



Rep. Edgar González, Jr.

**Filed: 3/20/2025**

10400HB3762ham001

LRB104 12261 SPS 23953 a

1 AMENDMENT TO HOUSE BILL 3762

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3762 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Workplace Extreme Temperature Safety Act.

6 Section 5. Findings. The General Assembly finds and  
7 declares:

8 (a) As the frequency of extreme weather events continues  
9 to grow, workers are at an increased risk of serious injury or  
10 death. Heat stress or cold stress can occur at temperatures as  
11 low as 40 degrees Fahrenheit or as high as 78 degrees  
12 Fahrenheit, depending on the working conditions. Unaddressed,  
13 heat stress and cold stress can cause a range of serious  
14 conditions, including stroke and death if not treated  
15 properly. Heat-related injuries and fatalities may be  
16 underreported as heat stress exacerbates existing health

1 problems, such as asthma, kidney failure, and heart disease,  
2 leading to potential comorbidities being reported. Workers in  
3 agriculture and construction are at the highest risk of  
4 weather-related injuries, but the problem affects all workers  
5 exposed to extreme temperatures, including indoor workers  
6 without adequately climate-controlled environments or  
7 appropriate personal protective equipment.

8 (b) From 1979 to 2022, more than 14,000 Americans have  
9 died directly from heat-related causes, according to the  
10 United States Environmental Protection Agency.

11 (c) In the absence of a temperature stress standard  
12 adopted by the Occupational Safety and Health Administration,  
13 the Department of Labor should adopt a heat stress standard  
14 for the protection of employees against temperature-related  
15 hazards, illnesses, and injuries that affect employers and  
16 employees in this State in private and public employment.

17 Section 10. Definitions.

18 "Acclimatization" means the body's temporary adaptation to  
19 work in heat that occurs as a person is exposed to extreme  
20 temperature over a period of 7 to 14 days depending on the  
21 amount of recent work in excessive heat and other factors.  
22 Acclimatization may be lost after 7 consecutive days away from  
23 working in the heat.

24 "Cold-related illness" means a medical condition resulting  
25 from the body losing heat faster than it can produce heat

1 creating a risk of severe injury, illness, or death.

2 "Cold stress" means the net load to which a worker is  
3 exposed from the combined contributions of metabolic heat,  
4 environmental factors, including temperature, wind chill, and  
5 moisture, and personal protective equipment worn that results  
6 in a loss of heat to the body, causing body temperature to  
7 drop.

8 "Director" means the Director of Labor or the Director's  
9 designee.

10 "Department" means the Department of Labor.

11 "Engineering controls" means the use of devices to reduce  
12 exposure to extreme temperatures. "Engineering controls"  
13 includes fans, heating stations, misting stations, and air  
14 conditioning. "Engineering controls" does not include wearable  
15 items.

16 "Employ" means to suffer or to permit to work.

17 "Employee" means any individual employed by an employer.

18 "Employer" means any individual, partnership, association,  
19 corporation, and the State and any county and municipality,  
20 and school district, agency, authority, department, bureau, or  
21 instrumentality thereof, acting directly or indirectly in the  
22 interest of an employer in relation to an employee.

23 "Excessive cold" means levels of outdoor or indoor  
24 exposure to cold that exceed the capacities of the human body  
25 to maintain normal body functions.

26 "Excessive heat" means levels of outdoor or indoor

1 exposure to heat that exceed the capacities of the human body  
2 to maintain normal body functions.

3 "Heat-related illness" means a medical condition resulting  
4 from the inability of the body to manage excess heat,  
5 including heat rash, heat cramps, heat exhaustion, heat  
6 syncope, and heat stroke.

7 "Heat stress" means the net load to which a worker is  
8 exposed from the combined contributions of metabolic heat,  
9 environmental factors, and clothing worn which result in an  
10 increase in heat storage in the body, causing body temperature  
11 to rise to sometimes dangerous levels.

12 "Interested party" means an organization that monitors or  
13 is attentive to compliance with public or worker safety or  
14 other statutory requirements."

