

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, 2021 through December 31, 2021

JB Pritzker  
Governor

Michael D. Kleinik  
Director



FEBRUARY 2022

## Table of Contents

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

## **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 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.
- Investigating whistleblower discrimination 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 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 6,510 public establishments<sup>1</sup> with an estimated 666,708 public employees in Illinois.<sup>2</sup>

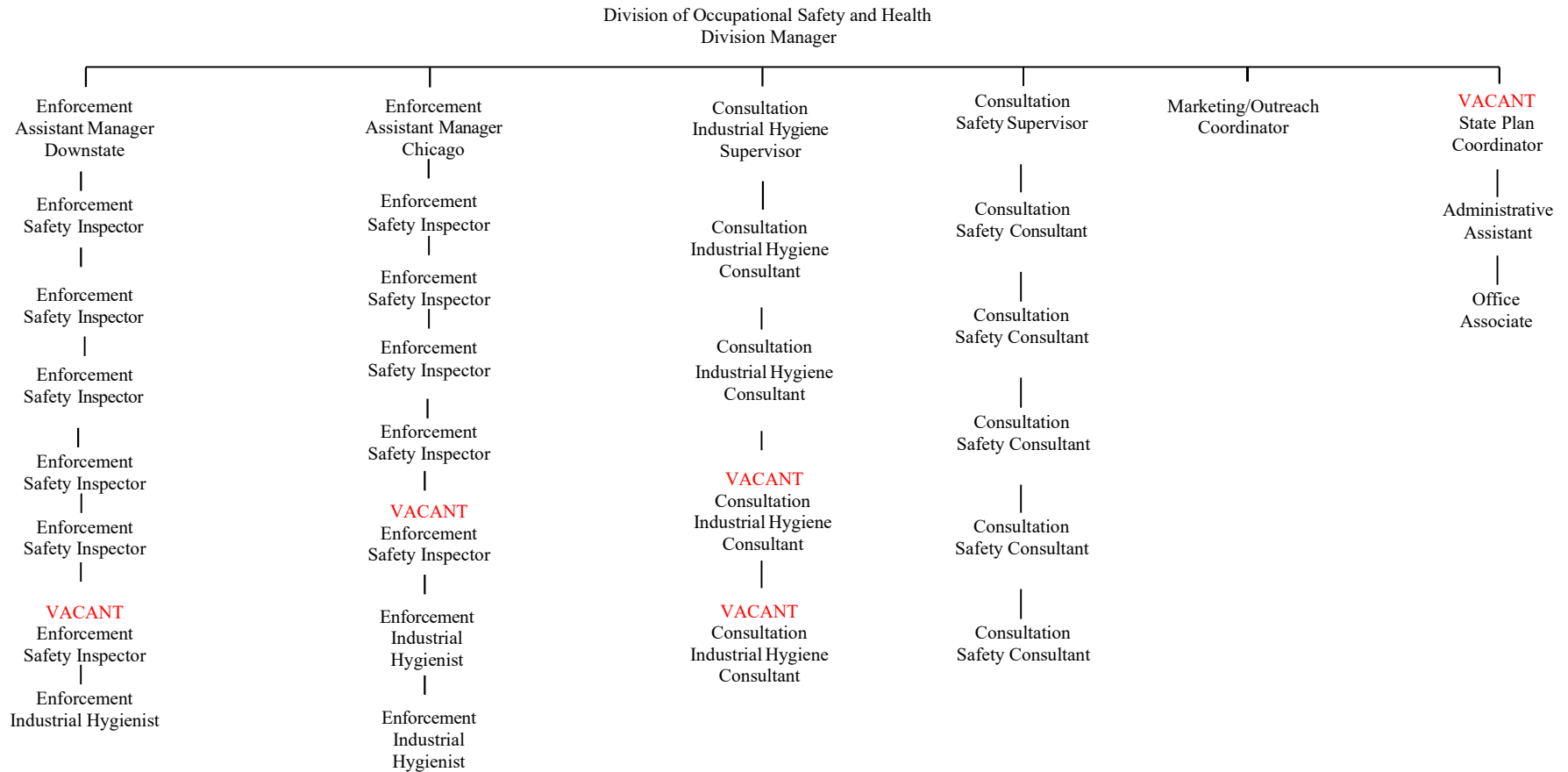
---

<sup>1</sup> 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.

