

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 that may require such steps to be taken
13 as may be necessary to abate, avoid, correct, or remove the
14 imminent danger and prohibit the employment or presence of
15 any individual in locations or under conditions where such
16 imminent danger exists, except those individuals whose
17 presence is necessary to abate, avoid, correct, or remove
18 the imminent danger or to maintain the capacity of a
19 continuous process operation to assume normal operations
20 without a complete cessation of operations, or where a
21 cessation of operations is necessary to permit the
22 cessation to be accomplished in a safe and orderly manner
23 ~~directing the employer or employee to cease and desist from~~
24 ~~the practice creating the imminent danger and to obtain~~
25 ~~immediate abatement of the hazard.~~

26 (C) If the Director of Labor arbitrarily or

1 capriciously fails to seek relief under this Section, any
2 employee who may be injured by reason of such failure, or
3 the representative of the employee, may bring an action
4 against the Director of Labor in the circuit court for the
5 circuit in which the imminent danger is alleged to exist or
6 the employer has his or her principal office, for relief by
7 mandamus to compel the Director of Labor to seek such an
8 order and for such further relief as may be appropriate.

9 (c) In making his or her inspections and investigations
10 under this Act and the Health and Safety Act, the Director of
11 Labor has the power to require the attendance and testimony of
12 witnesses and the production of evidence under oath.

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

14 (820 ILCS 220/2.2)

15 Sec. 2.2. Discrimination prohibited.

16 (a) A person may not discharge or in any way discriminate
17 against any employee because the employee has filed a complaint
18 or instituted or caused to be instituted any proceeding under
19 or related to this Act or the Health and Safety Act or has
20 testified or is about to testify in any such proceeding or
21 because of the exercise by the employee on behalf of himself or
22 herself or others of any right afforded by this Act or the
23 Health and Safety Act.

24 (b) Any employee who believes that he or she has been
25 discharged or otherwise discriminated against by any person in

1 violation of this Section may, within 30 calendar days after
2 the violation occurs, file a complaint with the Director of
3 Labor alleging the discrimination. ~~Upon request, the Director~~
4 ~~of Labor shall withhold the name of the complainant from the~~
5 ~~employer.~~ Upon receipt of the complaint, the Director of Labor
6 shall cause such investigation to be made as the Director deems
7 appropriate. If, after the investigation, the Director of Labor
8 determines that the provisions of this Section have been
9 violated, the Director shall, ~~within 120 days after receipt of~~
10 ~~the complaint,~~ bring an action in the circuit court for
11 appropriate relief, including rehiring or reinstatement of the
12 employee to his or her former position with back pay, after
13 taking into account any interim earnings of the employee.

14 (c) (Blank). ~~Within 90 days of the receipt of a complaint~~
15 ~~filed under this Section, the Director of Labor shall notify~~
16 ~~the complainant of the Director's determination under~~
17 ~~subsection (b) of this Section.~~

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

19 (820 ILCS 220/2.3) (from 820 ILCS 220/2, in part)

20 Sec. 2.3. Methods of compelling compliance.

21 (a) Citations.

22 (1) If, upon inspection or investigation, the Director
23 of Labor or his or her authorized representative believes
24 that an employer has violated a requirement of this Act,
25 the Health and Safety Act, or a standard, rule, regulation

1 or order promulgated pursuant to this Act or the Health and
2 Safety Act, he or she shall with reasonable promptness
3 issue a citation to the employer. Each citation shall be in
4 writing; describe with particularity the nature of the
5 violation and include a reference to the provision of the
6 Act, standard, rule, regulation, or order alleged to have
7 been violated; and fix a reasonable time for the abatement
8 of the violation.

9 (2) The Director of Labor may prescribe procedures for
10 the issuance of a notice of de minimis violations which
11 have no direct or immediate relationship to safety or
12 health.

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

17 (4) Citations shall be served on the employer, ~~owner,~~
18 ~~operator,~~ manager, or agent by delivering an exact copy to
19 the person upon whom the service is to be had, or by
20 leaving a copy at his or her usual place of business or
21 abode, or by sending a copy thereof by certified ~~registered~~
22 mail to his place of business.

23 (5) No citation may be issued under this Section after
24 the expiration of 6 months following the occurrence of any
25 violation.

26 (6) If, after an inspection, the Director of Labor

1 issues a citation, he or she shall within 5 days after the
2 issuance of the citation, notify the employer by certified
3 mail of the penalty, if any, proposed to be assessed for
4 the violation set forth in the citation.

5 (7) If the Director of Labor has reason to believe that
6 an employer has failed to correct a violation for which a
7 citation has been issued within the period permitted for
8 its correction, the Director of Labor shall notify the
9 employer by certified mail of such failure and of the
10 monetary penalty proposed to be assessed by reason of such
11 failure.

