



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

JANE R. FLANAGAN
ACTING DIRECTOR

August 17, 2022

William J. Donovan, Regional Administrator
U.S. Department of Labor – OSHA
230 S. Dearborn Street, Room 3244
Chicago, IL 60604

Re: FY 2021 Federal Annual Monitoring and Evaluation Report

Dear Mr. Donovan:

Attached please find the Illinois Department of Labor – Illinois OSHA (Illinois OSHA) response to the U.S. Department of Labor – OSHA (OSHA) FY 2021 Federal Annual Monitoring and Evaluation Report (FAME) and our draft Corrective Action Plan (CAP). Please post this letter on the OSHA webpage.

We appreciate OSHA identifying areas where Illinois OSHA can improve, and we welcome continued feedback and evaluation from OSHA. If you have any questions or comments regarding our responses and CAP, please feel free to contact Erik Kambarian at 217-720-8079.

Sincerely,

Jane R. Flanagan
Acting Director

Attachment: FY21 CAP

cc: Suzanne M. Smith, Director of the Office of State Programs
Aaron Priddy, Area Director, Fairview Heights, IL

ILLINOIS OSHA RESPONSE TO OSHA FY 2021 FAME REPORT

Finding FY 2021-01: Twenty-five of the 49 (51%) files with violations did not contain adequate documentation of the information required to support the violations in accordance with Illinois OSHA FOM, Chapter 3-6, C, titled, “Record All Facts Pertinent to a Violation.”

Recommendation: Ensure case files contain all of the necessary information required to support the violations issued in accordance with the Illinois FOM.

Response: A FAME review and training session has been scheduled for all enforcement team members and will be held in September to address this finding.

Enforcement managers will reject inspections submitted for review that lack adequate documentation to support violations per IL OSHA FOM.

Finding FY 2021-02: Thirty-four of the 60 (57%) files reviewed, employee interviews were not conducted or properly documented as required by Chapter 3 of the Illinois FOM.

Recommendation: Ensure employee interviews are conducted and case files contain appropriately documented employee interviews as outlined in Chapter 3 of the Illinois FOM.

Response: A FAME review and training session has been scheduled for all enforcement team members and will be held in September to address this finding.

Enforcement managers will reject inspections submitted for review that lack adequate documentation of employee interviews per IL OSHA FOM.

Finding FY 2021-03: Whistleblower complaints were not properly processed in accordance with established policies. In 16 of the 18 (89%) administratively closed intakes, a memo to file was not created to document the interview of the complainant and why the complaint was closed. In six of the 18 (33%) administratively closed intakes, four of which presented prima facie allegations, the complaint was closed without contacting the complainant to conduct an interview and to obtain the complainant’s concurrence for closing the complaint.

Recommendation: Properly process complaints per the Illinois Department of Labor Whistleblower Investigation Manual, Effective July 1, 2017, Chapter II (B)(1) and (B)(2).

Response: A FAME review and training session has been scheduled for all whistleblower investigators and will be held in September to address this finding.

As of August 2022, IL OSHA has filled the position that serves as the Whistleblower Program Supervisor.

The Whistleblower Program Supervisor will ensure that complaints are properly processed in accordance with established policies.

Finding FY 2021-04: Nine of the 18 (50%) administratively closed whistleblower intakes had an inaccurate or missing activity or telephone log.

Recommendation: Properly and accurately document all telephone calls made, messages received, and exchange of written or electronic correspondence during the course of an investigation in the activity/telephone log per the Illinois Department of Labor Whistleblower Investigation Manual, Effective July 1, 2017, Chapter II (G)(2)(f).

Response: A FAME review and training session scheduled for all whistleblower investigators will be held in September to address this finding.

As of August 2022, IL OSHA has filled the position that serves as the Whistleblower Program Supervisor.

The Whistleblower Program Supervisor will ensure that call logs are accurate and consistently maintained.

Finding FY 2021-05: During FY 2021, the State Plan closed or completed zero whistleblower investigations. The State Plan currently has four pending docketed cases with 770 average days pending.

Recommendation: Properly investigate, process and complete open complaints per the Illinois Department of Labor Whistleblower Investigation Manual, Effective July 1, 2017.

Response: A FAME review and training session scheduled for all whistleblower investigators will be held in September to address this finding.

As of August 2022, IL OSHA has filled the position that serves as the Whistleblower Program Supervisor.

The Whistleblower Program Supervisor will ensure timely processing and resolution of investigations.