

ILLINOIS DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

# REPORT TO THE GOVERNOR

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PURSUANT TO 820 ILCS 219/1-925

## ANNUAL GOVERNOR'S REPORT

January 1, 2022 through December 31, 2022

## BIENNIAL LEGISLATURE'S REPORT

January 1, 2021 through December 31, 2022

JB Pritzker  
Governor

Jane R. Flanagan  
Acting Director



FEBRUARY 2023

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## 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 *et seq.*. 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**

Illinois has had an enforcement program, formally known as Safety Inspection and Education, in place since 1985 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 19.)

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 current Illinois Occupational Safety and Health Act (Act), 820 ILCS 219, and the program name was changed to Illinois OSHA (IL OSHA). The Act authorizes the enforcement of standards (General Industry, Construction, and Maritime Industries) identical to those federal standards adopted by OSHA.

Any public employee has the right to file a hazardous working condition complaint with IL OSHA. IL OSHA inspectors also conduct Programmed Planned Inspections (PPIs), respond to worker complaints, and investigate serious incidents, 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. *See* 29 CFR 1908. The Illinois On-Site Safety and Health Consultation Program (Consultation) is an integral part of the Division. Primarily targeted to private sector, small to medium size employers, this no-cost safety and health consultation service is completely separate from enforcement and does not issue 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 of IL OSHA 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 for IL OSHA is to be a leading occupational safety and health resource for employers and employees in the public and private sector. This vision is and can be 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 over 8,500 units of government<sup>1</sup> with an estimated 722,628 public employees in Illinois.<sup>2</sup>



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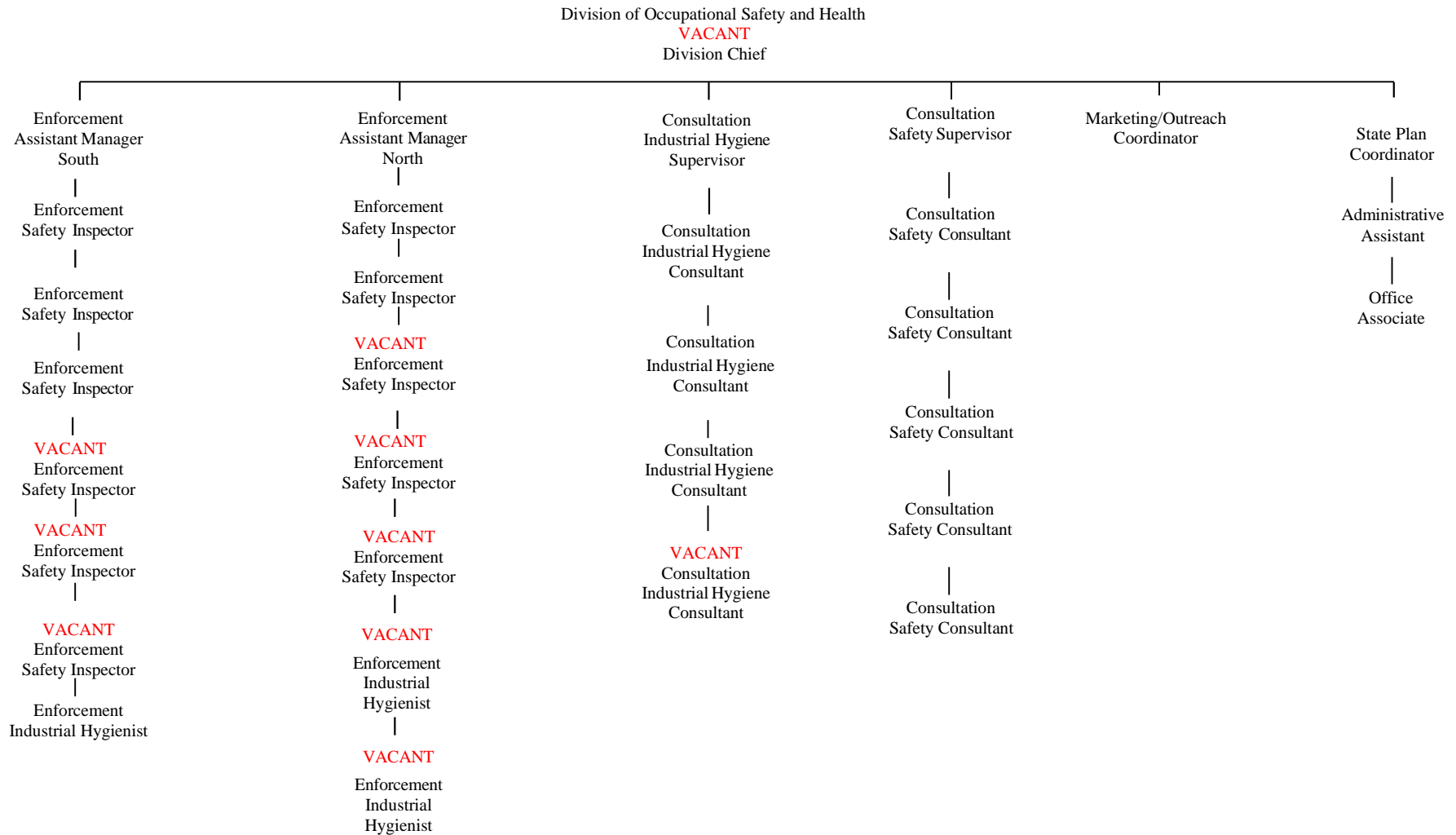
<sup>1</sup> Data source: Illinois State Comptroller, types of local governments, July 2021.