12 (8) The public entity may submit in writing data
13 relating to the abatement of a hazard to be considered by
14 an authorized representative of the Director of Labor. The
15 authorized representative of the Director of Labor shall
16 notify the interested parties if such data will be used to
17 modify an abatement order.

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

19 (1) Civil penalties. Civil penalties under
20 subparagraphs (A) through (E) may be assessed by the
21 Director of Labor as part of the citation procedure as
22 follows:

23 (A) Any public employer who repeatedly violates
24 the requirements of this Act, the Health and Safety Act
25 or any standard, or rule, or order pursuant to either
26 ~~that Act and this~~ Act may be assessed a civil penalty

1 of not more than \$10,000 per violation.

2 (B) Any employer who has received a citation for a
3 serious violation of the requirements of this Act, the
4 Health and Safety Act or any standard, or rule, or
5 order pursuant to either ~~that Act and this Act~~ may
6 ~~shall~~ be assessed a civil penalty up to \$1,000 for each
7 such violation.

8 For purposes of this Section, a serious violation
9 shall be deemed to exist in a place of employment if
10 there is a substantial probability that death or
11 serious physical harm could result from a condition
12 which exists, or from one or more practices, means,
13 methods, operations, or processes which have been
14 adopted or are in use in such place of employment
15 unless the employer did not know and could not, with
16 the exercise of reasonable diligence, have known of the
17 presence of the violation ~~as specifically determined~~.

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

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

1 (E) Any public employer who intentionally violates
2 the requirements of this Act, the Health and Safety Act
3 or any standard, or rule, or order pursuant to either
4 ~~this~~ Act or demonstrates plain indifference to any of
5 those ~~its~~ requirements shall be issued a willful
6 violation and may be assessed a civil penalty of not
7 more than \$10,000.

8 (2) Criminal penalty. Any public employer who
9 willfully violates any standard, rule, or order
10 promulgated pursuant to this Act or the Health and Safety
11 Act shall be charged with ~~is guilty of~~ a Class 4 felony if
12 that violation causes death to any employee.

13 (3) Assessment and reduction of penalties. The
14 Director of Labor shall have the authority to assess all
15 civil penalties provided in this Section, giving due
16 consideration to the appropriateness of the penalty. Any
17 penalty may be reduced by the Director of Labor or the
18 Director's authorized representative based ~~by as much as~~
19 ~~95% depending~~ upon the public employer's "good faith",
20 "size of business", and "history of previous violations".
21 ~~Up to 60% reduction is permitted for size, up to 25%~~
22 ~~reduction is permitted for good faith, and up to 10%~~
23 ~~reduction is permitted for history.~~

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

25 (820 ILCS 220/2.4) (from 820 ILCS 220/2, in part)

1 Sec. 2.4. Contested cases.

2 (a) (1) An employer, ~~firm or corporation~~, or an agent,
3 manager or superintendent thereof ~~or a person for himself or~~
4 ~~herself or for other such person, firm or corporation~~, after
5 receiving a citation, a proposed assessment of penalty, or a
6 notification of failure to correct violation from the Director
7 of Labor or his or her authorized agent that he or she is in
8 violation of this Act, the Health and Safety Act, or ~~of~~ any
9 occupational safety or health standard, ~~or~~ rule, or order
10 pursuant to either Act, may within 15 working days from receipt
11 of the notice of citation or penalty request in writing a
12 hearing before the Director for an appeal from the citation
13 order, notice of penalty, or abatement period.

14 (2) An informal review may be requested by the
15 mentioned parties within those 15 days for an authorized
16 representative of the Director of Labor to review abatement
17 dates, to reclassify violations (such as willful to serious,
18 serious to other than serious), and/or to modify or withdraw a
19 penalty, a citation, or a citation item if the employer
20 presents evidence during the informal conference which
21 convinces the authorized representative that the changes are
22 justified.

23 (3) If, within 15 working days from the receipt of the
24 notice issued by the Director, the employer fails to notify the
25 Director that he or she intends to contest the citation or
26 proposed assessment of penalty, and no notice is filed by any

1 employee or employee representative under subsection (b)
2 within such time, the citation and the assessment, as proposed,
3 shall be deemed a final order and not subject to review by any
4 court or agency.

5 (b) Any employee or representative of an employee may
6 within 15 working days of the issuance of a citation file a
7 request in writing for a hearing before the Director for an
8 appeal from the citation on the ground that the period of time
9 fixed in the citation for the abatement of the violation is
10 unreasonable.

