



Rep. Edgar González, Jr.

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LRB104 12261 SPS 36729 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 federal Occupational Safety and Health
13 Administration, the Department should adopt extreme
14 temperature safety standards.

15 Section 10. Definitions. In this Act:

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

22 "Cold stress" means the net heat loss a worker experiences
23 due to the combined effects of metabolic heat production,
24 environmental conditions, and clothing, resulting in a drop in
25 body temperature.

1 "Cold-related illness" means a medical condition resulting
2 from the body losing heat faster than it can produce heat,
3 creating a risk of severe injury, illness, or death.

4 "Department" means the Department of Labor.

5 "Director" means the Director of Labor or the Director's
6 designee.

7 "Employ" means to suffer or to permit to work, unless an
8 individual:

9 (1) has been and will continue to be free from control
10 and direction over the performance of the individual's
11 work, both under the individual's contract of service with
12 the employer and in fact;

13 (2) performs work that is either outside the usual
14 course of business or is performed outside of the places
15 of business of the employer, unless the employer is in the
16 business of contracting with parties for the placement of
17 employees; and

18 (3) is in an independently established trade,
19 occupation, profession, or business.

20 "Employee" means any individual employed by an employer.
21 For the purposes of this Act, an individual who has contracted
22 for employment with a day and temporary labor service agency
23 and assigned to a third-party client of the day and temporary
24 labor service agency, as those terms are defined in Section 5
25 of the Day and Temporary Labor Services Act, is considered an
26 employee of both the day and temporary labor service agency

1 and the third-party client.

2 "Employer" means any individual, partnership, association,
3 or corporation, or instrumentality thereof, acting directly or
4 indirectly in the interest of an employer in relation to an
5 employee. "Employer" includes any day and temporary labor
6 service agency and third-party client, as those terms are
7 defined in Section 5 of the Day and Temporary Labor Services
8 Act. "Employer" includes any public employer, as that term is
9 defined in Section 5 of the Occupational Safety and Health
10 Act.

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 "Extreme cold" means conditions where cold temperatures
17 pose a serious risk of cold stress or cold-related illness,
18 including conditions where: (1) for outdoor work, the National
19 Weather Service wind chill index is at or below 10 degrees
20 Fahrenheit; (2) for light indoor work, the ambient temperature
21 is at or below 65 degrees Fahrenheit; or (3) for moderate to
22 heavy indoor work, the ambient temperature is at or below 60
23 degrees Fahrenheit.

24 "Extreme heat" means conditions where hot temperatures
25 pose a serious risk of heat stress or heat-related illness,
26 including conditions where: (1) for outdoor work, the National

1 Weather Service heat index equals or exceeds 90 degrees
2 Fahrenheit; or (2) for indoor work, the wet bulb globe
3 temperature at the employee's work area equals or exceeds 90
4 degrees Fahrenheit.

5 "Heat stress" means the net heat gain a worker experiences
6 due to the combined effects of metabolic heat production,
7 environmental conditions, and clothing, resulting in a rise in
8 body temperature.

9 "Heat-related illness" means a medical condition resulting
10 from the inability of the body to manage excess heat,
11 including heat rash, heat cramps, heat exhaustion, heat
12 syncope, and heat stroke.

13 "Heavy personal protective equipment" means specialized
14 safety equipment that significantly restricts heat removal
15 from the body, including, but not limited to, non-breathable
16 clothing, vapor barrier clothing, chemical resistant suits,
17 fire-resistant suits, and welding gear.

18 "Interested party" means an organization that monitors or
19 is attentive to compliance with public or worker safety or
20 other statutory requirements.

21 "Light activity" means work involving minimal physical
22 exertion where the employee is primarily sedentary or engaged
23 in limited movement.

24 "Moderate to heavy activity" means work involving
25 sustained physical exertion, including lifting, carrying, or
26 tasks generating significant metabolic heat.