<sup>2</sup> Data Source: Illinois Department of Employment Security (IDES), Quarterly Census of Employment and Wages (QCEW), 2021 Q1.

## 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.



## 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.

### **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

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.

All complaints against public sector employers 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, 2021, IL OSHA received thousands of COVID-19 calls and complaints but only 311 fell under the division’s jurisdiction. Of the 311 complaints, nine warranted an on-site inspection. While the inspections did result in citations being issued, none were related to COVID-19. Additionally, 382 private sector complaints were entered into the OIS system and transferred to one of the five OSHA Area Offices.

The pandemic had little impact on IL OSHA achieving performance goals in CY 2021. Inspectors navigated the unique COVID-19 challenges and conducted significantly more inspections from the previous years (see Table 1.0), increased the number of serious safety and health violations abated, attended at least one training course and trained many employers and employees on critical topics like COVID-19 recordkeeping and IL OSHA 101 for Fire Departments.



**TABLE 1.0 – TOTALS BY ENFORCEMENT INSPECTION ACTIVITY**

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020	2021
<b>UNPROGRAMMED INSPECTIONS</b>								
Complaint	70	83	43	52	41	42	12	17
Fatality	13	9	4	4	7	4	3	27
Follow-up	27	20	27	5	0	7	3	16
Monitoring	1	1	3	3	0	0	1	5
Non-Fatal Accident (amputations, hospitalizations, non-hospitalizations)	0	33	42	37	31	26	21	6
Referral	47	8	12	4	5	2	4	6
<b>PROGRAMMED INSPECTIONS</b>								
Planned	205	394	279	140	91	208	199	354
<b>TOTALS</b>	<b>363</b>	<b>548</b>	<b>410</b>	<b>245</b>	<b>175</b>	<b>289</b>	<b>243</b>	<b>431</b>

**CONSULTATION**

Because consultation services are voluntary, an employer must request a visit through the website [www.osha.illinois.gov](http://www.osha.illinois.gov), calling 800-972-4216 or emailing [dol.consultation@illinois.gov](mailto: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.

During CY 2021, Consultation continued to experience unique challenges due to the pandemic. Employers were reluctant to invite consultants into their facilities and vacancies impacted the number of consultations conducted. Despite the challenges, Consultation showed improvement and ensured mandated activities were met and, in most cases, exceeded. Successes include: 12,292 employees removed from hazards; 397 serious hazards addressed; 99% of initial visits were in high hazard establishments; 100% of the serious hazards were corrected in a timely manner, with 84% being corrected in the original time allowed or immediately on site.

**Back to Business Illinois**

Back to Business Illinois (BBIL) efforts continued in CY 2021. The initiative connects 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 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. Since the inception of the initiative, 559 employers have utilized this service, 507 took the Back to Business self-certification and 52 requested a virtual or on-site consultation.

**Continued Program Efforts**

In the future the [illinois.gov/worksafe](http://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.

**TABLE 1.1 CONSULTATION VISIT ACTIVITIES**

<b>ACTIVITY/YEAR</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Initial Visits	507	481	300	252	240	217	129	205
Training & Assistance Visits	10	6	4	4	5	4	1	1
Follow-up Visits	47	76	63	60	75	58	23	31
<b>TOTALS</b>	<b>564</b>	<b>563</b>	<b>367</b>	<b>316</b>	<b>320</b>	<b>279</b>	<b>153</b>	<b>237</b>