15 "Occupation" means any occupation, service, trade,  
16 business, industry or branch or group of industries, or  
17 employment or class of employment, in which employees are  
18 employed.

19 "Occupational safety and health standard" means a rule  
20 that requires the following: a condition that is reasonably  
21 appropriate or necessary to make employment and places of  
22 employment safe and healthful; or the adoption or use of a  
23 means, method, operation, practice, or process that is  
24 reasonably appropriate or necessary to make employment and  
25 places of employment safe and healthful.

1 Section 15. Implementation contingent on appropriation.

2 (a) The implementation of this Act is contingent on the  
3 General Assembly appropriating sufficient funds for the  
4 Department to carry out its responsibilities under this Act.

5 (b) If the General Assembly does not appropriate  
6 sufficient funds for the Department to carry out its  
7 responsibilities by the dates specified in this Act, then all  
8 implementation deadlines under this Act are extended until 6  
9 months after the General Assembly appropriates sufficient  
10 funds for the Department to carry out its responsibilities  
11 under this Act.

12 Section 20. Establishment of excessive heat and cold  
13 standards.

14 (a) By January 1, 2027, the Director shall adopt rules to  
15 establish excessive heat standards. Beginning on January 1,  
16 2027 and through December 31, 2027, the Department shall  
17 provide employers in this State with information about the  
18 excessive heat standards. Beginning on January 1, 2028,  
19 employers in this State shall comply with the excessive heat  
20 standards. If rules are not adopted under this Section before  
21 January 1, 2028, the excessive heat standards are as follows:

22 (1) for an outdoor place of employment, the heat index  
23 equals or exceeds 80 degrees Fahrenheit;

24 (2) for an indoor place of employment:

25 (A) the temperature equals or exceeds 80 degrees

1 Fahrenheit and the heat index equals or exceeds 85  
2 degrees Fahrenheit;

3 (B) if employees wear clothing that restricts heat  
4 removal, the temperature equals or exceeds 80 degrees  
5 Fahrenheit; and

6 (C) if employees work in a high radiant heat area,  
7 the temperature equals or exceeds 80 degrees  
8 Fahrenheit.

9 For indoor and outdoor places of employment, if the heat  
10 index equals or exceeds 90 degrees Fahrenheit, employers shall  
11 implement additional workplace safety standards, including the  
12 possible utilization of personal protective equipment.

13 (b) By January 1, 2027, the Director shall adopt rules to  
14 establish excessive cold standards. Beginning on January 1,  
15 2027 and through December 31, 2027, the Department shall  
16 provide employers in this State with information about the  
17 excessive cold standards. Beginning on January 1, 2028,  
18 employers in this State shall comply with the excessive cold  
19 standards. If rules are not adopted under this Section before  
20 January 1, 2028, the excessive cold standards are as follows:

21 (1) for an outdoor place of employment, the wind chill  
22 is equal or below 40 degrees Fahrenheit;

23 (2) for an indoor place of employment where heavy work  
24 is performed, unless prohibited by process requirements,  
25 the temperature is equal or below 60 degrees Fahrenheit;  
26 and

1           (3) for an indoor place of employment where light work  
2           is performed, unless prohibited by process requirements, a  
3           temperature is equal or below 65 degrees Fahrenheit.

4           (c) Any temperature, heat index, or wind chill described  
5           in this Section shall be based on a measurement of the National  
6           Weather Service.

7           Section 25. Occupational temperature-related illness and  
8           injury prevention plan.

9           (a) By January 1, 2027, the Director shall establish, by  
10          rule, an occupational temperature-related illness and injury  
11          prevention plan that contains the following:

12           (1) a standard that establishes temperature hazard  
13           levels for employees that, if exceeded, trigger actions by  
14           employers to protect employees from temperature-related  
15           illness and injury; and

16           (2) a requirement that, effective January 1, 2028,  
17           each employer develop, implement, and maintain a plan to  
18           effectively prevent temperature-related illness and injury  
19           for its employees.

