**Section 350.200 Failure to Correct a Violation for which a Citation has been Issued**

a) If an inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, the Division Manager shall, if appropriate, consult with the Chief Legal Counsel and notify the employer by certified mail or by personal service by the Enforcement Inspector of that failure and of the penalty proposed to be assessed under Section 85 of the Act. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the Administrative Law Judge in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.

b) Any employer receiving a notification of failure to correct a violation and of proposed additional penalty may, under Section 95 of the Act, notify the Division Manager in writing that the employer intends to contest the notification or proposed additional penalty before an ALJ. The notice of intention to contest shall be postmarked within 15 working days after the receipt by the employer of the notification of failure to correct a violation and of the proposed additional penalty. The Division Manager shall immediately transmit the notice to the Chief ALJ in accordance with 56 Ill. Adm. Code 120.

c) Each notification of failure to correct a violation and of proposed additional penalty shall state that it is the final order of the ALJ and not subject to review by any court or agency unless, within 15 working days from the date of receipt of the notification, the employer notifies the Division Manager in writing that the employer intends to contest the notification or the proposed additional penalty before an ALJ.

(Source: Amended at 46 Ill. Reg. 3518, effective February 15, 2022)