**Section 350.50 Objection to Inspection**

a) Upon a refusal to permit the Enforcement Inspector, in exercise of their official duties, to enter without delay and at reasonable times any place of employment or any area within the place of employment to inspect, to review records, or to question any employer, owner, operator, agent or employee in accordance with Section 350.40, or upon a refusal to permit a representative of employees to accompany the Inspector during the physical inspection of any workplace, in accordance with Section 350.90, the Inspector shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records or interviews concerning which no objection is raised. The Inspector shall endeavor to ascertain the reason for the refusal and shall immediately report the refusal and the reason for the refusal to the Regional Enforcement Manager. The REM shall consult with the Division Manager and Chief Legal Counsel, who shall take appropriate action, including compulsory process, if necessary.

b) Compulsory process shall be sought in advance of an attempted inspection or investigation if, in the judgment of the Division Manager and Chief Legal Counsel, circumstances exist that make the pre-inspection process desirable or necessary. Some examples of circumstances in which it may be desirable or necessary to seek compulsory process in advance of an attempt to inspect or investigate include, but are not limited to:

1) When the employer's past practice either implicitly or explicitly puts the Director on notice that a warrantless inspection will not be allowed;

2) When an inspection is scheduled far from the local office and procuring a warrant prior to leaving to conduct the inspection would avoid, in case of refusal of entry, the expenditure of significant time and resources to return to the office, obtain a warrant and return to the worksite;

3) When an inspection includes the use of special equipment or when the presence of an expert or experts is needed in order to properly conduct the inspection, and procuring a warrant prior to an attempt to inspect would alleviate the difficulties or costs encountered in coordinating the availability of the equipment or expert.

c) With the approval of the Division Manager and Chief Legal Counsel, compulsory process may also be obtained by the REM or the REM's.

d) For purposes of this Section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent. Ex parte inspection warrants shall be the preferred form of compulsory process in all circumstances in which compulsory process is relied upon to seek entry to a workplace under this Section.

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