

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Safety Inspection and Education Act is  
5 amended by changing Sections .02, 1, 2, 2.2, 2.3, 2.4, 2.5,  
6 2.6, 2.7, 2.8, 2.10, 8, 10, and 11 and by adding Section 12 as  
7 follows:

8 (820 ILCS 220/.02) (from Ch. 48, par. 59.02)

9 Sec. .02. Definitions. As used in this Act:

10 "Department" means the Department of Labor.

11 "Director" means the Director of Labor.

12 "Division" means the Division of Safety Inspection and  
13 Education of the Department of Labor.

14 "Employee" means every person in the service of: the State,  
15 including members of the General Assembly, members of the  
16 Illinois Commerce Commission, members of the Workers'  
17 Compensation Commission, and all persons in the service of the  
18 public universities and colleges in Illinois; an Illinois  
19 county, including deputy sheriffs and assistant State's  
20 attorneys; or an Illinois city, township, incorporated village  
21 or school district, body politic, or municipal corporation;  
22 whether by election, under appointment or contract, or hire,  
23 express or implied, oral or written.

1           "Public employer" or "employer" means the State of Illinois  
2           and all political subdivisions.

3           (Source: P.A. 94-477, eff. 1-1-06.)

4           (820 ILCS 220/1) (from Ch. 48, par. 59.1)

5           Sec. 1. For the purpose of assisting in the  
6 administration of the provisions of this Act, the Director of  
7 Labor may authorize his representatives in the Department of  
8 Labor ~~or other agencies or political subdivisions of the State~~  
9 ~~of Illinois~~ to perform any necessary inspections or  
10 investigations. The Department of Labor, hereinafter called  
11 the Department, shall maintain a division to be known as the  
12 Division of Safety Inspection and Education, hereinafter  
13 called the Division.

14           (Source: P.A. 78-868.)

15           (820 ILCS 220/2) (from 820 ILCS 220/2, in part)

16           Sec. 2. Powers and duties; inspections.

17           (a) The Director of Labor shall enforce the occupational  
18 safety and health standards and rules promulgated under the  
19 Health and Safety Act and any occupational health and safety  
20 laws relating to inspection of places of employment, and shall  
21 visit and inspect, as often as practicable, the places of  
22 employment covered by this Act.

23           (b) The Director of Labor or his or her authorized  
24 representatives upon presenting appropriate credentials to the

1 ~~owner, operator or~~ agent in charge is authorized to have the  
2 right of entry and inspections of all places of public ~~all~~  
3 employment in the State as follows:

4 (1) To enter without delay and at reasonable times any  
5 factory, plant, establishment, construction site, or other  
6 area, workplace or environment where work is performed by  
7 an employee of a public employer in order to enforce such  
8 occupational safety and health standards.

9 (2) If the public employer refuses entry upon being  
10 presented proper credentials or allows entry but then  
11 refuses to permit or hinders the inspection in some way,  
12 the inspector shall leave the premises and immediately  
13 report the refusal to authorized management. Authorized  
14 management shall notify the Director of Labor to initiate  
15 the compulsory legal process or obtain a warrant for entry,  
16 or both.

17 (3) To inspect and investigate during regular working  
18 hours and at other reasonable times, and within reasonable  
19 limits and in a reasonable manner, any such place of  
20 employment and all pertinent conditions, structures,  
21 machines, apparatus, devices, equipment, and materials  
22 therein, and to question privately any such employer,  
23 ~~owner, operator,~~ agent or employee.

24 (4) The owner, operator, manager or lessees of any  
25 place affected by the provisions of this Act and his or her  
26 agent, superintendent, subordinate or employee, and any

1 employer affected by such provisions shall when requested  
2 by the Division of Safety Inspection and Education, or any  
3 duly authorized agent thereof, furnish any information in  
4 his or her possession or under his control which the  
5 Department of Labor is authorized to require, and shall  
6 answer truthfully all questions required to be put to him,  
7 and shall cooperate in the making of a proper inspection.

8 (5) (Blank) ~~A person who gives advance notice of an~~  
9 ~~inspection to be conducted under the authority of this Act~~  
10 ~~without authority from the Director of Labor, or his or her~~  
11 ~~authorized representative, commits a Class B misdemeanor.~~

12 (6) Subject to regulations issued by the Director of  
13 Labor, a representative of the employer and a  
14 representative authorized by his or her employees shall be  
15 given an opportunity to accompany the Director of Labor or  
16 his or her authorized representative during the physical  
17 inspection of any workplace under this Section for the  
18 purpose of aiding such inspection. Where there is no  
19 authorized employee representative the Director of Labor  
20 or his or her authorized agent shall consult with a  
21 reasonable number of employees concerning matters of  
22 health and safety in the workplace.

23 (7) (A) Whenever and as soon as an inspector concludes  
24 that an imminent danger exists in any place of employment,  
25 the inspector shall inform the affected employees or their  
26 authorized representatives and employers of the danger and

1           that the inspector is recommending to the Director of Labor  
2           that relief be sought.

3           (B) Whenever the Director is of the opinion that  
4           imminent danger exists in the working conditions of any  
5           public employee in this State, which condition may  
6           reasonably be expected to cause death or serious physical  
7           harm immediately or before the imminence of such danger can  
8           be eliminated through the enforcement procedures otherwise  
9           provided by this Act and the Health and Safety Act, the  
10          Director may file a complaint in the circuit court for  
11          appropriate relief against an employer and employee,  
12          including an order directing the employer or employee to  
13          cease and desist from the practice creating the imminent  
14          danger and to obtain immediate abatement of the hazard.

15          (C) If the Director of Labor arbitrarily or  
16          capriciously fails to seek relief under this Section, any  
17          employee who may be injured by reason of such failure, or  
18          the representative of the employee, may bring an action  
19          against the Director of Labor in the circuit court for the  
20          circuit in which the imminent danger is alleged to exist or  
21          the employer has his or her principal office, for relief by  
22          mandamus to compel the Director of Labor to seek such an  
23          order and for such further relief as may be appropriate.

24          (c) In making his or her inspections and investigations  
25          under this Act and the Health and Safety Act, the Director of  
26          Labor has the power to require the attendance and testimony of

1 witnesses and the production of evidence under oath.

2 (Source: P.A. 94-477, eff. 1-1-06.)

3 (820 ILCS 220/2.2)

4 Sec. 2.2. Discrimination prohibited.

5 (a) A person may not discharge or in any way discriminate  
6 against any employee because the employee has filed a complaint  
7 or instituted or caused to be instituted any proceeding under  
8 or related to this Act or the Health and Safety Act or has  
9 testified or is about to testify in any such proceeding or  
10 because of the exercise by the employee on behalf of himself or  
11 herself or others of any right afforded by this Act or the  
12 Health and Safety Act.

