

ILLINOIS DEPARTMENT OF LABOR  
ILLINOIS OSHA DIVISION

**REPORT TO THE GOVERNOR**

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PURSUANT TO 820 ILCS 219/1-925

**ANNUAL GOVERNOR'S REPORT**

January 1, 2018 through December 31, 2018

**BIENNIAL LEGISLATURE'S REPORT**

January 1, 2017 through December 31, 2018

Michael D. Kleinik  
Acting Director

JB Pritzker  
Governor



FEBRUARY 2019

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## I. HISTORY & BACKGROUND

The Illinois State and Local Government Plan (SLGP) is administered by the Illinois Occupational Safety and Health Act (Illinois OSHA) Director under the leadership of the Director of the Illinois Department of Labor (IDOL). The Illinois OSHA Division (the Division) is made up of two separate programs: Enforcement and Consultation. The Enforcement program enforces safety and health standards in public sector workplaces, has oversight of public sector occupational safety and health whistleblower discrimination investigations, adopts Federal Occupational Safety and Health Administration (OSHA) standards, and provides public sector outreach services. U.S. Department of Labor OSHA enforces safety and health standards in the private sector in Illinois. The Consultation program provides consultation services to small to medium sized private and public sector employers.

### **Enforcement**

The Illinois OSHA Enforcement program has been in place since 1985 to ensure safe and healthy working conditions for state, county, municipal, and educational employees. To accomplish this, Illinois OSHA performs inspections, investigations, and consultations outlined under the provisions of the Illinois Occupational Safety and Health Act [820 ILCS 219].

On September 1, 2009, IDOL was approved by OSHA to become a 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 the federal program and are eligible for up to 50 percent matching funds for operating costs. Illinois became the 27<sup>th</sup> State and/or territory that has an OSHA-approved SLGP.

Illinois OSHA has the authority to enforce standards (General Industry, Construction, and Maritime Industries) identical to federal OSHA. The specific Code of Federal Regulations (29 CFR 1910 and 1926) are cited for any violations that Illinois OSHA issues.

Illinois OSHA conducts program planned inspections (PPIs) and investigates fatalities, catastrophic events (FAT/CATs), and complaints. In addition, it administers referrals and conducts follow-up enforcement inspections. On-site inspectors identify and immediately address imminent danger situations, and in doing so, they have the authority to post warnings, inform the affected employees (or representatives), and recommend to the IDOL Director or his or her designee that a cease and desist order be issued to the public employer requiring immediate abatement of the hazard.

Any public employee in Illinois has the right to file a hazardous working condition complaint with Illinois OSHA.

## **Consultation**

In 1975, the United States Congress began funding the voluntary compliance On-Site Consultation program, and by 1980, all 50 States had a program [29 CFR 1908]. For years, the program has provided free consultation services to private sector employers with 250 or fewer employees on-site or 500 employees corporate-wide. On October 1, 2011, Illinois OSHA expanded its consultation services to include public sector employers.

The Illinois On-Site Safety and Health Consultation program is funded 90% by OSHA and 10% by State matching funds. Consultation 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.

## II. MISSION STATEMENT

It is the mission of Illinois OSHA 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.

Illinois OSHA's mission is accomplished by:

- Improving workers' knowledge of health and safety 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**

Illinois OSHA's vision is to be the resource for occupational safety and health for employers and employees in the public and private sector in Illinois. Illinois OSHA realizes this vision 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.

