 2020 thru June 15, 2020 - COVID-19 outreach to 326 agricultural employers.

TABLE 1.1 CONSULTATION VISIT ACTIVITIES

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020
Initial Visits	507	481	300	252	240	217	129
Training & Assistance Visits	10	6	4	4	5	4	1
Follow-up Visits	47	76	63	60	75	58	23
TOTALS	564	563	367	316	320	279	153

COMPLIANCE ASSISTANCE

To achieve the vision of being an occupational safety and health resource, the Division offers compliance assistance for employers and employees in the public and private sector. All activities are managed and tracked by the Marketing and Outreach Coordinator (MOC) which was filled in CY 2020 after being vacant for over four years. The MOC also provides workplace safety and health training through seminars, webinars, workshops and speaking events to a variety of groups free of charge. These groups include small businesses, trade and professional associations, union locals, and community groups.

In CY 2019 and CY 2020 a total of 45 compliance assistance activities were conducted for high hazard industry organizations/groups concerning the hazards of relevant National Emphasis Programs (NEPs), OSHA Directives and to promote Consultation services.

- January 21, 2019, performed leadership training at Essentra Specialty Tapes.
- January 28, 2019, promoted program at the Southern Illinois Occupational Safety and Health (SIOSH) Day event.
- January 30, 2019, performed application of first aid standard training at Park District Risk Management Agency.
- February 8, 2019, notified all State and Local Government agencies reminding them of the Electronic Reporting Requirements.
- February 27, 2019, promoted program at the Downstate Illinois Occupational Safety and Health (DIOSH) Day event and presented Robert Luginbuhl, from Oberlander Electric, Peoria, IL with the 8th Annual Governor’s Safety and Health Award for an individual.
- February 27, 2019, presented “Leadership” and “How to become SHARP” at the Downstate Illinois Occupational Safety and Health (DIOSH) Day event.
- March 25, 2019, promoted program at the Grain Stand Down with Illinois Fire Service Institute and OSHA.
- April 9, 2019, promoted program and performed excavation training at Altorfer Rents.

- April 9-11, 2019, promoted program at the Trenching Safety Conference.
- April 26, 2019, promoted program at the Decatur Trades & Labor Assembly, AFL-CIO Workers Memorial Day 2019 event.
- May 3, 2019, promoted program at the Workers' Compensation Trust of Illinois event.
- May 20, 2019, mailed fire department outreach letter to 37 Will & Kankakee County Fire Departments and Fire Districts.
- June 2019, workplace fatigue social media campaign for National Safety Month.
- June 6, 2019, performed recordkeeping requirements for temporary workers training at Clear Staff.
- June 20, 2019, performed 29 CFR 1910 Subparts E, K, & L training at OSHA Safety Day, Joliet Junior College.
- June 28, 2019, presented "Who's on First & What Rules Apply" at the Fire Districts Conference.
- July 9, 2019, Workplace Violence press release; <https://www2.illinois.gov/idol/News/Documents/WorkplaceViolence.pdf>
- July 24, 2019, OSHA poster press release; <http://wlds.com/news/illinois-employers-required-to-keep-osha-poster-displayed-in-worksite/>
- July 29, 2019, program promotion at the Commission on Government Forecasting and Accountability Legislator.
- September 16, 2019, presented "Fire Code 101" at the Chicagoland Safety Conference.
- September 18, 2019, program promotion at the Chicagoland Safety Conference.
- October 4, 2019, promoted top 5 Illinois Public Works Departments safety violations via IDOL website, social media and media outlets. [Press Release](#)
- October 10, 2019, promoted top 5 Illinois Fire Department safety violations via IDOL website, social media and media outlets. [Press Release](#)
- October 17, 2019, promoted top 5 Illinois Water and Sewer Departments safety violations via IDOL website, social media and media outlets. [Press Release](#)
- October 17, 2019, compliance promotion at the 16th Annual Greater St. Louis Area Safety and Health Conference.
- October 18, 2019 - 16th Annual Greater St. Louis Safety and Health Conference -Presented "How does it Work? An Illinois and Missouri Perspective OSHA consultation, purpose, procedure and how it can help your organization".
- October 23, 2019, promoted hearing loss due to work practices via IDOL website, social media and media outlets. [Press Release](#)
- October 25, 2019, promoted top 5 Transportation related safety violations via IDOL website, social media and media outlets. [Press Release](#)
- November 6, 2019, performed Confined Space entry training at the Water Collections Systems Safety Seminar.
- November 6, 2019, promoted Illicit Drug tool kit availability from NIOSH via IDOL website, social media and media outlets. [Press Release](#)