20          (b) The occupational temperature-related illness and  
21          injury prevention plan shall, to the extent permitted by  
22          federal law, be developed and implemented with the  
23          participation of employees and employee representatives,  
24          including collective bargaining representatives. The plan  
25          shall be tailored and specific to the hazards in a place of

1 employment. The plan shall be in writing in both English and in  
2 the language that each employee understands, if that language  
3 is not English. The plan shall be provided to the Director,  
4 employees, and any employee representatives, including  
5 collective bargaining representatives, on the last business  
6 day of May each year and shall be made available at other times  
7 of the year upon written request. The Director shall develop a  
8 model occupational temperature-related illness and injury  
9 prevention plan, consistent with the provisions of this Act,  
10 that:

11 (1) includes model training for employees and  
12 supervisors; and

13 (2) is tailored to the specific hazards in places of  
14 employment with high risks of exposure to heat and cold.

15 An employer may adopt the Director's model occupational  
16 temperature-related illness and injury prevention plan, modify  
17 that model plan, or develop the employer's own occupational  
18 temperature-related illness and injury prevention plan,  
19 consistent with the provisions of this Act, including the  
20 employee participation requirements.

21 (c) The occupational temperature-related illness and  
22 injury prevention plan described in subsection (a) shall, at a  
23 minimum, contain procedures and methods for the following:

24 (1) regular monitoring for employee exposure to heat  
25 or cold to determine whether an employee's exposure has  
26 been excessive;

1           (2) providing potable water, available immediately and  
2 in immediate and safe proximity to heat-impacted  
3 employees;

4           (3) providing heat-impacted employees with paid rest  
5 breaks and access to shade, cool-down areas, or  
6 climate-controlled spaces;

7           (4) providing warm, non-caffeinated beverages in  
8 immediate and safe proximity to cold-impacted employees;

9           (5) providing cold-impacted employees with paid rest  
10 breaks and access to warming stations sheltered from the  
11 wind and any precipitation;

12           (6) providing an emergency response for any employee  
13 who has suffered injury as a result of being exposed to  
14 excessive heat or cold;

15           (7) limiting the length of time an employee may be  
16 exposed to heat or cold during the workday;

17           (8) establishing guidelines for the usage of  
18 heat-insulating personal protective equipment for workers  
19 exposed to temperatures below 65 degrees Fahrenheit for  
20 light activity and 60 degrees Fahrenheit for moderate to  
21 heavy activity;

22           (9) establishing a worker acclimatization policy  
23 conforming with the recommended alert limits as  
24 established by the "Occupational Exposure to Heat and Hot  
25 Environments" published in 2016 by the Department of  
26 Health and Human Services;

1           (10) for outdoor and indoor non-climate-controlled  
2 environments, implementing a heat and cold alert system to  
3 provide notification to employees when the National  
4 Weather Service forecasts that excessive heat or excessive  
5 cold is likely to occur in the following day or days in a  
6 locality where an employer has employees in that State,  
7 and when that notification occurs, including:

8           (A) postponing tasks that are non-essential until  
9 the excessive temperature condition subsides;

10           (B) instituting or increasing rest allowances;

11           (C) reminding workers to drink liquids in small  
12 amounts frequently to prevent dehydration; and

13           (D) to the extent practicable, monitoring the  
14 environmental heat index at job sites and resting  
15 places;

16           (11) preventing hazards, including through the use of:

17           (A) engineering controls that include the  
18 isolation of hot or cold processes, the isolation of  
19 employees from sources of heat or cold, local exhaust  
20 ventilation, shielding from a radiant heat source or  
21 freezers, the insulation of hot surfaces, air  
22 conditioning, cooling fans, evaporative coolers, and  
23 natural ventilation;

24           (B) administrative controls that limit exposure to  
25 a hazard by adjustment of work procedures or work  
26 schedules, including rotating employees, scheduling

1 work earlier or later in the day, using work-rest  
2 schedules, reducing work intensity or speed, and  
3 changing required work clothing;

4 (C) personal protective equipment, including  
5 water-cooled garments, heated garments, air-cooled  
6 garments, reflective clothing, and cooling and heating  
7 vests; and

8 (D) administrative controls on routine temperature  
9 variation of more than 50 degrees Fahrenheit between  
10 work spaces;

11 (12) coordinating risk assessment efforts, plan  
12 development, and implementation with other employers who  
13 have employees who work at the same work site; and

14 (13) allowing employees to contact the employer  
15 directly and efficiently to communicate if the employee  
16 feels like the employee is suffering from an extreme  
17 temperature-related illness.