Illinois OSHA 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 Illinois OSHA 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 6,478 public establishments<sup>1</sup> with an estimated 720,984 public employees in Illinois.<sup>2</sup>

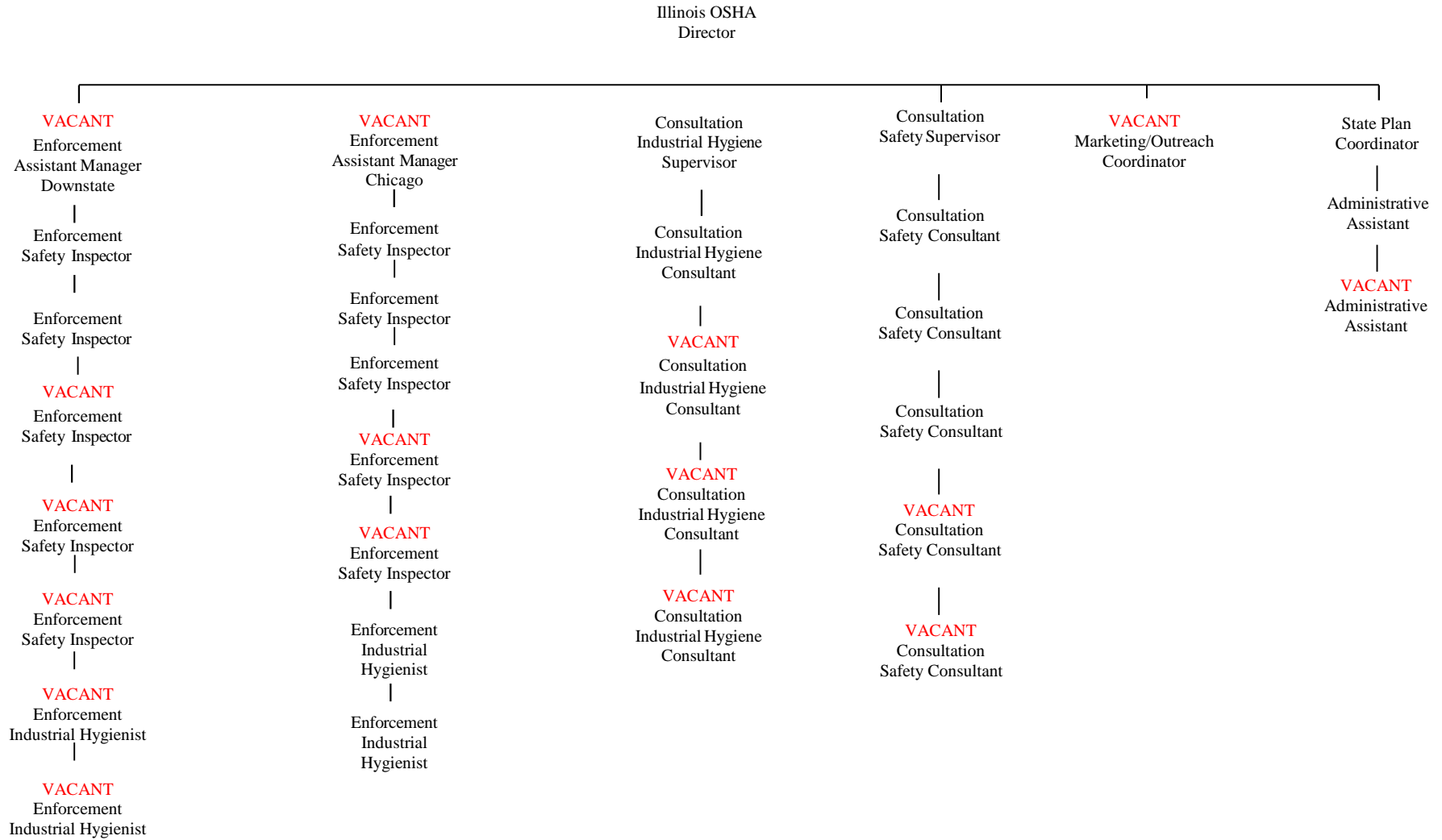
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<sup>1</sup> Public establishments can, and in many cases do, have more than one worksite. This data is not currently collected and broken up individually by the State.

<sup>2</sup> Data Source: Illinois Department of Employment Security (IDES), Quarterly Census of Employment and Wages (QCEW), 2018 Q2.

## V. ILLINOIS OSHA PROFILE

Fully staffed, the Illinois OSHA Division employs 32 professionals. Included in this number are one Director, six Supervisors, 10 Safety Inspectors, four Industrial Hygiene Inspectors, five Safety Consultants, four Industrial Hygiene Consultants and two Support Staff.