## **COMPLIANCE ASSISTANCE**

To achieve the vision of being an occupational safety and health resource, IL OSHA 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). 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 2021 a total of 37 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 7, 2021 – Promoted Safe and Sound Campaign via IDOL website, social media and media outlets. [Press Release](#)
- January 13, 2021 – Conducted WebEx presentation on Back to Business Illinois and ways to protect employees on a construction job site to Illinois Road and Transportation Builders Association.
- January 25, 2021 – Promoted IN-PIPE Technology recognition for SHARP via IDOL website, social media and media outlets. [Press Release](#)
- January 26, 2021 – Promoted New Safety Resources for Fire Service Employers via IDOL website, social media and media outlets [Press Release](#)
- January 28, 2021 – Presented OSHA 300 log and COVID-19 reporting and recording requirements to members of Intergovernmental Risk Management Agency (IRMA).
- March 1, 2021 – Promoted National Ladder Safety Month via IDOL website, social media and media outlets. [Press Release](#)
- March 24, 2021 - Promoted Stand Up 4 Grain Safety Week via IDOL website, social media and media outlets. [Press Release](#)
- April 7, 2021 – Promoted Spring Planting Safety via IDOL website, social media and media outlets. [Press Release](#)
- April 20, 2021- Conducted Zoom presentation on “IL OSHA 101 Fire Department Training Requirements” to the Illinois Office of State Fire Marshal.
- April 28, 2021 – Conducted Zoom presentation on “IL OSHA 101 for Fire Departments” to Illinois Fire Chief’s Association Volunteer and Combination Officer Committee.
- May 21, 2021 – Presented “IL OSHA 101 and On-Site Safety and Health Consultation Program” at Illinois Office of State Fire Marshal Training Program Manager Course.
- May 28, 2021 – Conducted WebEx presentation on Back to Business Illinois and the On-Site Safety and Health Consultation Program to the Illinois Black Chamber of Commerce.
- June 6, 2021 – Conducted Zoom presentation to 72 different municipalities covering inspection processes and the common citations in high hazard industries.

<https://youtu.be/4PI5Qrh8qEY>

- June 24, 2021 – Presented “IL OSHA 101 for Fire Departments” at the Illinois Association of Fire Protection Districts annual conference educating fire district trustees and chief officers.
- June 26, 2021 – Mailed noise emphasis program toolkit to Illinois Manufacturing Association, North American Diecasting Association and the American Foundry Society.
- June 28, 2021 - Conducted WebEx presentation on emergency preparedness/response and healthcare safety and health management systems to 215 different organizations associated with the Illinois Department of Public Health.
- July 2, 2021 – Conducted WebEx presentation on COVID-19 mitigation measures and processes to protect employees during the reopening of public buildings to the City of Chicago.
- July 20, 2021 – Promoted Workplace Safety Poster Reminder via IDOL website, social media and media outlets. [Press Release](#)
- July 26, 2021 – Promoted Workplace Violence via IDOL website, social media and media outlets. [Press Release](#)
- August 2, 2021 – Emailed OSHA’s new Small Business Safety and Health Handbook to City of Chicago Business Affairs Director, Consumer Protection Director, Illinois Small Business Development Centers Director, Illinois Chamber of Commerce and the Illinois Manufacturing Association.
- August 6, 2021 – IDOL Director and Marketing Coordinator attended Wise Plastics SHARP recognition ceremony. Promoted recognition via IDOL website, social media and media outlets. [Press Release](#)
- August 9, 2021 – Promoted Safe and Sound Week via IDOL website, social media and media outlets. [Press Release](#)
- August 10, 2021 – Presented “Recordkeeping and Reporting 101” to the Illinois State Police.
- September 29, 2021 – Presented “IL OSHA 101 for Fire Departments” to the Office of State Fire Marshal.
- October 4, 2021 – Promoted Hearing Conservation via IL DOL Website, social media and media outlets. [Press Release.](#)
- October 12, 2021 – Promoted Grain Bin safety via IL DOL Website, social media and media outlets. [Press Release.](#)
- October 14, 2021 – Conducted in-person “Heat Illness” presentation to the IL Cemetery Funeral Home Association.
- October 14, 2021 – Promoted Grain Bin Safety via Illinois Radio Network.
- October 18, 2021 – Promoted Federal OSHA Keep Teen Workers Safe Campaign via IL DOL Website, social media and media outlets. [Press Release.](#)
- October 18, 2021 – Emailed sample message and toolkit to Illinois Associations of Regional Superintendents of Schools, Illinois Associations of School Administrators, Illinois Principals Associations, Illinois Network of Charter Schools, Illinois Coalition of Nonpublic Schools.