- December 3, 2019 - Illinois Asphalt Pavement Association Outreach -Presentation on Consultation and SHARP.
- January 27, 2020, compliance promotion at Southern Illinois Occupational Safety and Health Day.
- February 5, 2020, promoted Addison Fire Department Recognition for SHARP via IDOL website, social media and media outlets. [Press Release](#)
- February 14, 2020 – promoted consultation services at American Society of Safety Professionals (ASSP) February meeting.
- February 21, 2020, performed IL OSHA 101 for Fire Departments training at Illinois Association of Fire Protection Districts (IAFPD) Winter Conference.
- March 4, 2020, promoted 29th Annual DIOSH Day and IL OSHA participation via IDOL website, social media and media outlets. [Press Release](#)
- May 5, 2020, emailed COVID-19 Workplace Guidance to 6,193 state and local government employers. [COVID-19 Workplace Guidance Document](#)
- June 11, 2020, promoted heat related illness hazards via IDOL website, social media and media outlets. [Press Release](#)
- July 5, 2020, distributed new IL OSHA require posters in English.
- July 23, 2020, promoted Health, Safety and Labor posters requirements through IDOL website, social media and media outlets. [Press Release](#)
- August 6, 2020, promoted Safe and Sound Week through IDOL website, social media and media outlets. [Press Release](#)
- August 10, 2020, distributed new IL OSHA required posters in Spanish and Polish.
- September 10, 2020, promoted Campaign to Prevent Falls at Construction Worksites public and private through IDOL website, social media and media outlets. [Press Release](#)
- December 16, 2020, presented “IL OSHA 101” via a webinar to 776 public sector employers.
- December 2020, promoted IL OSHA’s newly developed fire department training videos and the [Occupational Safety and Health Compliance Guide for Fire Departments](#).
 - <https://youtu.be/8eoP9J5BuKE>
 - <https://youtu.be/zUWXD91H99s>
 - https://youtu.be/_QHfqc9uA

VII. CITATIONS AND HAZARDS

The Illinois Occupational Safety and Health Act [820 ILCS 219/80-85] describes procedures for issuing citations and proposes penalties. If an inspector believes a violation of a safety and health standard exists, the inspector will propose a violation and recommend to his/her supervisor that a citation be issued. Willful and criminal/willful citations must be approved by the IL OSHA Division Manager. The citation will describe the nature of the violation including reference to the appropriate regulation, along with providing the employer a deadline for abatement of the violation. The citations are classified according to the following categories:

- **Other than Serious** – the most serious injury or illness that would likely result from a hazardous condition and which cannot reasonably be predicted to cause death or serious physical harm to exposed employees but does have a direct and immediate relationship to their safety and health.
- **Serious** – there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in the place of employment and is known to the employer.
- **Willful** – the evidence shows either an intentional violation of the Illinois Occupational Safety and Health Act or plain indifference to its requirements. A willful violation need not be committed with a bad purpose or evil intent; it is sufficient that the violation was deliberate, voluntary or intentional.
- **Criminal/Willful** – the evidence demonstrates that an employer violated a specific standard; the violation was willful in nature; and the violation caused the death of an employee.
- **Repeat** – an employer has been cited previously for a substantially similar condition and that citation has become a final order.

Monetary penalties are not normally issued along with the first notice of citations for public sector employers in Illinois. These sanctions are reserved for employers who do not meet abatement timeframes or who have repeat or willful violations of the same standards. All citations that have proposed monetary penalties attached to them must be approved by the IL OSHA Division Manager.

The Illinois On-Site Consultation program issues notices of hazards in the aforementioned categories that also reference the corresponding OSHA standard along with abatement timelines.

TABLE 2.0 ENFORCEMENT CITATIONS

	IMMINENT DANGER	SERIOUS	OTHER THAN SERIOUS	REPEAT	WILLFUL
2020 TOTALS	0	857	93	2	3
2019 TOTALS	0	542	60	13	0
2018 TOTALS	0	234	51	7	0
2017 TOTALS	0	379	112	13	0
2016 TOTALS	0	730	258	0	0
2015 TOTALS	0	813	242	5	0
2014 TOTALS	0	685	90	10	0

TABLE 2.1 CONSULTATION HAZARDS NOTED

	SERIOUS	OTHER THAN SERIOUS
2020 TOTALS	371	53
2019 TOTALS	818	94
2018 TOTALS	715	29
2017 TOTALS	636	45
2016 TOTALS	805	36
2015 TOTALS	1739	43
2014 TOTALS	2162	40

VIII. FATALITY AND ACCIDENT INVESTIGATIONS

Public sector employers must report all work-related fatalities within eight hours and all work-related hospitalizations, amputations, and losses of an eye within 24 hours. This information must be reported verbally to IL OSHA by calling our confidential 24-hour number at (217) 782-7860. All incidents that meet these criteria are investigated by IL OSHA within 24 hours to determine if a violation of a known safety and health standard contributed to the incident.