## VI. PROGRAM ACTIVITIES

### Enforcement Activities

Illinois OSHA conducted a total of 245 public sector inspections in calendar year (CY) 2017 and 175 public sector inspections in CY 2018. Inspections are categorized as programmed and unprogrammed. Programmed inspections are scheduled based upon objective or neutral selection criteria. Unprogrammed inspections are scheduled in response to alleged hazardous working conditions identified at a specific worksite.

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

ACTIVITY/YEAR	2014	2015	2016	2017	2018
<b>PROGRAMMED INSPECTIONS</b>					
Planned	204	392	277	139	86
Related	1	2	0	1	5
Other	0	0	2	0	0
<b>UNPROGRAMMED INSPECTIONS</b>					
Accident	0	0	0	1	0
Fatality	13	9	4	4	7
Complaint	66	81	40	52	41
Referral	47	8	12	4	5
Monitoring	1	1	3	3	0
Follow-up	27	20	27	5	0
Related	0	2	3	0	0
Non-Fatal Accident <small>(amputations, hospitalizations, non-hospitalizations)</small>	0	33	42	36	31
Other	4	0	0	0	0
<b>TOTALS</b>	<b>363</b>	<b>548</b>	<b>410</b>	<b>245</b>	<b>175</b>

## **Consultation Activities**

**Calendar Year 2017:** The program provided occupational safety and health consultation services to 316 employers in CY 2017. These employers cover a total of 34,755 employees nationwide, 22,546 of whom work in Illinois. Illinois OSHA consultants identified and corrected exposures affecting 18,004 employees in a timely manner. In addition to removing hazards during the consultation visits, Illinois OSHA consultants informally trained 332 employees, supervisors and managers on how to provide a safe and healthy work place.

**Calendar Year 2018:** The program provided occupational safety and health consultation services to 320 employers in CY 2018. These employers cover a total of 28,578 employees nationwide, 17,000 of whom work in Illinois. Illinois OSHA consultants identified and corrected exposures affecting 21,509 employees in a timely manner. In addition to removing hazards during the consultation visits, Illinois OSHA consultants informally trained 425 employees, supervisors and managers on how to provide a safe and healthy work place.

TABLE 1.1 CONSULTATION ACTIVITIES

<b>ACTIVITY/YEAR</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Initial Visits	507	481	300	252	240
Training & Assistance Visits	10	6	4	4	5
Follow-up Visits	47	76	63	60	75
<b>TOTALS</b>	<b>564</b>	<b>563</b>	<b>367</b>	<b>316</b>	<b>320</b>

## **Compliance Assistance**

Illinois OSHA conducts compliance assistance activities for high hazard industry organizations/groups concerning the hazards of relevant National Emphasis Programs (NEPs), OSHA Directives and to promote Illinois OSHA's On-Site Consultation services. In CY 2017 and CY 2018, Illinois OSHA performed the following compliance assistance activities:

- February 7, 2017, Troy Fire Department Safety and Health Achievement Recognition Program (SHARP) ceremony.
- February 27, 2017, Southern Illinois Builders Association (SIBA) Annual Conference presentation on silica standards.