18 (d) The occupational temperature-related illness and  
19 injury prevention plan shall contain, at a minimum, annual  
20 training and education, including training and education  
21 regarding the following:

22 (1) the identification of extreme temperature-related  
23 illness risk factors;

24 (2) personal factors that may increase susceptibility  
25 to temperature-related illness;

26 (3) signs and symptoms of temperature-related illness;

1 (4) different types of temperature-related illness;

2 (5) the importance of consuming fluids;

3 (6) available engineering control measures;

4 (7) administrative control measures;

5 (8) the importance of reporting temperature-related  
6 symptoms;

7 (9) recordkeeping requirements and reporting  
8 procedures;

9 (10) emergency response procedures; and

10 (11) rights under this Act.

11 (e) The occupational temperature-related illness and  
12 injury prevention plan shall contain, at a minimum, special  
13 training and education for employees who are supervisors, in  
14 addition to the training and education provided to all  
15 employees under subsection (d), which shall include training  
16 and education containing the following:

17 (1) procedures a supervisor shall follow with respect  
18 to the prevention of employee exposure to excessive  
19 temperatures;

20 (2) strategies to recognize high-risk situations,  
21 including procedures to monitor weather reports and  
22 weather advisories, the risk of assigning an employee to a  
23 situation that could predictably compromise the safety of  
24 the employee, and initially and regularly monitor for  
25 employee exposure to heat or cold to determine whether an  
26 employee's exposure has been excessive; and

1           (3) emergency response procedures if an employee  
2           exhibits signs or reports symptoms consistent with  
3           temperature-related illnesses.

4           (f) The occupational temperature-related illness and  
5           injury prevention plan shall require that the education and  
6           training:

7                 (1) be provided by an employer for each new employee  
8                 before starting a job assignment;

9                 (2) provide employees opportunities to ask questions,  
10                provide feedback, and request additional instruction,  
11                clarification, or follow-up;

12               (3) be provided by an individual with knowledge of  
13                temperature-related illness prevention and the plan of the  
14                employer; and

15               (4) be appropriate in content and commensurate to the  
16                language, education level, and literacy of each employee.

17           (g) An employer shall maintain the following:

18               (1) records related to the heat-related illness and  
19                injury prevention plan, including heat-related illness  
20                risk and hazard assessments and identification,  
21                evaluation, correction and training procedures;

22               (2) data on all heat-related illnesses, injuries, and  
23                fatalities that have occurred at the place of employment,  
24                including, but not limited to, the type of heat-related  
25                illness or injury experienced and symptoms experienced,  
26                the cause of death, the time at which manifestation of

1 illness, injury, or death occurred, environmental  
2 measures, including temperature and humidity levels, at  
3 time of manifestation of illness, injury or death, a  
4 description of the location where the manifestation of  
5 illness, injury, or death occurred; and

6 (3) data concerning environmental and physiological  
7 measurements related to heat.

8 (h) An employer shall make the records and data available,  
9 on request, for examination and copying at no cost, to an  
10 employee, an employee's authorized representatives, including  
11 collective bargaining representatives, and to the Director.  
12 The employer shall preserve the records and data for a minimum  
13 of 3 years.

14 (i) Employers shall comply with the provisions of the  
15 heat-stress and cold-stress standards in accordance with this  
16 Section 60 days after the rules containing the heat stress  
17 standard are adopted.