Fatality Investigations

There were 60 fatalities reported to IL OSHA in CY 2019 and CY 2020, seven which met IL OSHA criteria for requiring a more thorough investigation beyond the preliminary inspection. Total fatalities inspected broken out by activity and occupation are shown in Table 3.1 and Table 3.2.

Non-Fatal Accident Investigations

Non-Fatal accident investigations consist of amputations, hospitalizations and accidents that result in a hospitalization. There were 311 accidents reported to IL OSHA in CY 2019 and CY 2020, 47 of which met IL OSHA criteria for requiring a more thorough investigation beyond the preliminary inspection.

TABLE 3.1 FATALITIES BY ACTIVITY

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020
Falls	1	0	0	3	1	0
Heart Attacks (work-related)	0	0	1	0	0	0
Struck by/Caught in Machinery	3	0	0	2	1	1
Transportation	2	3	1	0	0	1
Trenching	0	0	1	0	0	0
Gunshot	1	0	0	1	0	0
Electrocution	0	1	0	0	1	0
Asphyxiation	0	0	0	0	0	0
Drowning	0	0	1	1	0	1
Natural Causes or Unknown	2	0	0	1	0	0
TOTALS	9	4	4	8	4	3

TABLE 3.2 FATALITIES BY OCCUPATION

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020
Law Enforcement/Corrections	2	1	0	3	0	1
Firefighter/EMT	2	0	1	1	1	1
Laborer	2	2	0	2	0	0
Electrician/Lineman	0	0	0	0	0	0
Technician/Engineer	0	1	3	0	0	0
Operator	0	0	0	0	2	0
Janitor/Custodian	0	0	0	2	0	0
Administrator/Education	3	0	0	0	1	1
Bus/Tow Truck Driver	0	0	0	0	0	0
TOTALS	9	4	4	8	4	3

IX. WHISTLEBLOWER INVESTIGATIONS

The Illinois Occupational Safety and Health Act [820 ILCS 219/110] prohibits a public employer from discharging or in any way discriminating against an employee for filing complaints, testifying or otherwise acting to express rights under the Act. Discrimination complaints must be filed within 30 calendar days after the alleged violation occurs. To be a viable case, four determining factors must be present:

- A protected activity
- Employer knowledge
- Adverse action
- Nexus

The IDOL Director or his or her designee may bring action in the circuit court for appropriate relief, including rehiring and/or reinstatement of the employee to his or her former position with back pay. In 2018, OSHA monitors approved an intergovernmental agreement (IGA) between IL OSHA and the IDOL Conciliation and Mediation Division (Con/Med) granting Con/Med staff the authority to investigate whistleblower cases. Administration, monitoring and reconciliation are handled by IL OSHA³. Total whistleblower complaints received, and case status are shown in Table 4.1.

TABLE 4.1 WHISTLEBLOWER

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020
Complaints Filed	2	14	16	27	22	29	35
Administratively Closed ⁴	0	7	10	19	17	24	23
Dismissed - No Merit	2	6	3	4	3	2	0
Pending	0	0	0	0	0	0	12
Settled	0	0	2	3	2	3	0
Withdrawn	0	1	1	1	0	0	0

³ Con Med’s workload has increased significantly since 2018, therefore, whistleblower complaints will be investigated by designated IL OSHA inspectors once they are fully trained.

⁴ Examples of administratively closed complaints include but are not limited to: inquiries, complaints not filed in a timely manner, complaints in which the complainant decides not to file after learning that his or her employer will be notified of the complaint or complaints that fall outside of OSHA’s authority.

X. LEGAL ISSUES

Appeals, Hearings, Proposed Fines and Lawsuits

After receiving a citation, a proposed assessment of penalty, or a notification of failure to correct a violation, an employer may request a hearing before IDOL Director or his or her designee for an appeal from the citation order, notice of a penalty, or abatement period. An employee or representative of an employee may also request a hearing before IDOL Director or his or her designee for an appeal from the citation on the basis that the period of time fixed in the citation for abatement is unreasonable.

