**Section 350.70 Advance Notice of Inspections**

a) Advance notice of inspections may not be given, except in the following situations:

1) In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible;

2) In circumstances in which the inspection can most effectively be conducted after regular business hours or when special preparations are necessary for an inspection;

3) When necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection and in other circumstances in which the Division Manager determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

b) In the situations described in subsection (a), advance notice of inspections may be given only if authorized by the Division Manager, except that, in cases of apparent imminent danger, advance notice may be given by the Enforcement Inspector without such authorization if the Division Manager or Regional Enforcement Manager is not immediately available. When advance notice is given, it shall be the employer's responsibility to promptly notify the authorized representative of employees of the inspection, if the identity of the representative is known to the employer. Upon the request of the employer, the Inspector will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Inspector with the identity of the representative and with other information as is necessary to enable the Inspector to promptly inform the representative of the inspection. An employer who fails to comply with their obligation to promptly inform the authorized representative of employees of the inspection, or to furnish information necessary to enable the Inspector to promptly inform the representative of the inspection, may be subject to citation and penalty. Advance notice in any of the situations described in subsection (a) shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent, imminently dangerous situations and in other unusual circumstances.

c) Section 120 of the Act provides that any person who gives advance notice of any inspection to be conducted under the Act, without authority from the Director or their designees, shall have committed a Class B misdemeanor and shall be subject to all repercussions, if convicted.

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