13 (b) Any employee who believes that he or she has been  
14 discharged or otherwise discriminated against by any person in  
15 violation of this Section may, within 30 calendar days after  
16 the violation occurs, file a complaint with the Director of  
17 Labor alleging the discrimination. ~~Upon request, the Director~~  
18 ~~of Labor shall withhold the name of the complainant from the~~  
19 ~~employer.~~ Upon receipt of the complaint, the Director of Labor  
20 shall cause such investigation to be made as the Director deems  
21 appropriate. If, after the investigation, the Director of Labor  
22 determines that the provisions of this Section have been  
23 violated, the Director shall, ~~within 120 days after receipt of~~  
24 ~~the complaint,~~ bring an action in the circuit court for  
25 appropriate relief, including rehiring or reinstatement of the

1 employee to his or her former position with back pay, after  
2 taking into account any interim earnings of the employee.

3 (c) (Blank). ~~Within 90 days of the receipt of a complaint~~  
4 ~~filed under this Section, the Director of Labor shall notify~~  
5 ~~the complainant of the Director's determination under~~  
6 ~~subsection (b) of this Section.~~

7 (Source: P.A. 94-477, eff. 1-1-06.)

8 (820 ILCS 220/2.3) (from 820 ILCS 220/2, in part)

9 Sec. 2.3. Methods of compelling compliance.

10 (a) Citations.

11 (1) If, upon inspection or investigation, the Director  
12 of Labor or his or her authorized representative believes  
13 that an employer has violated a requirement of this Act,  
14 the Health and Safety Act, or a standard, rule, regulation  
15 or order promulgated pursuant to this Act or the Health and  
16 Safety Act, he or she shall with reasonable promptness  
17 issue a citation to the employer. Each citation shall be in  
18 writing; describe with particularity the nature of the  
19 violation and include a reference to the provision of the  
20 Act, standard, rule, regulation, or order alleged to have  
21 been violated; and fix a reasonable time for the abatement  
22 of the violation.

23 (2) The Director of Labor may prescribe procedures for  
24 the issuance of a notice of de minimis violations which  
25 have no direct or immediate relationship to safety or

1 health.

2 (3) Each citation issued under this Section, or a copy  
3 or copies thereof, shall be prominently posted as  
4 prescribed in regulations issued by the Director of Labor  
5 at or near the place at which the violation occurred.

6 (4) Citations shall be served on the employer, ~~owner,~~  
7 ~~operator,~~ manager, or agent by delivering an exact copy to  
8 the person upon whom the service is to be had, or by  
9 leaving a copy at his or her usual place of business or  
10 abode, or by sending a copy thereof by certified ~~registered~~  
11 mail to his place of business.

12 (5) No citation may be issued under this Section after  
13 the expiration of 6 months following the occurrence of any  
14 violation.

15 (6) If, after an inspection, the Director of Labor  
16 issues a citation, he or she shall within 5 days after the  
17 issuance of the citation, notify the employer by certified  
18 mail of the penalty, if any, proposed to be assessed for  
19 the violation set forth in the citation.

20 (7) If the Director of Labor has reason to believe that  
21 an employer has failed to correct a violation for which a  
22 citation has been issued within the period permitted for  
23 its correction, the Director of Labor shall notify the  
24 employer by certified mail of such failure and of the  
25 monetary penalty proposed to be assessed by reason of such  
26 failure.

1           (8) The public entity may submit in writing data  
2 relating to the abatement of a hazard to be considered by  
3 an authorized representative of the Director of Labor. The  
4 authorized representative of the Director of Labor shall  
5 notify the interested parties if such data will be used to  
6 modify an abatement order.

7           (b) Proposed penalties ~~violations~~.

8           (1) Civil penalties. Civil penalties under  
9 subparagraphs (A) through (E) may be assessed by the  
10 Director of Labor as part of the citation procedure as  
11 follows:

12           (A) Any public employer who repeatedly violates  
13 the requirements of this Act, the Health and Safety Act  
14 or any standard, or rule, or order pursuant to either  
15 ~~that Act and this~~ Act may be assessed a civil penalty  
16 of not more than \$10,000 per violation.

17           (B) Any employer who has received a citation for a  
18 serious violation of the requirements of this Act, the  
19 Health and Safety Act or any standard, or rule, or  
20 order pursuant to either ~~that Act and this~~ Act may  
21 ~~shall~~ be assessed a civil penalty up to \$1,000 for each  
22 such violation.

23           For purposes of this Section, a serious violation  
24 shall be deemed to exist in a place of employment if  
25 there is a substantial probability that death or  
26 serious physical harm could result from a condition

1           which exists, or from one or more practices, means,  
2           methods, operations, or processes which have been  
3           adopted or are in use in such place of employment  
4           unless the employer did not know and could not, with  
5           the exercise of reasonable diligence, have known of the  
6           presence of the violation ~~as specifically determined~~.

7           (C) Any public employer who has received a citation  
8           for violations of this Act, the Health and Safety Act,  
9           or any standard, or rule, or order pursuant to either  
10          Act not of a serious nature may be assessed a civil  
11          penalty of up to \$1,000 for each such violation.

12          (D) Any public employer who fails to correct a  
13          violation for which a citation has been issued within  
14          the period permitted may be assessed a civil penalty of  
15          up to \$1,000 for each day the violation continues.

16          (E) Any public employer who intentionally violates  
17          the requirements of this Act, the Health and Safety Act  
18          or any standard, or rule, or order pursuant to either  
19          ~~this~~ Act or demonstrates plain indifference to any of  
20          those ~~its~~ requirements shall be issued a willful  
21          violation and may be assessed a civil penalty of not  
22          more than \$10,000.

23          (2) Criminal penalty. Any public employer who  
24          willfully violates any standard, rule, or order  
25          promulgated pursuant to this Act or the Health and Safety  
26          Act shall be charged with ~~is guilty of~~ a Class 4 felony if

1 that violation causes death to any employee.

2 (3) Assessment and reduction of penalties. The  
3 Director of Labor shall have the authority to assess all  
4 civil penalties provided in this Section, giving due  
5 consideration to the appropriateness of the penalty. Any  
6 penalty may be reduced by the Director of Labor or the  
7 Director's authorized representative based ~~by as much as~~  
8 ~~95% depending~~ upon the public employer's "good faith",  
9 "size of business", and "history of previous violations".  
10 ~~Up to 60% reduction is permitted for size, up to 25%~~  
11 ~~reduction is permitted for good faith, and up to 10%~~  
12 ~~reduction is permitted for history.~~

13 (Source: P.A. 94-477, eff. 1-1-06.)

14 (820 ILCS 220/2.4) (from 820 ILCS 220/2, in part)

15 Sec. 2.4. Contested cases.

16 (a) (1) An employer, ~~firm or corporation~~, or an agent,  
17 manager or superintendent thereof ~~or a person for himself or~~  
18 ~~herself or for other such person, firm or corporation~~, after  
19 receiving a citation, a proposed assessment of penalty, or a  
20 notification of failure to correct violation from the Director  
21 of Labor or his or her authorized agent that he or she is in  
22 violation of this Act, the Health and Safety Act, or ~~of~~ any  
23 occupational safety or health standard, ~~or~~ rule, or order  
24 pursuant to either Act, may within 15 working days from receipt  
25 of the notice of citation or penalty request in writing a

1 hearing before the Director for an appeal from the citation  
2 order, notice of penalty, or abatement period.