18 (k) This Act shall not apply to any employees directly  
19 involved in the protection of life or property, including, but  
20 not limited to, lifeguards, firefighters, paramedics, law  
21 enforcement personnel, and employees engaged in the emergency  
22 restoration of essential infrastructure and services,  
23 including roads, bridges, utilities, and communications.

24 (l) After an employer has implemented an occupational  
25 temperature-related illness and injury prevention plan each  
26 employer shall, annually, on or before the first business day

1 of May, review, release, and give notice to employees and any  
2 authorized representatives of their employees, including their  
3 collective bargaining representatives, an updated copy of the  
4 employer's temperature-related illness and injury prevention  
5 plan.

6 Section 30. Retaliation.

7 (a) It is a violation of this Act for an employer to  
8 retaliate against an employee by terminating the employment,  
9 disciplining, or taking any other adverse action against any  
10 employee for exercising any right under this Act. There shall  
11 be a rebuttable presumption of unlawful retaliation under this  
12 Section if an employer takes an adverse action against an  
13 employee within 90 days after the employee exercises the  
14 employee's rights under this Act.

15 (b) It is a violation of this Act for an employer to  
16 retaliate or take adverse action against an employee if the  
17 employee:

18 (1) makes a complaint to an employer, to a co-worker,  
19 to a community organization, before a public hearing, or  
20 to a State or federal agency that rights under this Act  
21 have been violated;

22 (2) seeks assistance or intervention with respect to  
23 heat-related health symptoms from, the employer, local  
24 emergency services, the federal government, the State, or  
25 a local government;

1           (3) refuses to work if the employee reasonably  
2 believes:

3           (A) that an employer has not met the minimum  
4 requirements under this Act to prevent illness and  
5 injury; or

6           (B) that performing the required work in extreme  
7 temperature conditions may result in illness or  
8 injury;

9           (4) institutes any proceeding under or related to this  
10 Act; or

11           (5) testifies or prepares to testify in an  
12 investigation or proceeding under this Act.

13           Section 35. Violations. The Department, or the Attorney  
14 General pursuant to its authority under Section 6.3 of the  
15 Attorney General Act, may issue a temporary emergency cease  
16 and desist order to halt any conduct of the employer that is  
17 warranted by public health and safety concerns or violates  
18 this Act. The Attorney General shall seek a court order  
19 extending any emergency cease and desist order to halt any  
20 conduct of the employer that is warranted by the public health  
21 and safety concerns described in this Act as soon as  
22 practicable. Before issuing a cease and desist order  
23 authorized under this Section, the Attorney General shall  
24 provide notice to the Director.

1           Section 40. Penalties. An employer who violates any  
2 provision of this Act or any rule adopted under this Act shall  
3 be subject to a civil penalty of not less than \$100 and not  
4 more than \$5,000 for each violation found in an initial  
5 investigation by the Department or determined by a court in a  
6 civil action brought either by an interested party or by the  
7 Attorney General pursuant to its authority under Section 6.3  
8 of the Attorney General Act. An employer found by the  
9 Department or a circuit court to have committed a subsequent  
10 violation of this Act within 3 years after the first finding  
11 shall be subject to a civil penalty of not less than \$250 and  
12 not more than \$15,000 for such a violation. For purposes of  
13 this Section, each violation of this Act for each employee and  
14 for each day the violation continues shall constitute a  
15 separate and distinct violation. Any penalty assessed under  
16 this Act against a corporation, partnership, limited liability  
17 company, or sole proprietorship shall be effective against any  
18 successor entity that (i) is engaged in the same or equivalent  
19 trade or activity and (ii) has one or more of the same  
20 principals or officers, as the corporation, partnership,  
21 limited liability company, or sole proprietorship against  
22 which the penalty was assessed. In determining the  
23 appropriateness of a penalty against an employer, the Director  
24 or circuit court shall consider factors such as the history of  
25 violations by the employer, the seriousness of the violation,  
26 the good faith of the employer, and the size of the employer's

1 business. The amount of the penalty may be: (1) recovered in a  
2 civil action brought by the Director in any circuit court,  
3 represented by the Attorney General; or (2) ordered by the  
4 court, in an action brought by any party, including the  
5 Attorney General for a violation of this Act.