<sup>2</sup> 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. This includes one Division Chief, four Supervisors, two Coordinators, 11 Safety Inspectors, three Industrial Hygiene Inspectors, five Safety Consultants, four Industrial Hygiene Consultants, and two support staff.

The Department’s senior leadership, human resources, and the Division recognize and are actively working to combat current inspector vacancies. This chart reflects the Division in December 2022. As of the date of this report, the Division Chief position, and four inspector positions have been filled.



## VI. DIVISION ACTIVITIES



### **ENFORCEMENT**

IL OSHA's system for conducting inspections is designed to allocate limited 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 inspections.

### **Unprogrammed Inspections**

Unprogrammed inspections are conducted in response to alleged hazardous working conditions identified at a specific worksite. Inspections are prioritized by imminent danger, fatality, non-fatal incident, complaints, referrals, follow-up, and monitoring.

### **Programmed Inspections**

Inspectors could not possibly inspect every unit of government every year, and certainly could not inspect every establishment within those units of government. Therefore, a Site-Specific Targeting (SST) plan was developed to direct enforcement resources on four state and local government activities. These operations incur a high percentage of reportable incidents and 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.

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

ACTIVITY/YEAR	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>UNPROGRAMMED INSPECTIONS</b>									
Complaint	70	83	43	52	41	42	12	17	17
Fatality	13	9	4	4	7	4	3	27	6
Follow-up	27	20	27	5	0	7	3	16	7
Monitoring	1	1	3	3	0	0	1	5	0
Non-Fatal Incident (amputation, loss of eye, inpatient hospitalization)	0	33	42	37	31	26	21	6	13
Referral	47	8	12	4	5	2	4	6	11
<b>PROGRAMMED INSPECTIONS</b>									
Planned	205	394	279	140	91	208	199	354	242
<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>	<b>296</b>



**CONSULTATION**

Because consultation is a voluntary activity, an employer must request a visit through the website [www.osha.illinois.gov](http://www.osha.illinois.gov), by 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.



### **Continued Program Efforts**

In 2022, the Division launched the [illinois.gov/worksafe](http://illinois.gov/worksafe) website to facilitate consultation program services and promote 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, and other helpful resources will gradually be added to the website. Consultation also promoted its services through radio advertising spots as well as through a new video that is available to employers and industry groups.

**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>	<b>2022</b>
Initial Visits	507	481	300	252	240	217	129	205	194
Training & Assistance Visits	10	6	4	4	5	4	1	1	3
Follow-up Visits	47	76	63	60	75	58	23	31	35
<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>	<b>232</b>

### **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). 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 2022, a total of 43 compliance assistance activities were conducted:

- January 5, 2022 – Promoted updated Illinois Department of Labor required posters via IDOL website, social media, and media outlets.
- January 20, 2022 – Promoted IL OSHA 300 Injury and Illness posting and reporting requirements via IDOL website, social media, and media outlets.
- February 1, 2022 – Attended meeting with Illinois Municipal League concerning outreach information for their members.
- February 26, 2022 – Presented at Illinois Society of Fire Service Instructors 50th-anniversary conference, covering IL OSHA 101 for Fire Departments.
- March 1, 2022 – Presented at T.H.E (Illinois Transportation and Highway Engineering) annual conference covering IL OSHA 101 and multi-employer citation policy.