3 (2) An informal review may be requested by the  
4 afforementioned parties within those 15 days for an authorized  
5 representative of the Director of Labor to review abatement  
6 dates, to reclassify violations (such as willful to serious,  
7 serious to other than serious), and/or to modify or withdraw a  
8 penalty, a citation, or a citation item if the employer  
9 presents evidence during the informal conference which  
10 convinces the authorized representative that the changes are  
11 justified.

12 (3) If, within 15 working days from the receipt of the  
13 notice issued by the Director, the employer fails to notify the  
14 Director that he or she intends to contest the citation or  
15 proposed assessment of penalty, and no notice is filed by any  
16 employee or employee representative under subsection (b)  
17 within such time, the citation and the assessment, as proposed,  
18 shall be deemed a final order and not subject to review by any  
19 court or agency.

20 (b) Any employee or representative of an employee may  
21 within 15 working days of the issuance of a citation file a  
22 request in writing for a hearing before the Director for an  
23 appeal from the citation on the ground that the period of time  
24 fixed in the citation for the abatement of the violation is  
25 unreasonable.

26 (c) (1) (Blank). ~~The Director shall schedule a hearing~~

1 ~~within 15 calendar days after receipt of such request for an~~  
2 ~~appeal from the citation order and shall notify all interested~~  
3 ~~parties of such hearing. Such hearing shall be held no later~~  
4 ~~than 45 calendar days after the date of receipt of such appeal~~  
5 ~~request.~~

6 (2) ~~If an~~ The Director shall afford a hearing to the  
7 employer or his or her representatives notifies the Director  
8 that he intends to contest a citation or notification or if,  
9 within 15 working days of the issuance of the citation, any  
10 employee or representative of employees files a notice with the  
11 Director alleging that the period of time fixed in the citation  
12 for the abatement of the violation is unreasonable, the  
13 Director shall afford an opportunity for a hearing before an  
14 Administrative Law Judge designated pursuant to subsection (b)  
15 of Section 2.10. At the hearing the ~~, at which hearing the~~  
16 employer or employee shall state his or her objections to such  
17 citation and provide evidence why such citation shall not stand  
18 as entered. The Director of Labor or his or her representative  
19 shall be given the opportunity to state his or her reasons for  
20 entering such violation citation. Affected employees shall be  
21 provided an opportunity to participate as parties to hearings  
22 under the rules of procedure prescribed by the Director (56  
23 Ill. Admin. Code, Part 120).

24 (3) The Administrative Law Judge on behalf of the ~~The~~  
25 Director, in consideration of the evidence presented at the  
26 formal hearing, shall in accordance with his rules enter a

1 final decision and order within a reasonable time ~~no later than~~  
2 ~~15 calendar days after such hearing~~ affirming, modifying or  
3 vacating the ~~Director's~~ citation or proposed penalty, or  
4 directing other appropriate relief.

5 (4) (Blank). ~~An informal review may be conducted by an~~  
6 ~~authorized representative of the Director of Labor who is~~  
7 ~~authorized to change abatement dates, to reclassify violations~~  
8 ~~(such as willful to serious, serious to other than serious),~~  
9 ~~and to modify or withdraw a penalty, a citation, or a citation~~  
10 ~~item if the employer presents evidence during the informal~~  
11 ~~conference which convinces the authorized representative of~~  
12 ~~the Director of Labor that the changes are justified.~~

13 (5) Appeal.

14 (A) Any party adversely affected by a final violation  
15 order or determination of the Administrative Law Judge on  
16 behalf of the Director may obtain judicial review by filing  
17 a complaint for review within 35 days after the entry of  
18 the order or other final action complained of, pursuant to  
19 the provisions of the Administrative Review Law, all  
20 amendments and modifications thereof, and the rules  
21 adopted pursuant thereto.

22 (B) If no appeal is taken within 35 days the order ~~of~~  
23 ~~the Director~~ shall become final.

24 (C) Judicial reviews filed under this Section shall be  
25 heard expeditiously.

26 (6) The Director of Labor and/or the Administrative Law

1 Judge on behalf of the Director of Labor has the power:

2 (A) To issue subpoenas for and compel the attendance of  
3 witnesses and the production of pertinent books, papers,  
4 documents or other evidence.

5 (B) To hear testimony and receive evidence.

6 (C) To order testimony of a witness ~~and to take or~~  
7 ~~cause to be taken, depositions of witnesses~~ residing within  
8 or without this State to be taken by deposition in the  
9 manner prescribed by law for depositions in civil cases in  
10 the circuit court in any proceedings pending before him or  
11 her at any state of such proceeding.

12 Subpoenas and commissions to take testimony shall be under  
13 seal of the Director of Labor.

14 Service of subpoenas may be made by any sheriff or any  
15 other person. The circuit court for the county where any  
16 hearing is pending ~~, upon application of the Director of Labor,~~  
17 ~~may, in the court's discretion,~~ compel the attendance of  
18 witnesses, the production of pertinent books, papers, records,  
19 or documents and the giving of testimony before the Director of  
20 Labor or an Administrative Law Judge by an attachment  
21 proceeding, as for contempt, in the same manner as the  
22 production of evidence may be compelled before the court.

23 (Source: P.A. 94-477, eff. 1-1-06.)

24 (820 ILCS 220/2.5)

25 Sec. 2.5. Employee access to information.

1           (a) The Director of Labor shall issue rules ~~regulations~~  
2 requiring employers to maintain accurate records of employee  
3 exposures to potentially toxic materials or harmful physical  
4 agents which are required to be monitored or measured under  
5 this Act or the Health and Safety Act.

6           (1) The rules ~~regulations~~ shall provide employees or  
7 their representatives with an opportunity to observe such  
8 monitoring or measuring, and to have access to the records  
9 thereof.

10          (2) The rules ~~regulations~~ shall also make appropriate  
11 provisions for each employee or former employee to have  
12 access to such records as will indicate his or her own  
13 exposure to toxic materials or harmful physical agents.

14          (3) Each employer shall promptly notify any employee  
15 who has been or is being exposed to toxic materials or  
16 harmful physical agents in concentrations or at levels  
17 which exceed those prescribed by an occupational safety and  
18 health standard and shall inform any employee who is being  
19 thus exposed of the corrective action being taken.

20          (b) The Director of Labor shall also issue rules  
21 ~~regulations~~ requiring that employers, through posting of  
22 notices or other appropriate means, keep their employees  
23 informed of their protections and obligations under these Acts,  
24 including the provisions of applicable standards.

25          (Source: P.A. 94-477, eff. 1-1-06.)

