**Section 350.160 Petitions for Modification of Abatement Date**

a) An employer may file a petition for modification of an abatement date when he or she has made a good faith effort to comply with the abatement requirements of a citation, but the abatement has not been completed because of factors beyond his or her reasonable control.

b) A petition for modification of an abatement date shall be in writing and shall include the following information:

1) All steps taken by the employer, and the dates of the action, in an effort to achieve compliance during the prescribed abatement period.

2) The specific additional abatement time necessary to achieve compliance.

3) The reasons the additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

5) A certification that a copy of the petition has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with subsection (c)(1) and a certification of the date upon which the posting and service was made.

c) A petition for modification of abatement date shall be filed with the Division Manager or his or her designee who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

1) A copy of the petition shall be posted in a conspicuous place where all affected employees will have notice of the petition or near the location where the violation occurred. The petition shall remain posted for a period of 10 working days. When affected employees are represented by an authorized representative, the representative shall be served with a copy of the petition.

2) Affected employees or their representatives may file an objection in writing to the petition with the Division Manager. Failure to file the objection within 10 working days after the date of posting of the petition or after service upon an authorized representative shall constitute a waiver of any further right to object to the petition.

3) The Director or his or her duly authorized agent shall have the authority to approve any petition for modification of an abatement date filed pursuant to subsection (b) and this subsection (c). Uncontested petitions shall become final orders [820 ILCS 220/2.4(a)(3)].

4) The Director or his or her authorized representative shall not exercise his or her approval power until the expiration of 15 working days from the date the petition was posted or served by the employer pursuant to subsections (c)(1) and (2).

d) When any petition is objected to by the Director or affected employees, the petition, citation and any objections shall be forwarded to the Chief Administrative Law Judge within 3 working days after the expiration of the 15 day period set out in subsection (c)(4).