- March 10, 2022 – Promoted partnership with the National Association of Women in Construction and Recognizing Women in Construction Week via IDOL website, social media, and media outlets.
- March 14, 2022 – Promoted Ladder Safety Month via IDOL website, social media, and media outlets.
- March 15, 2022 – Participated in Spanish television interview with Univision covering ladder safety.
- March 21, 2022 – Presented at webinar sponsored by IDPH and attended by local health department representatives, covering OSHA Emergency Temporary Standard for Healthcare workers and COVID-19.
- March 22, 2022 – Participated in foreign animal disease tabletop exercise as a representative of IL OSHA, answered questions concerning respiratory protection and overall safety.
- April 06, 2022 – Presented at Illinois Society of Fire Service Instructors conference on IL OSHA training requirements for fire departments.
- April 27, 2022 – Presented on HazCom awareness at Illinois Cemetery and Funeral Home Association conference.
- April 28, 2022 – Promoted recognition of Workers’ Memorial Day celebration via IDOL website, social media, and media outlets.
- May 2, 2022 – Promoted federal OSHA May initiatives: National Electrical Safety Month, Construction Safety Week, and National Safety Stand-Down to Prevent Falls in Construction via IDOL website, social media, and media outlets.
- May 3, 2022 – Conducted virtual presentation for Illinois Health Care Association/Long Term Care Nurses Association concerning multi-employer worksite responsibilities and rules for each group concerned with temporary nurses hired from a staffing agency.
- May 13, 2022 – Staffed vendor booth at The Workers’ Compensation Trust of Illinois (WCTI) 2022 annual conference.
- May 14, 2022 – Presented at OSFM Training Officers Bootcamp on IL OSHA training requirements for fire departments.
- June 2, 2022 – Processed 8,640 mailers to private businesses reminding them to complete the electronic filing of the OSHA 300 form.
- June 2, 2022 – E-mailed 1,380 employers emphasizing new enforcement emphasis programs from federal OSHA.
- June 8, 2022 – Promoted the release of IL OSHA Myer Incident Report on IDOL website, social media, and media outlets.
- June 10, 2022 – Presented at Quincy Area Safety Council on the benefits of the On-Site Safety and Health Consultation Program.
- June 17, 2022 – Promoted Trench Safety Month via IDOL website, social media, and media outlets.
- July 13, 2022 – Presented to city managers for Macomb and Canton on IL OSHA 101.
- July 26, 2022 – Attended museum outreach meeting with federal OSHA and other state plan consultation program representatives.

- July 27, 2022 – Processed 181 mailers to sawmill operators emphasizing consultation program.
- August 4, 2022 – Promoted Wise Plastics on being awarded its second SHARP designation via IDOL website, social media, and media outlets.
- August 2023 – Distributed over 500 IL OSHA Fire Department Compliance Guides to Springfield fairgoers at Illinois State Fair.
- September 2023 – Distributed over 100 flyers promoting consultation services to Du Quoin fairgoers at Illinois State Fair.
- September 12, 2022 – Promoted consultation services during prevailing wage training session to industry group representing clean energy contractors.
- September 12, 2022 - Promoted the release of IL OSHA Ridge Incident Report via IDOL website, social media, and media outlets.
- September 15, 2022 – Promoted consultation program to each member of the General Assembly via email direct marketing to senior staff.
- September 16, 2022 – Promoted the 2022 Labor Day Report via IDOL website, social media, and media outlets.
- October 5, 2022 – Presented the Ridge Incident Report at the DuPage County Fire Chief’s Workshop.
- October 12, 2022 – Presented the Ridge Incident Report at the Lake County Fire Chief’s Workshop.
- October 13-14, 2022 – Attended the Chicago Builders Expo as a guest at federal OSHA’s vendor booth.
- October 15, 2022 – Presented at the OSFM Training Program Manager Course on training requirements for fire departments.
- October 27, 2022 – Conducted meeting with the National Safety Council about best practices and methods to conduct outreach to teens and novice trade workers.
- November 2, 2022 – Presented at the Illinois Water Environment Association (IWEA) annual seminar on high-hazard operations.
- November 14, 2022 – Presented at the Elkhart Fire Department Quarterly Association Dinner on the Ridge Incident, Myer Incident, Fire Department Compliance Guide, and IL OSHA 101.
- November 16, 2022 – Delivered new On-Site Consultation promotional video to Power Construction to share with various contractor associations and during new subcontractor training.
- November 16, 2022 – Conducted meeting with Attorney General Workplace Rights Bureau, to train their investigators on IL OSHA and federal OSHA standards and how to file a complaint.
- December 5, 2022 – Processed 3,657 emails to energy contractors from an IDOL prevailing wage training registration promoting consultation services.
- December 13, 2022 – Contacted various food producer associations to inform of the newest OSHA Region V Local Emphasis Program covering food processors.