1 (820 ILCS 220/2.6)

2 Sec. 2.6. Other prohibited actions and sanctions.

3 (a) Advance notice. A person who gives advance notice of  
4 any inspection to be conducted under the authority of this Act  
5 or the Health and Safety Act without authority from the  
6 Director of Labor, or his or her authorized representative,  
7 commits a Class B misdemeanor.

8 (b) False statements. A person who knowingly makes a false  
9 statement, representation, or certification in any  
10 application, record, report, plan, or other document required  
11 pursuant to this Act, the Health and Safety Act, or any rule,  
12 standard, or order pursuant to either Act commits a Class 4  
13 felony.

14 (c) Violation of posting requirements. A public employer  
15 who violates any of the required posting requirements of  
16 Sections 2.3 and 2.5 of this Act is subject to the following  
17 citations and proposed penalty structure:

18 (1) Job Safety & Health Poster: an other-than-serious  
19 citation with a proposed penalty of \$1,000.

20 (2) Annual Summary of Injuries/Illnesses: an  
21 other-than-serious citation and a proposed penalty of  
22 \$1,000 even if there are no recordable injuries or  
23 illnesses.

24 (3) Citation: an other-than-serious citation and a  
25 proposed penalty of \$1,000.

26 (d) All information reported to or otherwise obtained by

1 the Director of Labor or the Director's authorized  
2 representative in connection with any inspection or proceeding  
3 under this Act or the Health and Safety Act or any standard,  
4 rule, or order pursuant to either Act which contains or might  
5 reveal a trade secret shall be considered confidential, except  
6 that such information may be disclosed confidentially to other  
7 officers or employees concerned with carrying out this Act or  
8 the Health and Safety Act or when relevant to any proceeding  
9 under this Act or the Health and Safety Act. In any such  
10 proceeding, the Director of Labor or the court shall issue such  
11 orders as may be appropriate, including the impoundment of  
12 files or portions of files, to protect the confidentiality of  
13 trade secrets. A person who violates the confidentiality of  
14 trade secrets commits a Class B misdemeanor.

15 (Source: P.A. 94-477, eff. 1-1-06.)

16 (820 ILCS 220/2.7)

17 Sec. 2.7. Inspection scheduling system.

18 (a) In general, the priority of accomplishment and  
19 assignment of staff resources for inspection categories shall  
20 be as follows:

21 (1) Imminent Danger.

22 (2) Fatality/Catastrophe Investigations.

23 (3) Complaints/Referrals Investigation.

24 (4) Programmed Inspections - general, ~~advisory,~~  
25 monitoring and follow-up.

1 (b) The priority for assignment of staff resources for  
2 hazard categories shall be the responsibility of an authorized  
3 representative of the Director of Labor based upon the  
4 inspection category, the type of hazard, the perceived severity  
5 of hazard, and the availability of resources.

6 (Source: P.A. 94-477, eff. 1-1-06.)

7 (820 ILCS 220/2.8) (from 820 ILCS 220/2, in part)

8 Sec. 2.8. Voluntary compliance program.

9 (a) The Department shall encourage employers and  
10 organizations and groups of employees to institute and maintain  
11 safety education programs for employees and promote the  
12 observation of safety practices.

13 (b) The Department shall provide and conduct ~~qualified and~~  
14 ~~quality~~ educational programs specifically designed to meet the  
15 regulatory requirements and the needs of the public employer.

16 (c) (Blank). ~~The educational programs and advisory~~  
17 ~~inspections shall be scheduled secondary to the unprogrammed~~  
18 ~~inspections by priority.~~

19 (d) Regular public information programs shall be conducted  
20 to inform the public employers of changes to the regulations or  
21 updates as necessary.

22 (e) The Department shall provide support services for any  
23 public employer who needs assistance with the public employer's  
24 self-inspection programs.

25 (Source: P.A. 94-477, eff. 1-1-06.)

1 (820 ILCS 220/2.10) (from 820 ILCS 220/2, in part)

2 Sec. 2.10. Adoption of rules; designation of personnel to  
3 hear evidence in disputed matters.

4 (a) The Director of Labor shall adopt such rules and  
5 regulations as he or she may deem necessary to implement the  
6 provisions of this Act or the Health and Safety Act, including,  
7 but not limited to, rules and regulations dealing with: (1) the  
8 inspection of an employer's establishment and (2) the  
9 designation of proper parties, pleadings, notice, discovery,  
10 the issuance of subpoenas, transcripts, and oral argument.

11 (b) The Director of Labor may designate personnel to hear  
12 evidence in disputed matters.

13 (Source: P.A. 94-477, eff. 1-1-06.)

14 (820 ILCS 220/8) (from Ch. 48, par. 59.8)

15 ~~Sec. 8. Before any prosecution is instituted based upon the~~  
16 ~~laboratory findings of any industrial hygiene unit of the~~  
17 ~~Department, any person dissatisfied with such findings shall be~~  
18 ~~entitled to have an independent review thereof made.~~

19 The Attorney General and state's attorneys, upon request of  
20 the Department, shall prosecute any violation of any law which  
21 the Department has the duty to administer and enforce.

22 (Source: P.A. 77-1899.)

23 (820 ILCS 220/10) (from Ch. 48, par. 59.10)

1           Sec. 10.     All fines collected pursuant to this Act or the  
2 Health and Safety Act shall be deposited in the general revenue  
3 fund of the State of Illinois.

4           (Source: P.A. 77-1899.)

5           (820 ILCS 220/11) (from Ch. 48, par. 59.11)

6           Sec. 11. Nothing in this Act or the Health and Safety Act  
7 shall be construed to supersede or in any manner affect any  
8 workers' compensation or occupational diseases law or any other  
9 common law or statutory rights, duties or liabilities, or  
10 create any private right of action.

11          (Source: P.A. 81-992.)

12          (820 ILCS 220/12 new)

13          Sec. 12. It shall be the duty of the Division under the  
14 Director of Labor to ensure that the health and safety of the  
15 public employees in Illinois are protected by a program at  
16 least as effective as the federal Occupational Safety and  
17 Health Administration (OSHA) program.

18          Section 10. The Health and Safety Act is amended by  
19 changing Sections .01, 2, 3, 4, 4.1, 4.2, 7, 7.01, 7.02, 7.04,  
20 7.05, 7.07, 7.10, 7.11, 7.12, 7.18, 8, 9, 12, 14, 15, 17, and  
21 22 as follows:

22          (820 ILCS 225/.01) (from Ch. 48, par. 137.01)

1           Sec. .01. As used in this Act:

2           "Department" means the Department of Labor.

3           "Director" means the Director of Labor.

4           "Employee" means every person in the service of: the State,  
5 including members of the General Assembly, members of the  
6 Illinois Commerce Commission, members of the Workers'  
7 Compensation Commission, and all persons in the service of the  
8 public universities and colleges in Illinois; an Illinois  
9 county, including deputy sheriffs and assistant State's  
10 attorneys; or an Illinois city, township, incorporated village  
11 or school district, body politic, or municipal corporation;  
12 whether by election, under appointment or contract, or hire,  
13 express or implied, oral or written.