TABLE 5.1 LEGAL

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020
Informal Conference	12	4	5	8	11	5	5
Formal Contest	1	1	1	1	1	0	0
Penalties	\$0	\$0	\$0	\$1,250	\$4,500	\$11,510	\$6,000

X. SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

The On-Site Safety and Health Consultation Program evaluates workplace safety and health programs of small to medium sized businesses to determine if they meet the criteria to be certified as a SHARP site. By achieving SHARP status, the employer is placed in an elite group of businesses that maintain exemplary workplace safety and health programs that result in immediate and long-term prevention of job-related injuries and illnesses. In addition to being granted an exemption from OSHA programmed inspections for up to 2 years, and subsequent renewal for up to 3 years⁵, the employer provides protection, creates a culture, builds a reputation and saves money. By the end of CY 2020, 38 Illinois employers have achieved SHARP status. (listed below):

Andrews Engineering	Lafayette Steel
Avery Dennison	Mid-States Concrete
Becker Iron and Metal, Inc.	Minova
C. Keller Manufacturing	Obiter Research LLC
Catty Corporation	Posen Fire Department (Public Sector)
Chem Processing	Real Alloy Recycling (Aleris)
CMS Inc.	Roscoe Company
Concentric Itasca Inc.	Scot Forge - Franklin Park
Corrosion Materials	Spoon River Pregnancy Center
Corrugated Metals, Inc.	Staunton Fire Protection District (Public Sector)
Crane Composites	Sun Chemical
DeKalb Area Retirement Center - Oak Crest	Swiss Precision Machining
Elizabeth Nursing Home	Teleweld Inc.
Essentra Specialty Tapes	The Scoular Company - Channahon
Gallagher Corporation	Thomas Electronics
Harris Rebar Rockford Inc.	Troy Fire Protection District (Public Sector)
In-Pipe Technology	Tru Vue
K-Plus Industrial Services, Inc.	Vosges Haut Chocolat

⁵ Participation in SHARP does not eliminate the responsibilities of employers or rights of workers under the Occupational Safety and Health Act. Under OSHA, the following types of incidents can trigger an OSHA enforcement inspection at SHARP sites: formal complaints, fatality, imminent danger situations and any other significant events as directed by the Assistant Secretary of OSHA.

XI. STATE PLAN APPLICATION

Overview

The Illinois Department of Labor was approved by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) to become a State and Local Government Plan (SLGP) for public sector worksites on September 1, 2009.

The OSHA SLGP application process has three major components. The first component is the developmental phase where the State must assure OSHA that within three years it will have in place all structural elements necessary for an effective occupational safety and health program. The elements include appropriate legislation, regulations and procedures for setting standards, enforcement, appeal of citations and penalties, and a sufficient number of qualified enforcement personnel. Once the developmental steps have been completed and documented, the State is eligible for certification, which attests to the structural completeness of the plan. An operational status agreement will not be necessary for the Illinois SLGP proposal since OSHA does not have jurisdiction over the public sector and therefore does not have to relinquish any official authority. The ultimate accreditation of a State's plan is called final approval. Following certification status, the State must have demonstrated worker protection to be at least as effective as the protection provided by the federal program. The State must also meet 100 percent of the established compliance staffing levels and participate in the OSHA computerized inspection data system.

Benefits

IL OSHA requested and received \$1,527,100 for Enforcement and \$1,919,000 for Consultation in annual federal matching grants in federal fiscal year 2019 and 2020, which are used to supplement Illinois' current safety and health activities.

PROGRAM	FEDERAL FUNDS	STATE FUNDS	PROGRAM TOTAL
CONSULTATION (90/10)	\$1,919,000	\$212,314	\$2,131,314
ENFORCEMENT (50/50)	\$1,527,100	\$1,527,100	\$3,054,200

Federal funding enables the Division to remain proactive in approaching safety and health issues by providing better coverage, more enforcement, increased public awareness, and training to help employees and employers better understand safety and health topics. In addition, OSHA SLGP approval increases the professionalism and awareness of our safety and health program, provides the State with more professional resources, includes federal certification and training, computer tracking, program reporting, standards development, laboratory services, and testing protocols.

Status

On September 1, 2009, IL OSHA received developmental plan approval (see 74 Fed. Reg. 45114 (2009)) and began a three-year process to establish all structural elements necessary to be deemed effective. The initial three-year time frame for meeting developmental steps expired, and IL OSHA requested a two-year extension in October of 2012, which was granted by OSHA. This extension expired in 2014 with IL OSHA still not having met their required developmental steps for State Plan certification.

As of October 1, 2018, IL OSHA still struggled with meeting the staffing level requirement. A two-year extension was requested and approved with stipulations that significant ongoing progress must be shown toward filling vacancies and heightened monitoring be put in place, including monthly OSHA monitoring meetings and quarterly updates to OSHA Region V.

With hiring prioritized in 2019 and 2020, IL OSHA met the final developmental step. The next part of the process is to draft the narrative requesting the certification. Once completed it is sent to the National Office for approval. The goal is to be certified by the end of 2021.