## VII. CITATIONS AND HAZARDS

The Illinois Occupational Safety and Health Act, 820 ILCS 219/80-85, describes procedures for issuing citations and proposing penalties. If an inspector believes a violation exists, the inspector will recommend to an enforcement manager that a citation be issued. The citation will describe the nature of the violation, reference the appropriate standard, and provide a deadline for abatement. Citations are classified in five 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.

Currently, penalties are reserved for employers who do not meet abatement timeframes or receive repeat or willful violations. All citations with proposed monetary penalties are approved by the IL OSHA Division Chief.

Table 2.0 shows that IL OSHA enforcement has dramatically increased the number of violations issued annually. This is due to properly targeting high-hazard activities, increased inspector training and supervision, and quality assurance. For 2022, IL OSHA averaged 6.19 serious, repeat, or willful violations per inspection. This is 3.7 times higher when compared to all other state plans, 3.3 times higher than federal OSHA nationally, and 3.4 times higher than federal OSHA Illinois.

The Illinois On-Site Consultation program issues notices of hazards, instead of citations, in categories that also reference the corresponding OSHA standard along with abatement timelines. See table 2.1 for more information.

**TABLE 2.0 ENFORCEMENT CITATIONS**

	IMMINENT DANGER	SERIOUS	OTHER THAN SERIOUS	REPEAT	WILLFUL
2022 TOTALS	0	1,584	226	39	12
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

**TABLE 2.1 CONSULTATION HAZARDS NOTED**

	SERIOUS	OTHER THAN SERIOUS
2022 TOTALS	497	64
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

## 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 to determine if an on-site investigation and inspection is warranted to determine if violations of the Illinois Occupational Safety and Health Act occurred.

### **Fatality Investigations**

There were 31 fatalities reported to IL OSHA in CY 2022. Six met IL OSHA criteria for an on-site inspection and investigation. Total fatalities inspected broken out by activity and occupation are shown in Table 3.1 and Table 3.2.

### **Reportable Non-Fatal Incidents**

Reportable, non-fatal incidents consist of amputations, loss of an eye, and injuries that result in an inpatient hospitalization. There were 141 incidents reported to IL OSHA in CY 2022. Twelve met IL OSHA criteria for an on-site inspection and investigation. 56 met IL OSHA criteria for a Rapid Response Investigation or RRI, where IL OSHA requires the employer conduct their own investigation, document findings, and take corrective action. Some incidents that are reported are determined to be of a non-occupational nature, do not meet reportable criteria, or, in some incident involving law enforcement, involve criminal activity.

### **Incident Reports**

IL OSHA creates incident reports for certain inspections involving a fatality or reportable incident. Incident reports are not required by the Act, but further the mission of the Division by serving as a learning tool for employees and employers. In 2022 the Director of IDOL authorized IL OSHA incident reports to be published on the Division webpage so they are readily accessible.

[Report: Three Firefighters Hospitalized After Calling a Mayday and Bailing Out Second Floor of Apartment Building](#)

[Report: Firefighter Dies in House Fire After First Floor Collapse and Loss of Accountability](#)

[Report: Police Chief Fatally Injured While Responding to a Transformer Fire](#)

[Report: Wastewater Plant Lead Operator Drowns in Clarifier in Cold Weather](#)

[Report: Municipal Employee Fatally Injured While Jumpstarting Mobile Equipment](#)

**TABLE 3.1 FATALITIES INSPECTED BY ACTIVITY**

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020	2021	2022
Falls	1	0	0	3	1	0	1	1
Heart Attacks (work-related)	0	0	1	0	0	0	0	0
Struck by/Caught in Machinery	3	0	0	2	1	1	2	1
Transportation	2	3	1	0	0	1	2	1
Trenching	0	0	1	0	0	0	0	0
Gunshot/Stabbing	1	0	0	1	0	0	0	1
Electrocution	0	1	0	0	1	0	0	1
Asphyxiation	0	0	0	0	0	0	1	0
Drowning	0	0	1	1	0	1	1	0
COVID-19	0	0	0	0	0	0	1	0
Burns/Thermal	0	0	0	0	0	0	0	1
Natural Causes or Unknown	2	0	0	1	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>	<b>6</b>