14           "Public employer" or "employer" means the State of Illinois  
15 and all political subdivisions.

16           (Source: P.A. 87-245.)

17           (820 ILCS 225/2) (from Ch. 48, par. 137.2)

18           Sec. 2. This Act shall apply to all public employers  
19 engaged in any occupation ~~, business or enterprise~~ in this  
20 State, and their employees, including the State of Illinois and  
21 its employees and all political subdivisions and its employees,  
22 except that nothing in this Act shall apply to working  
23 conditions of employees with respect to which Federal agencies,  
24 and State agencies acting under Section 274 of the Atomic  
25 Energy Act of 1954, as amended (42 U.S.C. 2021), exercise

1 statutory authority to prescribe or enforce standards or  
2 regulations affecting occupational safety and health. Any  
3 regulations in excess of applicable Federal standards shall,  
4 before being promulgated, be the subject of hearings as  
5 required by this Act.

6 (Source: P.A. 94-477, eff. 1-1-06.)

7 (820 ILCS 225/3) (from Ch. 48, par. 137.3)

8 Sec. 3. (a) It shall be the duty of every employer under  
9 this Act to provide reasonable protection to the lives, health  
10 and safety and to furnish to each of his employees employment  
11 and a place of employment which are free from recognized  
12 hazards that are causing or are likely to cause death or  
13 serious physical harm to his employees.

14 (b) It shall be the duty of each employer under this Act to  
15 comply with occupational health and safety standards  
16 promulgated under this Act and the Safety Inspection and  
17 Education Act.

18 (c) It shall be the duty of every employer to keep his  
19 employees informed of their protections and obligations under  
20 this Act and the Safety Inspection and Education Act, including  
21 the provisions of applicable standards.

22 (d) It shall be the duty of every employer to furnish its  
23 employees with information regarding hazards in the  
24 work-place, including information about suitable precautions,  
25 relevant symptoms and emergency treatment.

1 (e) It shall be the duty of every employee to comply with  
2 such rules as are promulgated from time to time by the Director  
3 pursuant to this Act or the Safety Inspection and Education  
4 Act, which are applicable to his own actions and conduct.

5 (f) The Director shall, from time to time, make, promulgate  
6 and publish such reasonable rules as will effectuate such  
7 purposes. Such rules shall be clear, plain and intelligible as  
8 to those affected thereby and that which is required of them,  
9 and each such rule shall be, by its terms, uniform and general  
10 in its application wherever the subject matter of such rule  
11 shall exist in any worksite ~~business, occupation or enterprise~~  
12 having public employees, and which rules, when applicable to  
13 products which are distributed or used in interstate commerce,  
14 are required by compelling local conditions and do not unduly  
15 burden interstate commerce.

16 (Source: P.A. 87-245.)

17 (820 ILCS 225/4) (from 820 ILCS 225/4, in part)

18 Sec. 4. Records and reports; work-related deaths,  
19 injuries, and illnesses.

20 (a) The Director shall prescribe rules requiring employers  
21 to maintain accurate records of, and to make reports on,  
22 work-related deaths, injuries and illnesses, other than minor  
23 injuries requiring only first aid treatment which do not  
24 involve medical treatment, loss of consciousness, restriction  
25 of work or motion, or transfer to another job. Such rules shall

1 specifically include all of the reporting provisions of Section  
2 6 of the Workers' Compensation Act and Section 6 of the  
3 Workers' Occupational Diseases Act.

4 (b) Such records shall be available to any State agency  
5 requiring such information.

6 (c) (Blank). ~~All reports filed hereunder shall be~~  
7 ~~confidential and any person having access to such records filed~~  
8 ~~with the Director as herein required, who shall release any~~  
9 ~~information therein contained including the names or otherwise~~  
10 ~~identify any persons sustaining injuries or disabilities, or~~  
11 ~~give access to such information to any unauthorized person,~~  
12 ~~shall be subject to discipline or discharge, and in addition~~  
13 ~~shall be guilty of a Class B misdemeanor.~~

14 (Source: P.A. 94-477, eff. 1-1-06.)

15 (820 ILCS 225/4.1) (from 820 ILCS 225/4, in part)

16 Sec. 4.1. Adoption of federal safety and health standards  
17 as rules.

18 (a) All federal occupational safety and health standards  
19 which the United States Secretary of Labor has heretofore  
20 promulgated or ~~7~~ modified ~~or revoked~~ in accordance with the  
21 Federal Occupational Safety and Health Act of 1970, shall be  
22 and are hereby made rules of the Director unless the Director  
23 shall make, promulgate, and publish an alternate rule at least  
24 as effective in providing safe and healthful employment and  
25 places of employment as a federal standard. Prior to the

1 development and promulgation of alternate standards or the  
2 modification or revocation of existing standards, the Director  
3 must consider factual information including:

4 (1) Expert technical knowledge.

5 (2) Input from interested persons including employers,  
6 employees, recognized standards-producing organizations,  
7 and the public.

8 (b) All federal occupational safety and health standards  
9 which the United States Secretary of Labor shall hereafter  
10 promulgate, modify or revoke in accordance with the Federal  
11 Occupational Safety and Health Act of 1970 shall become the  
12 rules of the Department within 6 months after their federal  
13 promulgation ~~effective~~ date, unless there shall have been in  
14 effect in this State at the time of the promulgation,  
15 modification or revocation of such rule an alternate State rule  
16 at least as effective in providing safe and healthful  
17 employment and places of employment as a federal standard.  
18 However, such rule shall not become effective until the  
19 following requirement has ~~requirements have~~ been met:

20 (1) The Department shall within 45 days after the  
21 federal promulgation ~~effective~~ date of such rule, file with  
22 the office of the Secretary of State in Springfield,  
23 Illinois, a certified copy of such rule as provided in "The  
24 Illinois Administrative Procedure Act", approved August  
25 22, 1975, as amended. ~~or~~

26 (2) (Blank). ~~In the event of the Department's failure~~

~~to file a certified copy with the Secretary of State, any resident of the State of Illinois may upon 5 days written notice to the Director publish such rule in one or more newspapers of general circulation and file a certified copy thereof with the office of the Secretary of State in Springfield, Illinois, whereupon such rule shall become effective provided that in no event shall such effective date be less than 60 days after the federal effective date.~~

(c) The Director of Labor may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State providing that the Director of Labor shall first expressly determine:

(1) that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and

(2) that such emergency standard is necessary to protect employees from such danger.

The Director of Labor shall adopt emergency temporary standards promulgated by the federal Occupational Safety and Health Administration within 30 days of federal notice. Such temporary emergency standards shall be effective until superseded by a permanent standard but in no event for more than 6 months from the date of its publication. The publication of such temporary emergency standards shall be deemed to be a petition to the Director of Labor for the promulgation of a

1 permanent standard and shall be deemed to be filed with the  
2 Director of Labor on the date of its publication and the  
3 proceeding for the permanent promulgation of the rule shall be  
4 pursued in accordance with the provisions of this Act.