1 "Non-managerial employee" means an employee who (i) does
2 not have the authority to engage predominantly in executive
3 and management functions and is not charged with the
4 responsibility of directing the effectuation of management
5 policies and practices or (ii) does not have the authority to
6 hire, transfer, suspend, lay off, recall, promote, discharge,
7 assign, reward, discipline, or responsibly direct other
8 employees or adjust employee grievances, or effectively
9 recommend any such action, if the exercise of that authority
10 is not merely routine or clerical in nature but requires the
11 consistent exercise of independent judgment. An employee who
12 has some authority to engage in these activities but does not
13 devote a preponderance of employment time to exercising that
14 authority shall not be excluded from the definition of
15 non-managerial employee. The determinations of non-managerial
16 status shall be based on actual job duties and not solely on
17 written job descriptions.

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

22 "Personal protective equipment" means specialized
23 clothing, equipment, or devices worn by employees to minimize
24 exposure to temperature-related hazards and protect against
25 temperature-related illness. "Personal protective equipment"
26 includes, but is not limited to:

1 (1) For heat stress mitigation: cooling vests,
2 moisture-wicking undergarments, light-colored and
3 breathable outer garments, wide-brim hats, and reflective
4 clothing designed to reduce heat absorption and facilitate
5 heat dissipation.

6 (2) For cold stress mitigation: insulated gloves and
7 mittens, thermal underlayers, windproof and
8 water-resistant outer garments, insulated footwear, face
9 coverings, neck gaiters, and heated or battery-powered
10 warming devices designed to maintain body temperature and
11 prevent cold-related illness.

12 "Personal protective equipment" does not include standard
13 work clothing or uniforms that are not specifically designed
14 to address temperature-related hazards.

15 "Process requirement" means a documented operational
16 necessity where maintaining indoor temperatures at or above
17 the extreme cold thresholds or at or below the extreme heat
18 thresholds would fundamentally compromise product safety,
19 product integrity, or equipment function. "Process
20 requirement" does not include cost considerations, production
21 speed preferences, or general business convenience.

22 "Recognized occupational safety and health standard" means
23 a rule, guideline, or threshold limit value established by the
24 American Conference of Governmental Industrial Hygienists
25 (ACGIH), the National Institute for Occupational Safety and
26 Health (NIOSH), or the Department, or any successor or

1 equivalent body, that requires a condition that is reasonably
2 appropriate or necessary to make employment and places of
3 employment safe and healthful or the adoption or use of a
4 means, method, operation, practice, or process that is
5 reasonably appropriate or necessary to make employment and
6 places of employment safe and healthful.

7 "Small employer" means an employer that employed fewer
8 than 15 employees on average during the preceding calendar
9 year. For purposes of this definition, the number of employees
10 shall be calculated by averaging the total number of
11 individuals employed in each week of the preceding calendar
12 year, including part-time employees. Where an employer is the
13 worksite employer of individuals supplied by another employer,
14 those individuals shall be included in calculating the
15 worksite employer's employee count. "Small employer" does not
16 include any employer whose primary business is the placement
17 or supply of workers to worksite employers.

18 "Temperature measurement standard" means the method by
19 which extreme temperature conditions are determined for
20 purposes of this Act:

21 (1) For outdoor work, heat conditions shall be
22 determined using the National Weather Service heat index
23 and cold conditions shall be determined using the National
24 Weather Service wind chill index.

25 (2) For indoor work at a worksite where the employer
26 employs 25 or more employees, heat conditions shall be

1 determined using a wet bulb globe temperature monitor.
2 Cold conditions shall be determined using either a wet
3 bulb globe temperature monitor or a thermometer accurate
4 to within 2 degrees Fahrenheit.

5 (3) For indoor work at a worksite where the employer
6 is a small employer, both heat and cold conditions shall
7 be determined using a thermometer accurate to within 2
8 degrees Fahrenheit.

9 "Temperature-related illness" means any heat-related
10 illness or cold-related illness.

11 "Work site" means any location where an employee performs
12 work for an employer, including, but not limited to, indoor
13 facilities, outdoor locations, construction sites,
14 agricultural fields, warehouses, manufacturing plants, and
15 vehicles used in the course of employment. "Work site" does
16 not include an employee's private residence when the employee
17 works remotely from home.