6 Section 45. Enforcement by the Department.

7 (a) The Department shall enforce the provisions of this  
8 Act when, in the Department's judgment, there is cause and  
9 there are sufficient resources for investigation. The  
10 Department shall have the authority to conduct investigations  
11 in connection with the administration and enforcement of this  
12 Act. The Director or the Director's designee may:

13 (1) enter and inspect the place of business of any  
14 employer for the purpose of examining and inspecting the  
15 employer's physical workplace;

16 (2) inspect or copy any records of the employer that  
17 relate in any way to or have a bearing upon the question of  
18 compliance with this Act;

19 (3) question any employee outside the presence of the  
20 employer or any employer representative;

21 (4) conduct any tests at the employer's place of  
22 business to determine if this Act has been violated; and

23 (5) require any employer to submit written statements,  
24 including sworn statements, relating to compliance with  
25 this Act as the Director may deem necessary or

1 appropriate.

2 (b) A representative of the employer and a representative  
3 of the employees shall be given an opportunity to accompany  
4 the Department during the physical inspection of any workplace  
5 for the purpose of aiding the inspection.

6 (1) The Department may permit additional  
7 representatives of the employer and representatives of the  
8 employees to be present during the inspection if the  
9 Department determines that the additional representatives  
10 will aid the inspection. A different employer and employee  
11 representative may be present during each phase of the  
12 inspection if doing so does not interfere with the  
13 inspection.

14 (2) The Department may resolve all disputes as to who  
15 shall be the representative of the employer and the  
16 representative of the employees for purposes of this Act.  
17 If there is no authorized representative of employees, or  
18 if the Department is unable to determine with reasonable  
19 certainty who the representative of the employees is, the  
20 Department shall consult with a reasonable number of  
21 employees concerning matters of safety and health in the  
22 workplace.

23 (3) The representative of the employees may be an  
24 employee of the employer or a third party. When the  
25 representative of the employees is not an employee of the  
26 same employer, the representative of the employees may be

1 present during the inspection if, in the judgment of the  
2 Department, good cause has been shown why a third party is  
3 reasonably necessary to the conduct of an effective and  
4 thorough physical inspection of the workplace.

5 (4) The Department may deny the right to be present  
6 during an inspection to any person whose conduct  
7 interferes with a fair and orderly inspection.

8 (c) The Director may compel, by subpoena, the attendance  
9 and testimony of witnesses and the production of books,  
10 payrolls, records, papers, and other evidence in any  
11 investigation or hearing and may administer oaths to  
12 witnesses.

13 (d) The Department shall conduct hearings in accordance  
14 with the Illinois Administrative Procedure Act upon written  
15 complaint by an investigator of the Department or any  
16 interested party of a violation of this Act. After the  
17 hearing, if supported by the evidence, the Department may:

18 (1) issue and cause to be served on any party an order  
19 to cease and desist from further violation of this Act;

20 (2) take affirmative or other action as deemed  
21 reasonable to eliminate the effect of the violation; and

22 (3) determine the amount of any civil penalty allowed  
23 by this Act.

24 Section 50. Review under Administrative Review Law. Any  
25 party to a proceeding under this Act may apply for and obtain

1 judicial review of an order of the Department entered under  
2 this Act in accordance with the provisions of the  
3 Administrative Review Law, and the Department in proceedings  
4 under this Act may obtain an order from the court for the  
5 enforcement of its order.

6 Section 55. Contempt. If it appears that an employer has  
7 violated a valid order of the Department issued under this  
8 Act, the Director may commence an action and obtain from the  
9 court an order commanding the employer to obey the order of the  
10 Department or be adjudged guilty of contempt of court and  
11 punished accordingly.