11 (c) (1) (Blank). ~~The Director shall schedule a hearing~~
12 ~~within 15 calendar days after receipt of such request for an~~
13 ~~appeal from the citation order and shall notify all interested~~
14 ~~parties of such hearing. Such hearing shall be held no later~~
15 ~~than 45 calendar days after the date of receipt of such appeal~~
16 ~~request.~~

17 (2) If an ~~The Director shall afford a hearing to the~~
18 ~~employer or his or her representatives~~ notifies the Director
19 that he intends to contest a citation or notification or if,
20 within 15 working days of the issuance of the citation, any
21 employee or representative of employees files a notice with the
22 Director alleging that the period of time fixed in the citation
23 for the abatement of the violation is unreasonable, the
24 Director shall afford an opportunity for a hearing before an
25 Administrative Law Judge designated pursuant to subsection (b)
26 of Section 2.10. At the hearing the ~~, at which hearing the~~

1 employer or employee shall state his or her objections to such
2 citation and provide evidence why such citation shall not stand
3 as entered. The Director of Labor or his or her representative
4 shall be given the opportunity to state his or her reasons for
5 entering such violation citation. Affected employees shall be
6 provided an opportunity to participate as parties to hearings
7 under the rules of procedure prescribed by the Director (56
8 Ill. Admin. Code, Part 120).

9 (3) The Administrative Law Judge on behalf of the ~~The~~
10 Director, in consideration of the evidence presented at the
11 formal hearing, shall in accordance with his rules enter a
12 final decision and order within a reasonable time ~~no later than~~
13 ~~15 calendar days after such hearing~~ affirming, modifying or
14 vacating the ~~Director's~~ citation or proposed penalty, or
15 directing other appropriate relief.

16 (4) (Blank). ~~An informal review may be conducted by an~~
17 ~~authorized representative of the Director of Labor who is~~
18 ~~authorized to change abatement dates, to reclassify violations~~
19 ~~(such as willful to serious, serious to other than serious),~~
20 ~~and to modify or withdraw a penalty, a citation, or a citation~~
21 ~~item if the employer presents evidence during the informal~~
22 ~~conference which convinces the authorized representative of~~
23 ~~the Director of Labor that the changes are justified.~~

24 (5) Appeal.

25 (A) Any party adversely affected by a final violation
26 order or determination of the Administrative Law Judge on

1 behalf of the Director may obtain judicial review by filing
2 a complaint for review within 35 days after the entry of
3 the order or other final action complained of, pursuant to
4 the provisions of the Administrative Review Law, all
5 amendments and modifications thereof, and the rules
6 adopted pursuant thereto.

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

9 (C) Judicial reviews filed under this Section shall be
10 heard expeditiously.

11 (6) The Director of Labor and/or the Administrative Law
12 Judge on behalf of the Director of Labor has the power:

13 (A) To issue subpoenas for and compel the attendance of
14 witnesses and the production of pertinent books, papers,
15 documents or other evidence.

16 (B) To hear testimony and receive evidence.

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

23 Subpoenas and commissions to take testimony shall be under
24 seal of the Director of Labor.

25 Service of subpoenas may be made by any sheriff or any
26 other person. The circuit court for the county where any

1 hearing is pending ~~, upon application of the Director of Labor,~~
2 ~~may, in the court's discretion,~~ compel the attendance of
3 witnesses, the production of pertinent books, papers, records,
4 or documents and the giving of testimony before the Director of
5 Labor or an Administrative Law Judge by an attachment
6 proceeding, as for contempt, in the same manner as the
7 production of evidence may be compelled before the court.

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

9 (820 ILCS 220/2.5)

10 Sec. 2.5. Employee access to information.

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

16 (1) The rules ~~regulations~~ shall provide employees or
17 their representatives with an opportunity to observe such
18 monitoring or measuring, and to have access to the records
19 thereof.

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

24 (3) Each employer shall promptly notify any employee
25 who has been or is being exposed to toxic materials or

1 harmful physical agents in concentrations or at levels
2 which exceed those prescribed by an occupational safety and
3 health standard and shall inform any employee who is being
4 thus exposed of the corrective action being taken.

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

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

11 (820 ILCS 220/2.6)

12 Sec. 2.6. Other prohibited actions and sanctions.

13 (a) Advance notice. A person who gives advance notice of
14 any inspection to be conducted under the authority of this Act
15 or the Health and Safety Act without authority from the
16 Director of Labor, or his or her authorized representative,
17 commits a Class B misdemeanor.

18 (b) False statements. A person who knowingly makes a false
19 statement, representation, or certification in any
20 application, record, report, plan, or other document required
21 pursuant to this Act, the Health and Safety Act, or any rule,
22 standard, or order pursuant to either Act commits a Class 4
23 felony.

24 (c) Violation of posting requirements. A public employer
25 who violates any of the required posting requirements of

1 Sections 2.3 and 2.5 of this Act is subject to the following
2 citations and proposed penalty structure:

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

5 (2) Annual Summary of Injuries/Illnesses: an
6 other-than-serious citation and a proposed penalty of
7 \$1,000 even if there are no recordable injuries or
8 illnesses.