5 (d)(1) Any standard promulgated under this Act shall  
6 prescribe the use of labels or other appropriate forms of  
7 warning as are necessary to ensure that employees are apprised  
8 of all hazards to which they are exposed, relevant symptoms and  
9 appropriate emergency treatment, and proper conditions and  
10 precautions of safe use or exposure.

11 (2) Where appropriate, such standard shall also prescribe  
12 suitable protective equipment and control or technological  
13 procedures to be used in connection with such hazards and shall  
14 provide for monitoring or measuring employee exposure at such  
15 locations and intervals, and in such manner as may be necessary  
16 for the protection of employees.

17 (3) In addition, where appropriate, any such standard shall  
18 prescribe the type and frequency of medical examinations or  
19 other tests which shall be made available, by the employer or  
20 at the employer's cost, to employees exposed to such hazards in  
21 order to most effectively determine whether the health of such  
22 employees is adversely affected by such exposure. The results  
23 of such examinations or tests shall be furnished by the  
24 employer only to the Department of Labor, or at the direction  
25 of the Department to authorized medical personnel and at the  
26 request of the employee to the employee's physician.

1           (4) The Director of Labor, in promulgating standards  
2 dealing with toxic materials or harmful physical agents under  
3 this subsection, shall set the standard which most adequately  
4 ensures, to the extent feasible, on the basis of the best  
5 available evidence, that no employee will suffer material  
6 impairment of health or functional capacity even if such  
7 employee has regular exposure to the hazard dealt with by such  
8 standard for the period of the employee's working life.

9           (5) Development of standards under this subsection shall be  
10 based upon research, demonstrations, experiments, and such  
11 other information as may be appropriate. In addition to the  
12 attainment of the highest degree of health and safety  
13 protection for the employee, other considerations shall be the  
14 latest available scientific data in the field, the feasibility  
15 of the standards, and experience gained under this and other  
16 health and safety laws. Whenever practicable, the standard  
17 promulgated shall be expressed in terms of objective criteria  
18 and of the performance desired.

19           (Source: P.A. 94-477, eff. 1-1-06.)

20           (820 ILCS 225/4.2) (from 820 ILCS 225/4, in part)

21           Sec. 4.2. Variances.

22           (a) The Director of Labor has the authority to grant either  
23 temporary or permanent variances from any of the State  
24 standards upon application by a public employer. Any variance  
25 from a State health and safety standard may have only future

1 effect.

2 (b) Any public employer may apply to the Director of Labor  
3 for a temporary order granting a variance from a standard or  
4 any provision thereof promulgated under this Act or the Safety  
5 Inspection and Education Act.

6 (1) Such temporary order shall be granted only if the  
7 employer files an application which meets the requirements  
8 of this subsection (b) and establishes:

9 (A) that he is unable to comply with a standard by  
10 its effective date because of unavailability of  
11 professional or technical personnel or of materials  
12 and equipment needed to come into compliance with the  
13 standard or because necessary construction or  
14 alteration of facilities cannot be completed by the  
15 effective date;

16 (B) that he is taking all available steps to  
17 safeguard his employees against the hazards covered by  
18 the standard; and

19 (C) that he has an effective program for coming  
20 into compliance with a standard as quickly as  
21 practicable.

22 Any temporary order issued under this Section shall  
23 prescribe the practices, means, methods, operations and  
24 processes which the employer must adopt and use while the  
25 order is in effect and state in detail his program for  
26 coming into compliance with the standard.

1           (2) Such a temporary order may be granted only after  
2 notice to employees and an opportunity for a hearing.  
3 However, in cases involving only documentary evidence in  
4 support of the application for a temporary variance and in  
5 which no objection is made or hearing requested by the  
6 employees or their representative, the Director of Labor  
7 may issue a temporary variance in accordance with this Act.

8           (3) In the event the application is contested or a  
9 hearing requested, the application shall be heard and  
10 determined by the Director.

11           (4) No order for a temporary variance may be in effect  
12 for longer than the period needed by the employer to  
13 achieve compliance with the standard or one year, whichever  
14 is shorter, except that such an order may be renewed not  
15 more than twice, so long as the requirements of this  
16 paragraph are met and if an application for renewal is  
17 filed at least 90 days prior to the expiration date of the  
18 order. No interim renewal of an order may remain in effect  
19 for longer than 180 days.

20           (5) An application for a temporary order as herein  
21 provided shall contain:

22                   (A) a specification of the standard or portion  
23 thereof from which the employer seeks a variance;

24                   (B) a representation by the employer, supported by  
25 representations from qualified persons having  
26 first-hand knowledge of the facts represented, that he

1 is unable to comply with a standard or portion thereof  
2 and a detailed statement of the reasons therefor;

3 (C) a statement of the steps he has taken and will  
4 take (with specific dates) to protect employees  
5 against a hazard covered by the standard;

6 (D) a statement of when he expects to be able to  
7 comply with the standard (with dates specified); and

8 (E) a certification that he has informed his  
9 employees of the application by giving a copy thereof  
10 to their authorized representatives, posting a  
11 statement at the place or places where notices to  
12 employees are normally posted, summarizing the  
13 application and specifying where a copy may be  
14 examined, and by other appropriate means ~~employees may~~  
15 ~~examine a copy of such application.~~

16 A description of how employees have been informed shall  
17 be contained in the certification. The information to  
18 employees shall also inform them of their right to petition  
19 the Director for a hearing.

20 (6) The Director of Labor is authorized to grant a  
21 variance from any standard or portion thereof whenever the  
22 Director of Labor determines that such variance is  
23 necessary to permit an employer to participate in an  
24 experiment approved by the Director of Labor designed to  
25 demonstrate or validate new and improved techniques to  
26 safeguard the health or safety of workers.

1 (c) Any affected employer may apply to the Director of  
2 Labor for a rule or order for a permanent variance from a  
3 standard or rule promulgated under this Act or the Safety  
4 Inspection and Education Act. Affected employees shall be given  
5 notice of each such application and an opportunity to  
6 participate in a hearing. The Director of Labor shall issue  
7 such rule or order if he determines on the record, after  
8 opportunity for an inspection where appropriate and a hearing,  
9 that the proponent of the variance has demonstrated by a  
10 preponderance of the evidence that the conditions, practices,  
11 means, methods, operations or processes used or proposed to be  
12 used by an employer will provide employment and places of  
13 employment to his employees which are as safe and healthful as  
14 those which would prevail if he complied with the standard. The  
15 rule or order so issued shall prescribe the conditions the  
16 employer must maintain, and the practices, means, methods,  
17 operations, and processes which he must adopt and utilize to  
18 the extent they differ from the standard in question. Such a  
19 rule or order may be modified or revoked upon application by an  
20 employer, employees, or the Director of Labor on his own  
21 motion, in the manner prescribed for its issuance under this  
22 Section at any time after 6 months from its issuance.

23 (Source: P.A. 94-477, eff. 1-1-06.)

