**Section 350.170 Proposed Penalties**

a) After, or concurrent with, the issuance of a citation, and within a reasonable time after the termination of the inspection, the Division Manager shall notify the employer by certified mail or by personal service by the Enforcement Inspector of the proposed penalty under Section 85 of the Act or that no penalty is being proposed. Any notice of proposed penalty shall state that the proposed penalty is the final order of the Director of Labor and not subject to review by any court or agency unless, within 15 working days from the date of receipt of the notice, the employer notifies the Division Manager in writing of the employer's intention to contest the citation or the notification of proposed penalty before an Administrative Law Judge.

b) The Division Manager shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations, in accordance with Section 85 of the Act.

c) Appropriate penalties may be proposed with respect to an alleged violation even though, after being informed of the alleged violation by the Inspector, the employer immediately abates, or initiates steps to abate, the alleged violation.

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