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

11 (d) All information reported to or otherwise obtained by
12 the Director of Labor or the Director's authorized
13 representative in connection with any inspection or proceeding
14 under this Act or the Health and Safety Act or any standard,
15 rule, or order pursuant to either Act which contains or might
16 reveal a trade secret shall be considered confidential, except
17 that such information may be disclosed confidentially to other
18 officers or employees concerned with carrying out this Act or
19 the Health and Safety Act or when relevant to any proceeding
20 under this Act or the Health and Safety Act. In any such
21 proceeding, the Director of Labor or the court shall issue such
22 orders as may be appropriate, including the impoundment of
23 files or portions of files, to protect the confidentiality of
24 trade secrets. A person who violates the confidentiality of
25 trade secrets commits a Class B misdemeanor.

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

1 (820 ILCS 220/2.7)

2 Sec. 2.7. Inspection scheduling system.

3 (a) In general, the priority of accomplishment and
4 assignment of staff resources for inspection categories shall
5 be as follows:

6 (1) Imminent Danger.

7 (2) Fatality/Catastrophe Investigations.

8 (3) Complaints/Referrals Investigation.

9 (4) Programmed Inspections - general, ~~advisory,~~
10 monitoring and follow-up.

11 (b) The priority for assignment of staff resources for
12 hazard categories shall be the responsibility of an authorized
13 representative of the Director of Labor based upon the
14 inspection category, the type of hazard, the perceived severity
15 of hazard, and the availability of resources.

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

17 (820 ILCS 220/2.8) (from 820 ILCS 220/2, in part)

18 Sec. 2.8. Voluntary compliance program.

19 (a) The Department shall encourage employers and
20 organizations and groups of employees to institute and maintain
21 safety education programs for employees and promote the
22 observation of safety practices.

23 (b) The Department shall provide and conduct ~~qualified and~~
24 ~~quality~~ educational programs specifically designed to meet the

1 regulatory requirements and the needs of the public employer.

2 (c) (Blank). ~~The educational programs and advisory~~
3 ~~inspections shall be scheduled secondary to the unprogrammed~~
4 ~~inspections by priority.~~

5 (d) Regular public information programs shall be conducted
6 to inform the public employers of changes to the regulations or
7 updates as necessary.

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

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

12 (820 ILCS 220/2.10) (from 820 ILCS 220/2, in part)

13 Sec. 2.10. Adoption of rules; designation of personnel to
14 hear evidence in disputed matters.

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

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

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

1 (820 ILCS 220/8) (from Ch. 48, par. 59.8)

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

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

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

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

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

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

15 (820 ILCS 220/11) (from Ch. 48, par. 59.11)

16 Sec. 11. Nothing in this Act or the Health and Safety Act
17 shall be construed to supersede or in any manner affect any
18 workers' compensation or occupational diseases law or any other
19 common law or statutory rights, duties or liabilities, or
20 create any private right of action.

21 (Source: P.A. 81-992.)

22 (820 ILCS 220/12 new)

23 Sec. 12. It shall be the duty of the Division under the

1 Director of Labor to ensure that the health and safety of the
2 public employees in Illinois are protected by a program at
3 least as effective as the federal Occupational Safety and
4 Health Administration (OSHA) program.

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

9 (820 ILCS 225/.01) (from Ch. 48, par. 137.01)

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

11 "Department" means the Department of Labor.

12 "Director" means the Director of Labor.

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

23 "Public employer" or "employer" means the State of Illinois
24 and all political subdivisions.

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

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

3 Sec. 2. This Act shall apply to all public employers
4 engaged in any occupation ~~, business or enterprise~~ in this
5 State, and their employees, including the State of Illinois and
6 its employees and all political subdivisions and its employees,
7 except that nothing in this Act shall apply to working
8 conditions of employees with respect to which Federal agencies,
9 and State agencies acting under Section 274 of the Atomic
10 Energy Act of 1954, as amended (42 U.S.C. 2021), exercise
11 statutory authority to prescribe or enforce standards or
12 regulations affecting occupational safety and health. Any
13 regulations in excess of applicable Federal standards shall,
14 before being promulgated, be the subject of hearings as
15 required by this Act.

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

17 (820 ILCS 225/3) (from Ch. 48, par. 137.3)

18 Sec. 3. (a) It shall be the duty of every employer under
19 this Act to provide reasonable protection to the lives, health
20 and safety and to furnish to each of his employees employment
21 and a place of employment which are free from recognized
22 hazards that are causing or are likely to cause death or
23 serious physical harm to his employees.

24 (b) It shall be the duty of each employer under this Act to

1 comply with occupational health and safety standards
2 promulgated under this Act and the Safety Inspection and
3 Education Act.

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

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

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

16 (f) The Director shall, from time to time, make, promulgate
17 and publish such reasonable rules as will effectuate such
18 purposes. Such rules shall be clear, plain and intelligible as
19 to those affected thereby and that which is required of them,
20 and each such rule shall be, by its terms, uniform and general
21 in its application wherever the subject matter of such rule
22 shall exist in any worksite ~~business, occupation or enterprise~~
23 having public employees, and which rules, when applicable to
24 products which are distributed or used in interstate commerce,
25 are required by compelling local conditions and do not unduly
26 burden interstate commerce.