24 (820 ILCS 225/7) (from Ch. 48, par. 137.7)

25 Sec. 7. Rulemaking proceedings. The Director of Labor may,

1 on his own initiative, or upon written petition, make, modify  
2 or repeal any rule or rules as provided in this Act, conforming  
3 with the procedure prescribed in this Act or the Safety  
4 Inspection and Education Act.

5 (Source: P.A. 87-245.)

6 (820 ILCS 225/7.01) (from Ch. 48, par. 137.7-01)

7 Sec. 7.01. If the Director of Labor resolves to institute  
8 such proceedings ~~on his own initiative~~, he shall propose  
9 ~~promulgate~~ a rule stating in simple terms the subject matter  
10 and purpose of such hearing, and shall place such rule on file  
11 with the Illinois Secretary of State via the Illinois Register,  
12 and the matter shall proceed to hearing and disposition upon  
13 such rule as hereinafter provided.

14 (Source: P.A. 87-245.)

15 (820 ILCS 225/7.02) (from Ch. 48, par. 137.7-02)

16 Sec. 7.02. Every petition for hearing upon rules filed with  
17 the Director of Labor shall state, in simple terms, the subject  
18 matter and purpose for which such hearing is requested. Such  
19 petition shall be signed by a minimum of 5 public employees or  
20 5 public employers, ~~or by a majority of employers, in a~~  
21 ~~specified industry~~. When such a petition is filed, the matter  
22 shall proceed to hearing and disposition upon such petition as  
23 hereinafter provided.

24 (Source: P.A. 87-245.)

1 (820 ILCS 225/7.04) (from Ch. 48, par. 137.7-04)

2 Sec. 7.04. When the Director of Labor on his own initiative  
3 determines to consider any rule or rules, or when such a  
4 petition is filed, the Director shall set a date for a public  
5 hearing on such cause, not less than 30 nor more than 90 days  
6 after the date of the proposed ~~promulgation of the~~ rule by the  
7 Director of his intention to proceed on his own initiative, or  
8 after the filing of a petition, as the case may be.

9 (Source: P.A. 87-245.)

10 (820 ILCS 225/7.05) (from Ch. 48, par. 137.7-05)

11 Sec. 7.05. Notice of such hearing shall be given at least  
12 30 days prior to the date of the hearing by publication in a  
13 newspaper of general circulation within the county in which the  
14 hearing is to be held, in the Illinois Register, and by mailing  
15 notice thereof to any employer, and to any association of  
16 public employers and to any association of public employees who  
17 have filed with the Director of Labor their names and  
18 addresses, requesting notice of such hearings, ~~and stating the~~  
19 ~~particular industry or industries concerning which they desire~~  
20 ~~such notice~~. The notice of hearing shall state the time, place  
21 and subject matter of the hearing.

22 (Source: P.A. 87-245.)

23 (820 ILCS 225/7.07) (from Ch. 48, par. 137.7-07)

1           Sec. 7.07. Upon the conclusion of the hearing, the Director  
2 of Labor shall enter in writing, his decision upon the subject  
3 matter of such hearing. Copies of the decision, rule, or rules  
4 shall be mailed to interested parties whose names are on file  
5 with the Director of Labor, as hereinbefore provided, and a  
6 certified copy thereof shall be filed in the office of the  
7 Secretary of State at Springfield to be published in the  
8 Illinois Register.

9           (Source: P.A. 87-245.)

10           (820 ILCS 225/7.10) (from Ch. 48, par. 137.7-10)

11           Sec. 7.10. The Director of Labor shall certify the record  
12 of the proceedings to the court. For the purpose of a writ of  
13 certiorari, the record of the Director of Labor shall consist  
14 of a transcript of all testimony taken at the hearing, together  
15 with all exhibits, or copies thereof, introduced in evidence,  
16 and all information secured by the Director of Labor on his own  
17 initiative which was introduced in evidence at the hearing; a  
18 copy of the rule or petition filed with the Director of Labor  
19 ~~which initiated the investigation,~~ and a copy of the decision  
20 filed in the cause, together with all objections filed with the  
21 Director of Labor, if any.

22           (Source: P.A. 87-245.)

23           (820 ILCS 225/7.11) (from Ch. 48, par. 137.7-11)

24           Sec. 7.11. On such certiorari proceedings, the court may

1 confirm or reverse the decision as a whole, or may reverse and  
2 remand the decision as a whole, or may confirm any of the rules  
3 contained in such decision, and reverse or reverse and remand  
4 with respect to other rules in said decision. The order of the  
5 court shall be a final and appealable order except as to such  
6 portion of the decision of the Director ~~commission~~, or as to  
7 such rule or rules therein as may be remanded by the court.

8 The purpose of any such remanding order shall be for the  
9 further consideration of the subject matter of the particular  
10 decision, rule or rules remanded.

11 (Source: Laws 1967, p. 3855.)

12 (820 ILCS 225/7.12) (from Ch. 48, par. 137.7-12)

13 Sec. 7.12. No new or additional evidence may be introduced  
14 in the court in such proceeding but the cause shall be heard on  
15 the record of the Director of Labor as certified by him. The  
16 court shall review all questions of law and fact presented by  
17 such record, and shall review questions of fact in the same  
18 manner as questions of fact are reviewed by the court to  
19 determine the reasonableness or lawfulness of the decision ~~on~~  
20 ~~certiorari proceedings under the Workers' Compensation Act.~~

21 (Source: P.A. 87-245.)

22 (820 ILCS 225/7.18) (from Ch. 48, par. 137.7-18)

23 Sec. 7.18. In all reviews or appeals under this Act or the  
24 Safety Inspection and Education Act, it is the duty of the

1 Attorney General to represent the Director and defend his  
2 decisions and rules.

3 (Source: P.A. 87-245.)

4 (820 ILCS 225/8) (from Ch. 48, par. 137.8)

5 Sec. 8. The Director shall, in his decision, rule or rules,  
6 fix the effective date thereof; ~~provided, no such decision,~~  
7 ~~rule or rules shall become effective until 90 days after the~~  
8 ~~entry thereof by the Director, nor shall~~ any such decision,  
9 rule or rules shall not become effective during the pendency of  
10 any proceedings for review or appeal thereof instituted  
11 pursuant to the provisions of this Act in which case such  
12 decision, rule or rules shall not become effective until such  
13 review or appeal, including appeal to the Supreme Court, if  
14 any, has been disposed of by final order and the mandate shall  
15 have been filed with the Director, and until a period of time  
16 has elapsed after the filing of such mandate equal to the  
17 period of time between the date of the entry of such decision,  
18 rule or rules by the Director and the effective date as  
19 originally fixed by the Director.

20 (Source: P.A. 87-245.)

21 (820 ILCS 225/9) (from Ch. 48, par. 137.9)

22 Sec. 9. The Director of Labor under the Illinois  
23 Administrative Procedure Act shall make and publish rules as to  
24 his practice and procedure in carrying out the duties imposed

1 upon the Department of Labor by this Act or the Safety  
2 Inspection and Education Act, which rules shall be deemed prima  
3 facie, reasonable and valid.