- March 1, 2017, Downstate Illinois Occupational Safety and Health (DIOSH) Day: Illinois OSHA participated as a vendor. IDOL presented Kevin Gorshe, from CORE Construction, with the 6<sup>th</sup> Annual Governor's Safety and Health Award for an individual. More than 700 safety and health professionals attended.
- March 3, 2017, Illinois OSHA FactSheet for Public Works Departments distributed to more than 100 members of the Illinois Public Service Institute (IPSI).
- April 25, 2017, Illinois OSHA Fire Department FactSheet distributed to more than 1,500 members of the Illinois Fire Chiefs Association (IFCA).
- April 25, 2017, Illinois OSHA Fire Department FactSheet distributed to the Illinois Association of Fire Protection Districts (IAFDP) which has approximately 3,000 members.
- May 5, 2017, Workers' Compensation Trust of Illinois booth.
- May 6, 2017, Illinois Hospital Association presentation.
- May 9, 2017, mailed consultation brochure and called 44 public nursing home and residential care facilities.
- May 22, 2017 Illinois OSHA FactSheet for Public Works Departments distributed to more than 2,500 members of the Illinois American Water Works Association (IAWWA).
- July 21, 2017, Staunton Fire Department SHARP ceremony.
- August 30, 2017, Becker Iron & Metal, Inc. SHARP ceremony in honor of Labor Day featuring Lieutenant Governor Evelyn Sanguinetti and IDOL Acting Director Joe Beyer.
- September 20, 2017, Chicagoland Safety Conference booth.
- January 9, 2018, Air Blue Heating and Cooling: silica program compliance assistance.
- January 22, 2018, Southern Illinois Occupational Safety and Health (SIOSH) Day: program promotion as exhibitor.
- February 28, 2018, Downstate Illinois Occupational Safety and Health (DIOSH) Day: program promotion as exhibitor and presented Dan Becker, from Becker Iron & Metal, Venice, IL with the 7<sup>th</sup> Annual Governor's Safety and Health Award.
- April 5, 2018, Illinois Green Industry Association: silica standard compliance assistance.
- April 6, 2018, Smokin Gun Worx: lead standard compliance assistance.
- April 2, 2018, Poultry slaughtering and processing employer outreach mailing.
- April 9, 2018, F.J. Murphy & Sons, Inc.: recordkeeping training and program promotion.
- April 12, 2018, Commercial and residential construction outreach mailing.
- April 18, 2018, Mid-States Concrete Inc.: leadership training.
- May 4, 2018, Workers Compensation Trust Insurance of Illinois: program promotion as exhibitor.
- May 22, 2018, Illinois Department of Human Services: compliance assistance with lead testing in water.
- May 22, 2018, Swiss Precision Machining: leadership training.
- June 5, 2018, Evans Masonry: silica exposure control plan development.
- June 7, 2018 staff presented at the Illinois Section American Water Works Association's Safety Summit.
- June 2018 Illinois OSHA notified all State and Local Government agencies of the new Electronic Reporting Requirements effective October 1, 2018.
- June 19, 2018 Trenching stand down with Chicago Water Department. 215 employees attended.

- July 9, 2018 staff presented “Illinois OSHA 101” to Johnson County Fire Services.
- July 24, 2018, Life Sciences Network: program and SHARP promotion and leadership training.
- August 13, 2018 staff presented “Illinois OSHA 101” to Vienna Fire Station.
- September 19, 2018, Chicagoland Safety Conference: program promotion as exhibitor.

## VII. CITATIONS AND HAZARDS PROFILE

The Illinois Occupational Safety and Health Act 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 Illinois OSHA issue a citation. Willful and criminal/willful citations must be approved by the Illinois OSHA Director. 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.

The General Duty Clause of the Occupational Health and Safety Act is cited when there is no standard that applies to the particular hazard involved. All such proposed citations must be approved by the Illinois OSHA Director.

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 Illinois OSHA Director.

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
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
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

As of October 19, 2015, 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 Illinois OSHA by calling our confidential 24-hour number at (217) 782-7860. All incidents that meet these criteria are investigated by Illinois OSHA within 24 hours in conjunction with other agencies to determine if a violation of a known safety and health standard contributed to the incident.