12 Section 60. Action for civil enforcement by an interested  
13 party.

14 (a) Upon a reasonable belief that an employer covered by  
15 this Act is in violation of any part of this Act, an interested  
16 party may initiate a civil action in the county where the  
17 alleged offenses occurred or where any party to the action  
18 resides, asserting that a violation of this Act has occurred,  
19 pursuant to the following sequence of events:

20 (1) The interested party submits to the Department a  
21 complaint describing the violation and naming the employer  
22 alleged to have violated this Act.

23 (2) The Department sends notice of the complaint to  
24 the named parties alleged to have violated this Act and

1 any interested party.

2 (3) The named party may either contest the alleged  
3 violation or attempt to cure the alleged violation within  
4 30 days after the receipt of the notice of the complaint.  
5 If the named party does not respond within 30 days after  
6 the receipt of the notice of the complaint, the Department  
7 shall issue a notice of the right to sue to the interested  
8 party as described in paragraph (4).

9 (4) The Department issues a notice of the right to sue  
10 to the interested party, if one or more of the following  
11 has occurred:

12 (A) the named party has not cured the alleged  
13 violation to the satisfaction of the Director;

14 (B) the Director has determined that the  
15 allegation is unjustified or that the Department does  
16 not have jurisdiction over the matter or the parties;  
17 or

18 (C) the Director has determined that the  
19 allegation is justified or has not made a  
20 determination, and either has decided not to exercise  
21 jurisdiction over the matter or has concluded  
22 administrative enforcement of the matter.

23 (b) If within 180 days after service of the notice of the  
24 complaint to the parties, the Department has not (i) resolved  
25 the contest and cure period, (ii) with the mutual agreement of  
26 the parties, extended the time for the named party to cure the

1 violation and resolve the complaint, or (iii) issued a right  
2 to sue letter, the interested party may initiate a civil  
3 action for penalties. The parties may extend the 180-day  
4 period by mutual agreement. The limitations period for the  
5 interested party to bring an action for the alleged violation  
6 of the Act shall be tolled for the 180-day period and for the  
7 period of any mutually agreed extensions. At the end of the  
8 180-day period or any mutually agreed extensions, the  
9 Department shall issue a right to sue letter to the interested  
10 party.

11 (c) Upon receipt of a right to sue letter from the  
12 Department, an interested party may bring a civil action, in  
13 the name of the State or for the benefit of any impacted  
14 employee, in the county where the alleged offenses occurred or  
15 where any party to the action resides. If the civil action is  
16 brought in the name of the State:

17 (1) No later than 30 days after filing the action, the  
18 interested party shall serve upon the State through the  
19 Attorney General a copy of the complaint and written  
20 disclosure of substantially all material evidence and  
21 information the interested party possesses.

22 (2) The State may elect to intervene and proceed with  
23 the action no later than 60 days after it receives both the  
24 complaint and the material evidence and information. The  
25 State may, for good cause shown, move the court for an  
26 extension of the time to intervene and proceed with the

1 action.

2 (3) Before the expiration of the 60-day period or any  
3 extensions under subparagraph (2), the State shall:

4 (A) proceed with the action, in which case the  
5 action shall be conducted by the State; or

6 (B) notify the court that it declines to take the  
7 action, in which case the interested party bringing  
8 the action shall have the right to conduct the action.

9 (4) When the State conducts the action, the interested  
10 party shall have the right to continue as a party to the  
11 action subject to the following limitations:

12 (A) the State may dismiss the action  
13 notwithstanding the objections of the interested party  
14 initiating the action if the interested party has been  
15 notified by the State of the filing of the motion and  
16 the court has provided the interested party with an  
17 opportunity for a hearing on the motion; and

18 (B) the State may settle the action with the  
19 defendant notwithstanding the objections of the person  
20 initiating the action if the court determines, after a  
21 hearing, that the proposed settlement is fair,  
22 adequate, and reasonable under all the circumstances.

23 (5) If an interested party brings an action under this  
24 Section, no person other than the State may intervene or  
25 bring a related action on behalf of the State based on the  
26 facts underlying the pending action.

1           (6) An action brought in court by an interested party  
2           under this Section may be dismissed if the court and the  
3           Attorney General give written consent to the dismissal and  
4           their reasons for consenting.