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

2 (820 ILCS 225/4) (from 820 ILCS 225/4, in part)

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

5 (a) The Director shall prescribe rules requiring employers
6 to maintain accurate records of, and to make reports on,
7 work-related deaths, injuries and illnesses, other than minor
8 injuries requiring only first aid treatment which do not
9 involve medical treatment, loss of consciousness, restriction
10 of work or motion, or transfer to another job. Such rules shall
11 specifically include all of the reporting provisions of Section
12 6 of the Workers' Compensation Act and Section 6 of the
13 Workers' Occupational Diseases Act.

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

16 (c) (Blank). ~~All reports filed hereunder shall be~~
17 ~~confidential and any person having access to such records filed~~
18 ~~with the Director as herein required, who shall release any~~
19 ~~information therein contained including the names or otherwise~~
20 ~~identify any persons sustaining injuries or disabilities, or~~
21 ~~give access to such information to any unauthorized person,~~
22 ~~shall be subject to discipline or discharge, and in addition~~
23 ~~shall be guilty of a Class B misdemeanor.~~

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

1 (820 ILCS 225/4.1) (from 820 ILCS 225/4, in part)

2 Sec. 4.1. Adoption of federal safety and health standards
3 as rules.

4 (a) All federal occupational safety and health standards
5 which the United States Secretary of Labor has heretofore
6 promulgated or ~~7~~ modified ~~or~~ ~~revoked~~ in accordance with the
7 Federal Occupational Safety and Health Act of 1970, shall be
8 and are hereby made rules of the Director unless the Director
9 shall make, promulgate, and publish an alternate rule at least
10 as effective in providing safe and healthful employment and
11 places of employment as a federal standard. Prior to the
12 development and promulgation of alternate standards or the
13 modification or revocation of existing standards, the Director
14 must consider factual information including:

15 (1) Expert technical knowledge.

16 (2) Input from interested persons including employers,
17 employees, recognized standards-producing organizations,
18 and the public.

19 (b) All federal occupational safety and health standards
20 which the United States Secretary of Labor shall hereafter
21 promulgate, modify or revoke in accordance with the Federal
22 Occupational Safety and Health Act of 1970 shall become the
23 rules of the Department within 6 months after their federal
24 promulgation ~~effective~~ date, unless there shall have been in
25 effect in this State at the time of the promulgation,
26 modification or revocation of such rule an alternate State rule

1 at least as effective in providing safe and healthful
2 employment and places of employment as a federal standard.
3 However, such rule shall not become effective until the
4 following requirement has ~~requirements have~~ been met:

5 (1) The Department shall within 45 days after the
6 federal promulgation ~~effective~~ date of such rule, file with
7 the office of the Secretary of State in Springfield,
8 Illinois, a certified copy of such rule as provided in "The
9 Illinois Administrative Procedure Act", approved August
10 22, 1975, as amended. ~~or~~

11 (2) (Blank). ~~In the event of the Department's failure~~
12 ~~to file a certified copy with the Secretary of State, any~~
13 ~~resident of the State of Illinois may upon 5 days written~~
14 ~~notice to the Director publish such rule in one or more~~
15 ~~newspapers of general circulation and file a certified copy~~
16 ~~thereof with the office of the Secretary of State in~~
17 ~~Springfield, Illinois, whereupon such rule shall become~~
18 ~~effective provided that in no event shall such effective~~
19 ~~date be less than 60 days after the federal effective date.~~

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

25 (1) that the employees are exposed to grave danger from
26 exposure to substances or agents determined to be toxic or

1 physically harmful or from new hazards; and

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

4 The Director of Labor shall adopt emergency temporary
5 standards promulgated by the federal Occupational Safety and
6 Health Administration within 30 days of federal notice. Such
7 temporary emergency standards shall be effective until
8 superseded by a permanent standard but in no event for more
9 than 6 months from the date of its publication. The publication
10 of such temporary emergency standards shall be deemed to be a
11 petition to the Director of Labor for the promulgation of a
12 permanent standard and shall be deemed to be filed with the
13 Director of Labor on the date of its publication and the
14 proceeding for the permanent promulgation of the rule shall be
15 pursued in accordance with the provisions of this Act.

16 (d)(1) Any standard promulgated under this Act shall
17 prescribe the use of labels or other appropriate forms of
18 warning as are necessary to ensure that employees are apprised
19 of all hazards to which they are exposed, relevant symptoms and
20 appropriate emergency treatment, and proper conditions and
21 precautions of safe use or exposure.

22 (2) Where appropriate, such standard shall also prescribe
23 suitable protective equipment and control or technological
24 procedures to be used in connection with such hazards and shall
25 provide for monitoring or measuring employee exposure at such
26 locations and intervals, and in such manner as may be necessary

1 for the protection of employees.