- October 21, 2021 – Mailed On-Site Consultation Museum outreach letter to 94 different members of Associations of Midwest Museums in Illinois.
- October 25, 2021 – Promoted OSHA Small Business Safety and Health Handbook via IL DOL Website, social media and media outlets stressing consultation assistance. [Press Release](#).
- November 2, 2021 – Presented multi-employer citation policy, IL-OSHA roles and responsibility and IL-On-Site Safety and Health Consultation to Central Illinois Building and Construction Trades Council. Reached 14 different trades representing thousands of workers in Central IL.
- November 8, 2021 – Promoted IDOL Warns of Carbon Monoxide Poisonings on the Job via IL DOL Website, social media and media outlets stressing consultation assistance. [Press Release](#).
- November 10, 2021 – Conducted WebEx training to Illinois Water Environment Association, covering multi-employer citation policy, reaching 45 site managers.
- November 10, 2021 – Conducted WebEx training to Illinois Association of Museums covering OSHA 101 and effective safety management program training, reaching 100 site managers.
- December 11, 2021 – Conducted resident training to Illinois OSFM and Illinois Society of Fire Service Instructors on IL OSHA 101.

## 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
2021 TOTALS	0	2,148	260	18	1
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
2021 TOTALS	531	72
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 SEVERE INJURY/ILLNESS INSPECTIONS

Public sector employers must report all work-related fatalities within eight hours and all work-related in-patient 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. IL OSHA responds to work-related fatalities assigned for inspection within one business day to investigate and determine if a violation of the Illinois Occupational Safety and Health Act occurred.

### **Fatality Inspections**

There were 35 fatalities reported to IL OSHA in CY 2021. Eight of those met criteria for inspection Total fatalities inspected broken out by activity and occupation are shown in Table 3.1 and Table 3.2.

### **Severe Injury/Illness Inspections**

There were 197 severe injuries/illnesses reported to IL OSHA in CY 2021. 26 of those met criteria for inspection.



**TABLE 3.1 FATALITIES BY ACTIVITY**

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020	2021
Falls	1	0	0	3	1	0	1
Heart Attacks (work-related)	0	0	1	0	0	0	0
Struck by/Caught in Machinery	3	0	0	2	1	1	2
Transportation	2	3	1	0	0	1	2
Trenching	0	0	1	0	0	0	0
Gunshot	1	0	0	1	0	0	0
Electrocution	0	1	0	0	1	0	0
Asphyxiation	0	0	0	0	0	0	1
Drowning	0	0	1	1	0	1	1
COVID-19	0	0	0	0	0	0	1
Natural Causes or Unknown	2	0	0	1	0	0	0
<b>TOTALS</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>8</b>

**TABLE 3.2 FATALITIES BY OCCUPATION**

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020	2021
Law Enforcement/Corrections	2	1	0	3	0	1	2
Firefighter/EMT	2	0	1	1	1	1	3
Laborer	2	2	0	2	0	0	1
Electrician/Lineman	0	0	0	0	0	0	0
Technician/Engineer	0	1	3	0	0	0	0
Operator	0	0	0	0	2	0	1
Janitor/Custodian	0	0	0	2	0	0	0
Administrator/Education	3	0	0	0	1	1	0
Healthcare	0	0	0	0	0	0	1
Bus/Tow Truck Driver	0	0	0	0	0	0	0
<b>TOTALS</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>8</b>

## 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. CY 2021 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	2021
<b>Complaints Filed</b>	2	14	16	27	22	29	35	15
Administratively Closed <sup>3</sup>	0	7	10	19	17	24	23	15
Dismissed - No Merit	2	6	3	4	3	2	0	0
Pending	0	0	0	0	0	0	12	7
Settled	0	0	2	3	2	3	1	0
Withdrawn	0	1	1	1	0	0	0	0

---

<sup>3</sup> 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**

<b>ACTIVITY/YEAR</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Informal Conference	12	4	5	8	11	5	5	12
Formal Contest	1	1	1	1	1	0	0	0
Penalties	\$0	\$0	\$0	\$1,250	\$4,500	\$11,510	\$6,000	126,100

## 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 years<sup>4</sup>, the employer provides protection, creates a culture, builds a reputation and saves money. By the end of CY 2021, 35 Illinois employers have achieved SHARP status. (listed below):

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

---

<sup>4</sup> 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 \$1,227,100 for Enforcement and \$1,919,000 for Consultation in annual federal matching grants in federal fiscal year 2021, which are used to supplement Illinois' current safety and health activities.

PROGRAM	FEDERAL FUNDS	STATE FUNDS	PROGRAM TOTAL
CONSULTATION (90/10)	\$1,919,000	\$211,667	\$2,130,667
ENFORCEMENT (50/50)	\$1,227,100	\$1,227,100	\$2,454,200

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.

At the end of 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, 2020 and 2021, 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 in CY 2022.