5           (d) Any claim or action filed by an interested party under  
6           this Section shall be made no later 3 years after the alleged  
7           conduct resulting in the complaint, plus any period for which  
8           the limitations period has been tolled.

9           (e) In an action brought by an interested party under this  
10          Section, an interested party may recover against the covered  
11          entity any statutory penalties set forth in Section 70,  
12          injunctive relief, and any other relief available to the  
13          Department. An interested party who prevails in a civil action  
14          shall receive 10% of any statutory penalties assessed, plus  
15          any attorney's fees and costs. The remaining 90% of any  
16          statutory penalties assessed shall be deposited into a special  
17          fund of the Department for enforcement of this Act.

18          Section 65. Private right of action.

19          (a) An employee aggrieved by any violation of this Act or  
20          any rule adopted under this Act may file suit in circuit court,  
21          in the county where the alleged offense occurred or where any  
22          employee who is party to the civil action resides, without  
23          regard to exhaustion of any alternative administrative  
24          remedies provided in this Act. A civil action may be brought by  
25          one or more employees for and on behalf of themselves and other

1 employees similarly situated. An employee whose rights have  
2 been violated under this Act by an employer is entitled to  
3 collect:

4 (1) in the case of a notice violation, statutory  
5 damages in an amount of not less than \$50 and not more than  
6 \$500 for the violation of this Act;

7 (2) in the case of a health and safety violation, in  
8 addition to all other relief available for injury,  
9 compensatory damages and an amount of statutory damages of  
10 not less than \$50 and not more than \$500 for each violation  
11 of this Act;

12 (3) in the case of unlawful retaliation, all relief  
13 necessary to make the employee whole, including, but not  
14 limited to:

15 (A) permanent or preliminary injunctive relief;

16 (B) reinstatement with the same seniority status  
17 that the employee would have had, but for the  
18 violation;

19 (C) back pay, with interest of 9% per annum for no  
20 more than 90 calendar days from the date the complaint  
21 is filed, and front pay;

22 (D) liquidated damages of up to \$10,000;

23 (E) compensation for any costs incurred as a  
24 result of the violation, including litigation costs,  
25 expert witness fees, and reasonable attorney's fees;  
26 and

1 (F) a civil penalty of \$10,000, payable to the  
2 employee.

3 (b) The right of an aggrieved employee to bring an action  
4 under this Section terminates upon the passing of 3 years  
5 after the date of the violation. This limitations period is  
6 tolled if an employer or prospective employer has failed to  
7 provide an employee or prospective employer information  
8 required under this Act or has deterred an employee or  
9 prospective employee from the exercise of rights under this  
10 Act.

11 (c) Nothing in this Section shall be construed to limit in  
12 any way an employee's rights to bring an action for injury  
13 through a tort action, workers compensation, union grievance  
14 procedure, or any other legal avenue available to an employee.

15 Section 70. No diminution of obligations.

16 (a) No provision of this Act or any rules adopted under  
17 this Act shall be construed as:

18 (1) requiring an employer to diminish or reduce  
19 protections that are provided by the employer under an  
20 employer policy or collective bargaining agreement and  
21 that either are more favorable to employee safety than the  
22 protections required by this Act or provide rights or  
23 benefits to employees not provided by this Act;

24 (2) prohibiting an employer from agreeing to provide  
25 under an employer policy or collective bargaining

1 agreement protections that are more favorable to employees  
2 than the protections required by this Act or prohibiting  
3 an employer from agreeing to provide rights or benefits to  
4 employees not provided by this Act; or

5 (3) superseding any law providing collective  
6 bargaining rights for employees or in any way reducing,  
7 diminishing, or adversely affecting those collective  
8 bargaining rights or the obligations of employers under  
9 any law.

10 (b) To the extent any federal heat stress standard law,  
11 rule, or regulation is more favorable to employees than any  
12 requirement of this Act, the Director shall update the heat  
13 stress standard rule adopted under this Act to align with the  
14 federal standard."