### **Fatality Investigations**

There were 26 fatalities reported to Illinois OSHA in CY 2017 and CY 2018, 12 which met Illinois OSHA criteria for requiring a more thorough investigation beyond the preliminary inspection. Fatalities broken out by activity and occupation are shown in Table 3.0 and Table 3.1. The following list provides a summary of the CY 2017-2018 fatalities investigated by Illinois OSHA:

1. 2/13/2017 - City of Chicago - Department of Water Management, Chicago, IL; Trenching related fatality.
2. 5/5/2017 - Village of Hanover Park - Waste Water Treatment Plant, Hanover Park, IL; Drowning related fatality.
3. 9/18/2017 - Illinois Tollway Authority, Alsip, IL; Transportation related fatality.
4. 6/10/2017 - Village of Dolton - Fire Department, Dolton, IL; Cardiac related fatality.
5. 1/4/2018 - Marengo Community High School District #154, Marengo, IL; Fall from height related fatality.
6. 2/13/2018 - City of Chicago - Police Department, Chicago, IL; Shooting related fatality.
7. 5/29/2018 - City of Chicago - Fire Department, Chicago, IL; Drowning related fatality.
8. 10/14/2018 - Chicago Transit Authority, Chicago, IL; Fall from height related fatality.
9. 10/27/2018 - University of IL – Chicago, Chicago, IL; Fall from height related fatality.
10. 11/20/2018 - Central School District 301 – Elgin, IL; Natural cause heart attack related fatality.
11. 12/17/2018 – City of Chicago – Police Department, Chicago, IL; struck by train related fatalities (two fatalities)

### **Non-Fatal Accident Investigations**

Non-Fatal accident investigations consist of amputations, hospitalizations and accidents that result in a hospitalization. There were 382 accidents reported to Illinois OSHA in CY 2017 and 2018, 65 of which met Illinois OSHA criteria for requiring a more thorough investigation beyond the preliminary inspection. The following list provides a summary of the CY 2017 and 2018 accidents which were investigated by Illinois OSHA:

1. 1/11/2017 - City of Chicago - Dept. of Aviation, Chicago, IL; Fall from height related accident.
2. 1/13/2017 - Winnebago County - Human Resources, Rockford, IL; Ergonomic related accident.

3. 1/13/2017 - City of Crystal Lake, Crystal Lake, IL; Stuck by vehicle related accident.
4. 1/17/2017 - City of Chicago - Fire Department, Chicago, IL; Fall from height related accident.
5. 1/19/2017 - Illinois Dept. of Human Services - Shapiro Developmental Center, Kankakee, IL; Ergonomic related accident.
6. 2/8/2017 - City of Olney - Water Distribution, Olney, IL; Impaled by object related accident.
7. 3/10/2017 - Illinois Dept. of Transportation - Champaign Sign Shop - TS-519C, Champaign, IL; Fall from height related accident.
8. 3/10/2017 - City of Decatur - Fleet Management, Decatur, IL; Slip and fall related accident.
9. 3/29/2017 - City of Chicago - Dept. of Water Management, Chicago, IL; Slip and Fall related accident.
10. 3/29/2017 - Village of Shorewood - Public Works, Shorewood, IL; Amputation related accident.
11. 4/7/2017 - Illinois Tollway Authority, Schaumburg, IL; Slip and fall related accident.
12. 4/22/2017 - Illinois Dept. of Transportation - Eisenhower Yard, Chicago, IL; Caught in related accident.
13. 4/24/2017 - Bloomington Normal Water Reclamation District, Bloomington, IL; Transportation related accident.
14. 4/26/2017 - Cook County Sheriff, Chicago, IL; Workplace violence related accident.
15. 5/15/2017- Chicago Transit Authority - Clybourn Red Line Station, Chicago, IL; Fall from height related accident.
16. 6/17/2017 - Village of Albany, Albany, IL; Chemical burn/inhalation related accident.
17. 6/29/2017 - City of Chicago - Dept. of Water Management, Chicago, IL; Struck by related accident.
18. 6/30/2017 - Chicago Transit Authority - Red Line, Chicago, IL; Burn related accident.
19. 7/3/2017 - City of Des Plaines - Village Hall, Des Plaines, IL; Ergonomic related accident.
20. 7/5/2017 - St. Charles Park District - Rotary Park, St. Charles, IL; Accidental discharge related accident.
21. 7/7/2017 - Cook County Health & Hospital System - John H. Stroger, Jr. Hospital, Chicago, IL; Chemical exposure related accident.
22. 7/18/2017 - City of Decatur, Decatur, IL; Backover related accident.
23. 7/21/2017 - City of Chicago - Police Department, Chicago, IL; Non-fatal gunshot related accident.
24. 7/25/2017 - City of Chicago - Animal Care and Control, Chicago, IL; Amputation related accident.
25. 8/6/2017 - Village of Hanover Park - Fire Dept., Hanover Park, IL; Cut to extremity related accident.
26. 8/7/2017 - Monroe County - Highway Dept., Waterloo, IL; Struck by related accident.
27. 8/9/2017 - City of Chicago - Police Dept., Chicago, IL; Crushing related accident.
28. 8/11/2017 - University of Illinois - College of Medicine, Rockford, IL; Electrocution related accident.
29. 8/24/2017 - City of Chicago - Streets and Sanitation, Chicago, IL; Falling object related accident.
30. 9/4/2017 - City of Markham - Public Works, Markham, IL; Backover related accident.