2 (3) In addition, where appropriate, any such standard shall
3 prescribe the type and frequency of medical examinations or
4 other tests which shall be made available, by the employer or
5 at the employer's cost, to employees exposed to such hazards in
6 order to most effectively determine whether the health of such
7 employees is adversely affected by such exposure. The results
8 of such examinations or tests shall be furnished by the
9 employer only to the Department of Labor, or at the direction
10 of the Department to authorized medical personnel and at the
11 request of the employee to the employee's physician.

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

20 (5) Development of standards under this subsection shall be
21 based upon research, demonstrations, experiments, and such
22 other information as may be appropriate. In addition to the
23 attainment of the highest degree of health and safety
24 protection for the employee, other considerations shall be the
25 latest available scientific data in the field, the feasibility
26 of the standards, and experience gained under this and other

1 health and safety laws. Whenever practicable, the standard
2 promulgated shall be expressed in terms of objective criteria
3 and of the performance desired.

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

5 (820 ILCS 225/4.2) (from 820 ILCS 225/4, in part)

6 Sec. 4.2. Variances.

7 (a) The Director of Labor has the authority to grant either
8 temporary or permanent variances from any of the State
9 standards upon application by a public employer. Any variance
10 from a State health and safety standard may have only future
11 effect.

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

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

19 (A) that he is unable to comply with a standard by
20 its effective date because of unavailability of
21 professional or technical personnel or of materials
22 and equipment needed to come into compliance with the
23 standard or because necessary construction or
24 alteration of facilities cannot be completed by the
25 effective date;

1 (B) that he is taking all available steps to
2 safeguard his employees against the hazards covered by
3 the standard; and

4 (C) that he has an effective program for coming
5 into compliance with a standard as quickly as
6 practicable.

7 Any temporary order issued under this Section shall
8 prescribe the practices, means, methods, operations and
9 processes which the employer must adopt and use while the
10 order is in effect and state in detail his program for
11 coming into compliance with the standard.

12 (2) Such a temporary order may be granted only after
13 notice to employees and an opportunity for a hearing.
14 However, in cases involving only documentary evidence in
15 support of the application for a temporary variance and in
16 which no objection is made or hearing requested by the
17 employees or their representative, the Director of Labor
18 may issue a temporary variance in accordance with this Act.

19 (3) In the event the application is contested or a
20 hearing requested, the application shall be heard and
21 determined by the Director.

22 (4) No order for a temporary variance may be in effect
23 for longer than the period needed by the employer to
24 achieve compliance with the standard or one year, whichever
25 is shorter, except that such an order may be renewed not
26 more than twice, so long as the requirements of this

1 paragraph are met and if an application for renewal is
2 filed at least 90 days prior to the expiration date of the
3 order. No interim renewal of an order may remain in effect
4 for longer than 180 days.

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

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

9 (B) a representation by the employer, supported by
10 representations from qualified persons having
11 first-hand knowledge of the facts represented, that he
12 is unable to comply with a standard or portion thereof
13 and a detailed statement of the reasons therefor;

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

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

19 (E) a certification that he has informed his
20 employees of the application by giving a copy thereof
21 to their authorized representatives, posting a
22 statement at the place or places where notices to
23 employees are normally posted, summarizing the
24 application and specifying where a copy may be
25 examined, and by other appropriate means ~~employees may~~
26 ~~examine a copy of such application.~~

1 A description of how employees have been informed shall
2 be contained in the certification. The information to
3 employees shall also inform them of their right to petition
4 the Director for a hearing.

5 (6) The Director of Labor is authorized to grant a
6 variance from any standard or portion thereof whenever the
7 Director of Labor determines that such variance is
8 necessary to permit an employer to participate in an
9 experiment approved by the Director of Labor designed to
10 demonstrate or validate new and improved techniques to
11 safeguard the health or safety of workers.

12 (c) Any affected employer may apply to the Director of
13 Labor for a rule or order for a permanent variance from a
14 standard or rule promulgated under this Act or the Safety
15 Inspection and Education Act. Affected employees shall be given
16 notice of each such application and an opportunity to
17 participate in a hearing. The Director of Labor shall issue
18 such rule or order if he determines on the record, after
19 opportunity for an inspection where appropriate and a hearing,
20 that the proponent of the variance has demonstrated by a
21 preponderance of the evidence that the conditions, practices,
22 means, methods, operations or processes used or proposed to be
23 used by an employer will provide employment and places of
24 employment to his employees which are as safe and healthful as
25 those which would prevail if he complied with the standard. The
26 rule or order so issued shall prescribe the conditions the

1 employer must maintain, and the practices, means, methods,
2 operations, and processes which he must adopt and utilize to
3 the extent they differ from the standard in question. Such a
4 rule or order may be modified or revoked upon application by an
5 employer, employees, or the Director of Labor on his own
6 motion, in the manner prescribed for its issuance under this
7 Section at any time after 6 months from its issuance.