18 Section 15. Implementation contingent on appropriation.

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

22 (b) If the General Assembly does not appropriate
23 sufficient funds for the Department to carry out its
24 responsibilities by the dates specified in this Act, then all
25 implementation deadlines under this Act are extended until 6

1 months after the General Assembly appropriates sufficient
2 funds for the Department to carry out its responsibilities
3 under this Act.

4 Section 20. Establishment of extreme temperature safety
5 standards.

6 (a) No later than July 1, 2027, the Director shall adopt
7 rules to establish extreme temperature standards for covered
8 private employers under this Act and shall also adopt rules
9 for covered public employers under the Director's authority in
10 the Illinois Occupational Safety and Health Act.

11 (b) Beginning on July 1, 2028, employers in this State
12 shall comply with the extreme temperature standards and the
13 safety standards established under Section 25. If rules are
14 not adopted under this Section before January 1, 2028, the
15 temperature standards are as follows:

16 (1) Extreme heat standards. When conditions meet the
17 standard for extreme heat as determined by the temperature
18 measurement standard, employers shall:

19 (A) provide potable drinking water that is cooler
20 than 61 degrees Fahrenheit;

21 (B) provide paid rest breaks and access to shade,
22 cool-down areas, or climate-controlled spaces;

23 (C) implement the prevention plan requirements
24 required under Section 25;

25 (D) monitor environmental conditions and worker

1 physiological status;

2 (E) mandatory cool-down breaks aligned with ACGIH
3 Threshold Limit Values and NIOSH Heat Stress
4 Standards;

5 (F) set enhanced monitoring frequency;

6 (G) establish work-rest schedules informed by
7 recognized occupational health standards;

8 (H) establish work schedule modifications, task
9 rotation, or work cessation during peak extreme heat
10 periods; and

11 (I) for work requiring heavy personal protective
12 equipment, adjust temperature action thresholds
13 accounting for increased heat retention.

14 (2) Extreme cold standards. When conditions meet the
15 standard for extreme cold as determined by the temperature
16 measurement standard, employers shall:

17 (A) provide warm, non-caffeinated beverages;

18 (B) provide paid rest breaks and access to warming
19 stations sheltered from wind and precipitation;

20 (C) implement the prevention plan requirements
21 required under Section 25;

22 (D) monitor environmental conditions and worker
23 physiological status;

24 (E) define the cadence and duration of mandatory
25 warm-up breaks informed by ACGIH threshold limit
26 values and NIOSH cold stress standards;

1 (F) set enhanced monitoring frequency;

2 (G) establish work-rest schedules informed by
3 recognized occupational health standards;

4 (H) provide necessary personal protective
5 equipment, including full-body thermal protection and
6 face coverings;

7 (I) establish work schedule modifications or task
8 rotation to limit exposure duration; and

9 (J) establish the extreme cold protocols specified
10 in subsection (e) of Section 26.

11 (3) For work involving heavy personal protective
12 equipment, confined spaces, high radiant heat
13 environments, or rapid temperature transitions, employers
14 shall implement the enhanced protections specified in
15 Section 26.

16 (4) The standards set forth in this subsection do not
17 apply to incidental temperature exposures as specified in
18 subsection (1) of Section 25.

19 (5) At work sites where multiple employers' workers
20 are present, the employer requirements under this Section
21 include establishing clear lines of responsibility for
22 temperature-related illness prevention as specified in
23 Section 25.

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

1 (a) No later than July 1, 2027, the Director shall
2 establish, by rule, an occupational temperature-related
3 illness and injury prevention plan that contains the
4 following:

5 (1) a standard that establishes temperature hazard
6 levels for employees that, if exceeded, trigger actions by
7 employers to protect employees from temperature-related
8 illness and injury; and

9 (2) a requirement that, effective January 1, 2028,
10 each employer develop, implement, and maintain a plan to
11 effectively prevent temperature-related illness and injury
12 for its employees.

