**Section 350.150 Citations; Policy Regarding Employee Rescue Activities**

a) The Regional Enforcement Manager, on behalf of the Division Manager, shall review the inspection report of the Enforcement Inspector. If, on the basis of the report, the REM believes that the employer has violated a requirement of Section 20 of the Act, of any standard, rule or order promulgated pursuant to Section 20 of the Act, or of this Chapter, the REM shall, if appropriate, consult with the Chief Legal Counsel and issue to the employer a citation on behalf of the Division Manager. An appropriate citation shall be issued even if, after being informed of an alleged violation by the Inspector, the employer immediately abates, or initiates steps to abate, the alleged violation. Any citation shall be issued with reasonable promptness after completion or termination of the inspection. No citation may be issued under this Section after the expiration of 6 months following the occurrence of any alleged violation.

b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provisions of the Act, standard, rule, regulation or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

c) If a citation is issued for a violation alleged in a request for inspection under Section 350.120(a) or a notification of violation under Section 350.120(c), a copy of the citation shall also be sent to the employee or representative of employees who made the request or notification.

d) After an inspection, if the REM determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under Section 350.120(a) or a notification of violation under Section 350.120(c), the informal review procedures prescribed in Section 350.130 shall be applicable. After considering all views presented, the Division Manager shall affirm the determination of the REM, order a re-inspection, or issue a citation if the Division Manager believes that the inspection disclosed a violation. The Division Manager shall furnish the complaining party and the employer with written notification of this determination and the reasons for the determination. The determination of the Division Manager shall be final and not subject to review.

e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Administrative Law Judge.

f) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:

1) the employee is designated or assigned by the employer to have responsibility to perform or assist in rescue operations, and the employer fails to provide protection of the safety and health of the employee, including failing to provide appropriate training and rescue equipment;

2) the employee is directed by the employer to perform rescue activities in the course of carrying out the employee's job duties, and the employer fails to provide protection of the safety and health of the employee, including failing to provide appropriate training and rescue equipment; or

3) the employee:

A) is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water;

B) the employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and

C) the employer has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue and not to attempt rescue, and to instruct employees of the hazards of attempting rescue without adequate training or equipment.

g) For purposes of this Section, the term imminent danger means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before the condition or practice can be abated.

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