31. 9/22/2017 - Southern Illinois University, Carbondale, IL; Amputation related accident.
32. 11/7/2017 - City of Marion - Waste Water Treatment Plant, Marion, IL; Struck by related accident.
33. 11/16/2017 - City of Chicago - Streets and Sanitation, Chicago, IL; Fall from height related accident.
34. 11/21/2017 - Moraine Valley Community College, Palos Hills, IL; Electrocutation related accident.
35. 12/7/2017 - Central Township - Road District, Greenville, IL; Struck by related accident.
36. 12/27/2017 - Illinois Dept. of Transportation, East Alton, IL; Amputation related accident.
37. 1/10/2018 - University of Illinois-Waste Transfer Station, Champaign, IL; Fall from height related accident.
38. 1/24/2018 - University of Illinois - Abbott Power Plant, Champaign, IL; Chemical burn related accident.
39. 1/26/2018- IL Dept. of Transportation - Woodstock Yard, Woodstock, IL; Stuck by shrapnel related accident.
40. 1/31/2018 - City of Markham - Police Department, Markham, IL; Auto related accident.
41. 2/5/2018 - City of Chicago - Dept. of Aviation - O'Hare Int'l Airport, Chicago, IL; Fall from height related accident.
42. 2/6/2018 - IL Dept. of Transportation-East Peoria Bridge Maintenance, East Peoria, IL; Amputation related accident.
43. 2/27/2018 - IL Dept. of Transportation - Jacksonville, Jacksonville, IL; Struck by related accident.
44. 3/3/2018 - City of Chicago - Fire Department, Chicago, IL; Shortness of breath related accident.
45. 3/12/2018 - City of Chicago - Fire Department, Chicago, IL; Bite from patient related accident.
46. 3/16/2018 - Mt. Prospect Park District - RecPlex, Mt. Prospect, IL; Broken bone related accident.
47. 3/21/2018 - Lincoln-Way Community High School Dist. 210 - District Office, New Lenox, IL; Crushing related accident.
48. 4/3/2018 - Housing Authority of Champaign County- Steer Place, Urbana IL; Slip and fall related accident.
49. 4/7/2018 - City of Chicago - Fire Dep. - Engine 65, Chicago, IL; Burn related accident.
50. 4/19/2018 - City of Champaign - Public Works, Champaign, IL; Fall from height related accident.
51. 4/27/2018 - City of Hoopeston - Street Department, Hoopeston, IL; Fall from height related accident.
52. 5/2/2018 - Chicago Transit Authority, Chicago, IL; Arc flash related accident.
53. 5/3/2018 - City of Crystal Lake - City Hall, Crystal Lake, IL; Fall from height related accident.
54. 5/4/2018 - Chicago Transit Authority - 54th Street Yard, Cicero, IL; Electrical shock related accident.
55. 6/11/2018 - City of Chicago - Streets and Sanitation, Chicago, IL; Pinned by related accident.