13 (b) The occupational temperature-related illness and
14 injury prevention plan shall, to the extent permitted by
15 federal law, be developed and implemented with the
16 participation of employees and employee representatives,
17 including collective bargaining representatives. The plan
18 shall be tailored and specific to the hazards in a place of
19 employment. The plan shall be in writing in both English and in
20 the language that each employee understands, if that language
21 is not English. The plan shall be provided to a new employee no
22 later than 30 days after the employee's date of hiring. The
23 plan shall be provided to the Director, employees, and any
24 employee representatives, including collective bargaining
25 representatives, no later than the last business day of May
26 each year and shall be made available at other times of the

1 year upon written request.

2 Each employer shall also post in a conspicuous location at
3 each work site, in English and in any language spoken by a
4 significant portion of the workforce at that location, a
5 standardized notice developed by the Department that includes:
6 (i) the temperature thresholds established under this Act;
7 (ii) the signs and symptoms of heat-related and cold-related
8 illness; (iii) employee rights under this Act, including the
9 right to report unsafe conditions without retaliation; and
10 (iv) contact information for the Department. The Department
11 shall make the standardized notice available on its website at
12 no cost to employers.

13 For employers of mobile worksite employees, as defined in
14 subsection (g) of Section 26, the posting requirement of this
15 subsection shall be satisfied by providing each employee with
16 a written or digital summary of the employer's temperature
17 safety plan and the employee's rights under this Act prior to
18 the first shift of each season in which extreme temperature
19 conditions are likely to occur, in English and in any language
20 spoken by a significant portion of the affected workforce.

21 The Director shall develop a model occupational
22 temperature-related illness and injury prevention plan,
23 consistent with the provisions of this Act, that:

24 (1) includes model training for employees and
25 supervisors; and

26 (2) is tailored to the specific hazards in places of

1 employment with high risks of exposure to heat and cold.

2 An employer may adopt the Director's model occupational
3 temperature-related illness and injury prevention plan, modify
4 that model plan, or develop the employer's own occupational
5 temperature-related illness and injury prevention plan,
6 consistent with the provisions of this Act, including the
7 employee participation requirements.

8 (b-5) Employers are encouraged to form worker safety
9 committees to oversee implementation of heat and cold illness
10 prevention programs. In workplaces with collective bargaining
11 representatives, the committees shall be a joint
12 labor-management committee.

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

16 (1) regular monitoring for employee exposure to heat
17 or cold to determine whether an employee's exposure has
18 reached an extreme temperature threshold, including:

19 (A) all indoor measurements shall be taken at
20 breathing zone height, approximately 5 feet from the
21 floor for employees who primarily work while standing
22 and approximately 3 feet from the floor for employees
23 who primarily work while seated, at a location
24 representative of conditions within the employee's
25 assigned work area; and

26 (B) where a work site contains 2 or more work areas

1 in which temperature conditions differ by 10 degrees
2 Fahrenheit or more due to differences in climate
3 control, ventilation, proximity to exterior
4 environments, or other physical conditions, separate
5 measurements shall be taken within each such work
6 area. The Director may by rule establish alternative
7 monitoring requirements for specific industries or
8 work configurations;

9 (2) providing potable drinking water that is cooler
10 than 61 degrees Fahrenheit, available immediately and in
11 immediate and safe proximity to heat-impacted employees;

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

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

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

20 (6) providing an emergency response for any employee
21 who has suffered injury as a result of being exposed to
22 extreme heat or cold;

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

25 (8) establishing a worker acclimatization policy
26 conforming with the recommended alert limits as

1 established by "Occupational Exposure to Heat and Hot
2 Environments" published in 2016 by the Department of
3 Health and Human Services;

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

10 (A) postponing tasks that are non-essential until
11 the extreme temperature condition subsides;

12 (B) instituting or increasing rest allowances;

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

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

18 (10) preventing hazards, including through the use of:

19 (A) mandatory cool-down breaks aligned with ACGIH
20 Threshold Limit Values and NIOSH Heat Stress
21 Standards;

22 (B) mandatory warm-up breaks aligned with ACGIH
23 Threshold Limit Values and NIOSH Cold Stress
24 Standards;

25 (C) engineering controls that include the
26 isolation of hot or cold process requirements, the