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

9 (820 ILCS 225/7) (from Ch. 48, par. 137.7)

10 Sec. 7. Rulemaking proceedings. The Director of Labor may,
11 on his own initiative, or upon written petition, make, modify
12 or repeal any rule or rules as provided in this Act, conforming
13 with the procedure prescribed in this Act or the Safety
14 Inspection and Education Act.

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

16 (820 ILCS 225/7.01) (from Ch. 48, par. 137.7-01)

17 Sec. 7.01. If the Director of Labor resolves to institute
18 such proceedings ~~on his own initiative~~, he shall propose
19 ~~promulgate~~ a rule stating in simple terms the subject matter
20 and purpose of such hearing, and shall place such rule on file
21 with the Illinois Secretary of State in the Illinois Register,
22 and the matter shall proceed to hearing and disposition upon
23 such rule as hereinafter provided.

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

1 (820 ILCS 225/7.02) (from Ch. 48, par. 137.7-02)

2 Sec. 7.02. Every petition for hearing upon rules filed with
3 the Director of Labor shall state, in simple terms, the subject
4 matter and purpose for which such hearing is requested. Such
5 petition shall be signed by a minimum of 5 public employees or
6 5 public employers, ~~or by a majority of employers, in a~~
7 ~~specified industry~~. When such a petition is filed, the matter
8 shall proceed to hearing and disposition upon such petition as
9 hereinafter provided.

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

11 (820 ILCS 225/7.04) (from Ch. 48, par. 137.7-04)

12 Sec. 7.04. When the Director of Labor on his own initiative
13 determines to consider any rule or rules, or when such a
14 petition is filed, the Director shall set a date for a public
15 hearing on such cause, not less than 30 nor more than 90 days
16 after the date of the proposed ~~promulgation of the~~ rule by the
17 Director of his intention to proceed on his own initiative, or
18 after the filing of a petition, as the case may be.

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

20 (820 ILCS 225/7.05) (from Ch. 48, par. 137.7-05)

21 Sec. 7.05. Notice of such hearing shall be given at least
22 30 days prior to the date of the hearing by publication in a
23 newspaper of general circulation within the county in which the

1 hearing is to be held, in the Illinois Register, and by mailing
2 notice thereof to any employer, and to any association of
3 public employers and to any association of public employees who
4 have filed with the Director of Labor their names and
5 addresses, requesting notice of such hearings, ~~and stating the~~
6 ~~particular industry or industries concerning which they desire~~
7 ~~such notice~~. The notice of hearing shall state the time, place
8 and subject matter of the hearing.

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

10 (820 ILCS 225/7.07) (from Ch. 48, par. 137.7-07)

11 Sec. 7.07. Upon the conclusion of the hearing, the Director
12 of Labor shall enter in writing, his decision upon the subject
13 matter of such hearing. Copies of the decision, rule, or rules
14 shall be mailed to interested parties whose names are on file
15 with the Director of Labor, as hereinbefore provided, and a
16 certified copy thereof shall be filed in the office of the
17 Secretary of State at Springfield to be published in the
18 Illinois Register.

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

20 (820 ILCS 225/7.10) (from Ch. 48, par. 137.7-10)

21 Sec. 7.10. The Director of Labor shall certify the record
22 of the proceedings to the court. For the purpose of a writ of
23 certiorari, the record of the Director of Labor shall consist
24 of a transcript of all testimony taken at the hearing, together

1 with all exhibits, or copies thereof, introduced in evidence,
2 and all information secured by the Director of Labor on his own
3 initiative which was introduced in evidence at the hearing; a
4 copy of the rule or petition filed with the Director of Labor
5 ~~which initiated the investigation,~~ and a copy of the decision
6 filed in the cause, together with all objections filed with the
7 Director of Labor, if any.

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

9 (820 ILCS 225/7.11) (from Ch. 48, par. 137.7-11)

10 Sec. 7.11. On such certiorari proceedings, the court may
11 confirm or reverse the decision as a whole, or may reverse and
12 remand the decision as a whole, or may confirm any of the rules
13 contained in such decision, and reverse or reverse and remand
14 with respect to other rules in said decision. The order of the
15 court shall be a final and appealable order except as to such
16 portion of the decision of the Director ~~commission,~~ or as to
17 such rule or rules therein as may be remanded by the court.

18 The purpose of any such remanding order shall be for the
19 further consideration of the subject matter of the particular
20 decision, rule or rules remanded.