56. 7/11/2018 - DuPage County - Forest Preserve District, West Chicago, IL; Amputation related accident.
57. 8/2/2018 - IL Dept. of Transportation - Greenup, Greenup, IL; Broken bone related accident.
58. 8/8/2018 - Village of Winnetka - Water & Electric, Winnetka, IL; Cut related accident.
59. 8/30/2018 - Metropolitan Water Reclamation District of Greater Chicago - Calumet Water Reclamation Plant, Chicago, IL; Explosion related accident.
60. 9/18/2018 - Community Unit School District #200, Wheaton, IL; Electrical shock related accident.
61. 10/11/2018 - City of Breese - Electric Department, Breese, IL; Arc flash related accident.
62. 11/7/2018 - City of Chicago - Animal Care and Control, Chicago, IL; Dog bite related accident.
63. 11/13/2018 - City of Chicago - Fire Department, Chicago, IL; Smoke inhalation related accident.
64. 11/29/2018 - IL Dept. of Transportation - Marion Yard, Marion, IL; Amputation related accident.
65. 12/5/2018 - University of IL - Urbana, Urbana, IL; Amputation related accident.

**TABLE 3.0 FATALITIES BY ACTIVITY**

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

**TABLE 3.1 FATALITIES BY OCCUPATION**

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

## IX. WHISTLEBLOWER INVESTIGATIONS

The Illinois Occupational Safety and Health Act 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 Illinois Director of Labor 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, Federal OSHA monitors approved an intergovernmental agreement (IGA) between the Illinois OSHA Division 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 the Illinois OSHA Division. In CY 2017 there were 27 complaints filed and after investigation, 19 were administratively closed<sup>3</sup>, three settled, one withdrawn and four dismissed for no merit. In CY 2018 there were 22 complaints filed and after investigation, 15 were administratively closed, one settled, two were dismissed for no merit and four are pending.

## 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 the Illinois Director of Labor 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 the Illinois Director of Labor 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. In CY 2017 there were five cases with informal contests and one formal contest with a total of \$1,250 in penalties paid. In CY 2018 there were 10 cases with informal contests and two formal contests still pending settlement with a total of \$4,500 in penalties paid.

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<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.

## **XI. SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)**

The Illinois On-Site Consultation program evaluates the safety and health programs of small to medium sized businesses to determine if they meet the criteria to be certified as a SHARP site. SHARP recognizes employers who operate exemplary safety and health programs at their worksites that result in immediate and long-term prevention of job-related injuries and illnesses. In 2017, the program had 34 SHARP employers in Illinois. By end of CY 2018, 38 Illinois employers have achieved SHARP status. (listed below):

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

## XII. 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 the US DOL 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**

Illinois OSHA requested and received \$1,527,100 for Enforcement and \$1,919,000 for Consultation in annual federal matching grants in 2017 and the same amount in 2018<sup>4</sup>, which are used to supplement Illinois' current safety and health activities.

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

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<sup>4</sup> Due to staffing vacancies, the Consultation program de-obligated \$810,000 of its federal match in 2017, \$835,000 in 2018, and the Enforcement program de-obligated \$636,100 of its federal match in 2017, \$895,000 in 2018.

Federal funding enables Illinois OSHA 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, Illinois 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 Illinois OSHA requested a two-year extension in October of 2012, which was granted by Federal OSHA. This extension expired in 2014 with Illinois OSHA still not having met their required developmental steps for State Plan certification. As such, additional requests were made by Illinois OSHA. Since this time, three one-year extensions have been approved by Federal OSHA.

On October 1, 2018, Illinois OSHA requested an additional two-year extension regarding staffing level requirements. The request has been verbally approved by Federal OSHA, with stipulations that significant ongoing progress must be shown toward filling vacancies and heightened monitoring be put in place, including monthly Federal OSHA monitoring meetings and quarterly updates to OSHA Region V and the National Office. If unsuccessful in filling necessary vacancies in the program in accordance with the extension agreement, Illinois OSHA will likely lose a significant amount of federal funding permanently.