**TABLE 3.2 FATALITIES INSPECTED BY OCCUPATION**

ACTIVITY/YEAR	2015	2016	2017	2018	2019	2020	2021	2022
Law Enforcement/Corrections	2	1	0	3	0	1	2	0
Firefighter/EMT	2	0	1	1	1	1	3	0
Laborer	2	2	0	2	0	0	1	1
Electrician/Lineman	0	0	0	0	0	0	0	0
Technician/Engineer	0	1	3	0	0	0	0	0
Operator	0	0	0	0	2	0	1	2
Janitor/Custodian	0	0	0	2	0	0	0	0
Administrator/Education	3	0	0	0	1	1	0	0
Driver	0	0	0	0	0	0	0	2
Social Worker	0	0	0	0	0	0	0	1
<b>TOTALS</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>6</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 between the protected activity and the adverse action

When the Department finds reason to believe that an employer has retaliated against a whistleblower, the IDOL Director shall bring action in the circuit court for appropriate relief, including rehiring or reinstatement of the employee to his or her former position with back pay, after consideration of any interim earnings of the employee. In such matters the Director shall be represented by the Attorney General. Whistleblower complaints are handled by two whistleblower investigators and a supervisor within IL OSHA. 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	2021	2022
<b>Complaints Filed</b>	2	14	16	27	22	29	35	15	40
Administratively Closed <sup>3</sup>	0	7	10	19	17	24	23	15	29
Dismissed - No Merit	2	6	3	4	3	2	0	0	4
Pending	0	0	0	0	0	0	12	7	5
Settled	0	0	2	3	2	3	0	0	0
Withdrawn	0	1	1	1	0	0	0	0	2

<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

### Contested Citations and Penalties

After receiving a citation, an employer may informally or formally contest the results of the citation and any proposed penalties. Informal conferences occur within the IL OSHA Division and are structured to produce an Informal Settlement Agreement (ISA). Employers that formally contest are referred to the IDOL Legal Division and have the right to a hearing before an IDOL administrative law judge.

**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>	<b>2022</b>
Informal Conference	12	4	5	8	11	5	5	12	6
Formal Contest	1	1	1	1	1	0	0	0	1
Penalties Collected	\$0	\$0	\$0	\$1,250	\$4,500	\$11,510	\$6,000	\$126,000	\$159,260

## 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 or IL 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 2022, 35 Illinois employers have achieved SHARP status.

Addison Fire Protection District  
Andrews Engineering  
Avery Dennison  
Becker Iron and Metal, Inc.  
Catty Corporation  
Chem Processing  
CMS Inc.  
Concentric Itasca Inc.  
Corrosion Materials  
Corrugated Metals, Inc.  
Crane Composites  
DeKalb Area Retirement Center - Oak Crest  
Duraco  
Gallagher Corporation  
Harris Rebar Rockford Inc.  
In-Pipe Technology  
K-Plus Industrial Services, Inc.  
Lafayette Steel

Mid-States Concrete  
Minova  
Obiter Research LLC  
Real Alloy Recycling (Aleris)  
Roscoe Company  
Scot Forge – Franklin Park  
Spoon River Pregnancy Center  
Staunton Fire Protection District (Public Sector)  
Swiss Precision Machining  
Teleweld Inc.  
The Scoular Company – Andres  
Thomas Electronics  
Troy Fire Protection District (Public Sector)  
Tru Vue  
Vosges Haut Chocolat  
Wise Plastics – St. Charles  
Wise Plastics – West Chicago

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<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 federal 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 2022, 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.

As of October 1, 2018, IL OSHA still struggled with meeting the staffing level requirement. An 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 OSHA monitoring meetings and quarterly updates to OSHA Region V. Since that time, IL OSHA has maintained regular and productive communication with US DOL and has successfully demonstrated strong enforcement outcomes and very limited federal audit concerns.

Maintaining staff levels continued to be a challenge for IL OSHA in 2022, as public safety inspectors had lots of outside opportunities in a very competitive labor market. However, the Division and IDOL remain committed to filling vacancies, improving employee retention, and submitting a certification plan to federal OSHA in 2023.