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

22 (820 ILCS 225/7.12) (from Ch. 48, par. 137.7-12)

23 Sec. 7.12. No new or additional evidence may be introduced
24 in the court in such proceeding but the cause shall be heard on

1 the record of the Director of Labor as certified by him. The
2 court shall review all questions of law and fact presented by
3 such record, and shall review questions of fact in the same
4 manner as questions of fact are reviewed by the court to
5 determine the reasonableness or lawfulness of the decision ~~on~~
6 ~~certiorari proceedings under the Workers' Compensation Act.~~

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

8 (820 ILCS 225/7.18) (from Ch. 48, par. 137.7-18)

9 Sec. 7.18. In all reviews or appeals under this Act or the
10 Safety Inspection and Education Act, it is the duty of the
11 Attorney General to represent the Director and defend his
12 decisions and rules.

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

14 (820 ILCS 225/8) (from Ch. 48, par. 137.8)

15 Sec. 8. The Director shall, in his decision, rule or rules,
16 fix the effective date thereof; ~~provided, no such decision,~~
17 ~~rule or rules shall become effective until 90 days after the~~
18 ~~entry thereof by the Director, nor shall~~ any such decision,
19 rule or rules shall not become effective during the pendency of
20 any proceedings for review or appeal thereof instituted
21 pursuant to the provisions of this Act in which case such
22 decision, rule or rules shall not become effective until such
23 review or appeal, including appeal to the Supreme Court, if
24 any, has been disposed of by final order and the mandate shall

1 have been filed with the Director, and until a period of time
2 has elapsed after the filing of such mandate equal to the
3 period of time between the date of the entry of such decision,
4 rule or rules by the Director and the effective date as
5 originally fixed by the Director.

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

7 (820 ILCS 225/9) (from Ch. 48, par. 137.9)

8 Sec. 9. The Director of Labor under the Illinois
9 Administrative Procedure Act shall make and publish rules as to
10 his practice and procedure in carrying out the duties imposed
11 upon the Department of Labor by this Act or the Safety
12 Inspection and Education Act, which rules shall be deemed prima
13 facie, reasonable and valid.

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

15 (820 ILCS 225/12) (from Ch. 48, par. 137.12)

16 Sec. 12. The Director of Labor shall make an annual report
17 of his work under the provisions of this Act and the Safety
18 Inspection and Education Act to the Governor on or before the
19 first day of February of each year; and a biennial report to
20 the Legislature on or before the first day of February of each
21 odd-numbered year.

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

23 (820 ILCS 225/14) (from Ch. 48, par. 137.14)

1 Sec. 14. The Director of Labor shall keep a full and
2 complete record of all proceedings had before him or any of his
3 designees, and all testimony shall be transcribed into written
4 form ~~taken by a stenographer appointed by the Director.~~ The
5 Director shall also keep records which will enable any
6 employer, employee or their agents, to determine all action
7 taken by the Director with respect to the subject matter in
8 which such employer and employee is interested. Such ~~All such~~
9 records shall be purged of personal data that is otherwise
10 required to be held confidential, and the remaining records
11 shall be open to public inspection.

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

13 (820 ILCS 225/15) (from Ch. 48, par. 137.15)

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

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

20 (820 ILCS 225/17) (from Ch. 48, par. 137.17)

21 Sec. 17. (a) It shall be the duty of the Department of
22 Labor to enforce the rules of the Director of Labor promulgated
23 by virtue of this Act and the Safety Inspection and Education
24 Act.

1 (b) Any employees or representatives of them who believe
2 that a violation of a safety or health standard exists that
3 threatens physical harm, or that an imminent danger exists,
4 upon which the Department of Labor has failed to issue a notice
5 of violation or take another enforcement action within a
6 reasonable time after a complaint has been made to the
7 Department of Labor may request a hearing before the Director
8 of Labor by filing a written petition, setting forth the
9 details and providing a copy to the employer or his agent. The
10 Attorney General or state's attorney upon request of the
11 Director of Labor shall prosecute any violation of any law
12 which probable cause shall be determined to exist after hearing
13 on the aforesaid petition.

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

15 (820 ILCS 225/22) (from Ch. 48, par. 137.22)

16 Sec. 22. All information reported to or otherwise obtained
17 by the Director of Labor or his authorized representative in
18 connection with any inspection or proceeding under this Act or
19 the Safety Inspection and Education Act which contains or might
20 reveal a trade secret shall be considered confidential, except
21 that such information may be disclosed confidentially to other
22 officers or employees concerned with carrying out this Act or
23 the Safety Inspection and Education Act or when relevant to any
24 proceeding under this Act or the Safety Inspection and
25 Education Act. In any such proceeding, the Director of Labor or

1 the court shall issue such orders as may be appropriate,
2 including the impoundment of files, or portions of files, to
3 protect the confidentiality of trade secrets.

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

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

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

9 (820 ILCS 255/1.5 new)

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

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

17 (b) If at any time the Occupational Safety and Health
18 Administration Hazard Communication standard at 29 CFR
19 1910.1200 is repealed or revoked, the Director of Labor shall
20 adopt a rule setting forth a determination that this Act should
21 be reviewed and reinstated in order to protect the health and
22 safety of Illinois' public sector workers. On the date such a
23 rule is adopted, this Act shall again become operative.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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