4 (Source: P.A. 87-245.)

5 (820 ILCS 225/12) (from Ch. 48, par. 137.12)

6 Sec. 12. The Director of Labor shall make an annual report  
7 of his work under the provisions of this Act and the Safety  
8 Inspection and Education Act to the Governor on or before the  
9 first day of February of each year; and a biennial report to  
10 the Legislature on or before the first day of February of each  
11 odd-numbered year.

12 (Source: P.A. 87-245.)

13 (820 ILCS 225/14) (from Ch. 48, par. 137.14)

14 Sec. 14. The Director of Labor shall keep a full and  
15 complete record of all proceedings had before him or any of his  
16 designees, and all testimony shall be transcribed into written  
17 form ~~taken by a stenographer appointed by the Director~~. The  
18 Director shall also keep records which will enable any  
19 employer, employee or their agents, to determine all action  
20 taken by the Director with respect to the subject matter in  
21 which such employer and employee is interested. Such ~~All such~~  
22 records shall be purged of personal data that is otherwise  
23 required to be held confidential, and the remaining records  
24 shall be open to public inspection.

1 (Source: P.A. 87-245.)

2 (820 ILCS 225/15) (from Ch. 48, par. 137.15)

3 Sec. 15. The ~~At least once each year, the~~ Director of Labor  
4 shall publish on a regular basis, in printed form, all of the  
5 ~~his~~ rules made pursuant to ~~Section 4 of~~ this Act and the Safety  
6 Inspection and Education Act which are in full force and effect  
7 at the time of such publication.

8 (Source: P.A. 87-245.)

9 (820 ILCS 225/17) (from Ch. 48, par. 137.17)

10 Sec. 17. (a) It shall be the duty of the Department of  
11 Labor to enforce the rules of the Director of Labor promulgated  
12 by virtue of this Act and the Safety Inspection and Education  
13 Act.

14 (b) Any employees or representatives of them who believe  
15 that a violation of a safety or health standard exists that  
16 threatens physical harm, or that an imminent danger exists,  
17 upon which the Department of Labor has failed to issue a notice  
18 of violation or take another enforcement action within a  
19 reasonable time after a complaint has been made to the  
20 Department of Labor may request a hearing before the Director  
21 of Labor by filing a written petition, setting forth the  
22 details and providing a copy to the employer or his agent. The  
23 Attorney General or state's attorney upon request of the  
24 Director of Labor shall prosecute any violation of any law

1 which probable cause shall be determined to exist after hearing  
2 on the aforesaid petition.

3 (Source: P.A. 87-245.)

4 (820 ILCS 225/22) (from Ch. 48, par. 137.22)

5 Sec. 22. All information reported to or otherwise obtained  
6 by the Director of Labor or his authorized representative in  
7 connection with any inspection or proceeding under this Act or  
8 the Safety Inspection and Education Act which contains or might  
9 reveal a trade secret shall be considered confidential, except  
10 that such information may be disclosed confidentially to other  
11 officers or employees concerned with carrying out this Act or  
12 the Safety Inspection and Education Act or when relevant to any  
13 proceeding under this Act or the Safety Inspection and  
14 Education Act. In any such proceeding, the Director of Labor or  
15 the court shall issue such orders as may be appropriate,  
16 including the impoundment of files, or portions of files, to  
17 protect the confidentiality of trade secrets.

18 Any person who shall violate the confidentiality of trade  
19 secrets is guilty of a Class B misdemeanor.

20 (Source: P.A. 87-245.)

21 Section 15. The Toxic Substances Disclosure to Employees  
22 Act is amended by adding Section 1.5 as follows:

23 (820 ILCS 255/1.5 new)

1       Sec. 1.5. Federal regulations; operation of Act.

2       (a) Except as provided in subsection (b), Sections 2  
3 through 17 of this Act are inoperative on and after the  
4 effective date of this amendatory Act of the 95th General  
5 Assembly, and the Department of Labor shall instead enforce the  
6 Occupational Safety and Health Administration Hazard  
7 Communication standards at 29 CFR 1910.1200, as amended.

8       (b) If at any time the Director of Labor determines that  
9 the Occupational Safety and Health Administration Hazard  
10 Communication standards at 29 CFR 1910.1200 have been amended  
11 so that they are less stringent than the provisions of this  
12 Act, the Director of Labor shall adopt a rule setting forth  
13 this determination and a determination that Sections 2 through  
14 17 of this Act should again be operative to protect the health  
15 and safety of Illinois workers. On the date such a rule is  
16 adopted, Sections 2 through 17 of this Act shall again become  
17 operative, and the Department of Labor shall enforce the  
18 Occupational Safety and Health Administration Hazard  
19 Communication standards at 29 CFR 1910.1200 only to the extent  
20 this Act or rules of the Department provide for the enforcement  
21 of those standards.

22       Section 99. Effective date. This Act takes effect upon  
23 becoming law.

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6	820 ILCS 220/2.2	
7	820 ILCS 220/2.3	from 820 ILCS 220/2, in part
8	820 ILCS 220/2.4	from 820 ILCS 220/2, in part
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18	820 ILCS 225/.01	from Ch. 48, par. 137.01
19	820 ILCS 225/2	from Ch. 48, par. 137.2
20	820 ILCS 225/3	from Ch. 48, par. 137.3
21	820 ILCS 225/4	from 820 ILCS 225/4, in part
22	820 ILCS 225/4.1	from 820 ILCS 225/4, in part
23	820 ILCS 225/4.2	from 820 ILCS 225/4, in part
24	820 ILCS 225/7	from Ch. 48, par. 137.7
25	820 ILCS 225/7.01	from Ch. 48, par. 137.7-01

1	820 ILCS 225/7.02	from Ch. 48, par. 137.7-02
2	820 ILCS 225/7.04	from Ch. 48, par. 137.7-04
3	820 ILCS 225/7.05	from Ch. 48, par. 137.7-05
4	820 ILCS 225/7.07	from Ch. 48, par. 137.7-07
5	820 ILCS 225/7.10	from Ch. 48, par. 137.7-10
6	820 ILCS 225/7.11	from Ch. 48, par. 137.7-11
7	820 ILCS 225/7.12	from Ch. 48, par. 137.7-12
8	820 ILCS 225/7.18	from Ch. 48, par. 137.7-18
9	820 ILCS 225/8	from Ch. 48, par. 137.8
10	820 ILCS 225/9	from Ch. 48, par. 137.9
11	820 ILCS 225/12	from Ch. 48, par. 137.12
12	820 ILCS 225/14	from Ch. 48, par. 137.14
13	820 ILCS 225/15	from Ch. 48, par. 137.15
14	820 ILCS 225/17	from Ch. 48, par. 137.17
15	820 ILCS 225/22	from Ch. 48, par. 137.22
16	820 ILCS 255/1.5 new	