1 isolation of employees from sources of heat or cold,
2 local exhaust ventilation, shielding from a radiant
3 heat source or freezers, insulation of hot surfaces,
4 air conditioning, cooling fans, evaporative coolers,
5 and natural ventilation;

6 (D) administrative controls that limit exposure to
7 a hazard by adjustment of work procedures or work
8 schedules, including rotating employees, scheduling
9 work earlier or later in the day, using work-rest
10 schedules, reducing work intensity or speed, and
11 changing required work clothing;

12 (E) personal protective equipment, such as
13 water-cooled garments, heated garments, air-cooled
14 garments, reflective clothing, and cooling and heating
15 vests; and

16 (F) administrative controls on routine temperature
17 variation of more than 50 degrees Fahrenheit between
18 work spaces;

19 (11) coordinating risk assessment efforts, plan
20 development, and implementation with other employers who
21 have employees who work at the same work site and
22 establishing clear lines of responsibility for
23 temperature-related illness prevention when multiple
24 employers' workers are present;

25 (12) allowing employees to contact the employer
26 directly and efficiently to communicate if the employee

1 feels like the employee is suffering from an extreme
2 temperature-related illness;

3 (13) establishing clear guidelines on the duration and
4 frequency of rest breaks based on temperature conditions,
5 work intensity, and use of heavy personal protective
6 equipment, with the guidelines informed by recognized
7 standards, including ACGIH Threshold Limit Values and
8 NIOSH guidance where applicable;

9 (14) encouraging the provision and use of
10 temperature-appropriate personal protective equipment,
11 including, but not limited to, cooling vests, wide-brim
12 hats, moisture-wicking clothing, and light-colored
13 garments for heat stress mitigation, and insulated gloves,
14 windproof layering, and heated devices for cold stress
15 mitigation;

16 (15) using advanced monitoring technologies, if
17 possible, to assess environmental conditions, including,
18 but not limited to, fixed-location temperature monitors,
19 automatic cooling or heating systems triggered by
20 real-time temperature readings, wearable heat stress
21 monitors, automated heating or cooling systems, and any
22 other relevant technological safety innovations that may
23 arise in the future; and

24 (16) providing considerations for specialized work
25 environments, including industry-specific personal
26 protective equipment standards and tailored protections

1 for specialized work environments including, but not
2 limited to, pipelines, ventilation systems, and tunnels.

3 If employers use wearable physiological monitors as
4 described in paragraph (15), the use shall: (i) be voluntary
5 for employees; (ii) comply with all applicable privacy and
6 health information laws; (iii) include written policies
7 ensuring that health data will not be used for adverse
8 employment actions; and (iv) provide data access to the
9 monitored employee.

10 (c-5) Employers may not require employees to purchase,
11 provide, or maintain personal protective equipment as a
12 condition of employment.

13 (d) The occupational temperature-related illness and
14 injury prevention plan shall contain, at a minimum, annual
15 training and education, including training and education
16 concerning the following:

17 (1) the identification of extreme temperature-related
18 illness risk factors;

19 (2) personal factors that may increase susceptibility
20 to temperature-related illness;

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

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

23 (5) the importance of consuming fluids;

24 (6) available engineering control measures;

25 (7) administrative control measures;

26 (8) the importance of reporting temperature-related

1 symptoms;

2 (9) recordkeeping requirements and reporting
3 procedures;

4 (10) emergency response procedures, including on-site
5 first-aid protocols for temperature-related emergencies,
6 including:

7 (A) for heat stroke: immediate cooling methods,
8 including cold water immersion, ice packs to the neck,
9 armpits, or groin, misting and fanning, cool-first
10 before transport, and continuous monitoring;

11 (B) for hypothermia: gradual warming methods,
12 removal of wet clothing, insulation from cold
13 surfaces, warm non-alcoholic beverages if alert, and
14 avoiding direct heat sources;

15 (C) for frostbite: protection of affected area
16 without rewarming, avoiding pressure or friction on
17 frostbitten tissue, and seeking immediate medical
18 attention; and

19 (D) for trench foot: immediate removal of wet
20 footwear, thorough drying of feet, elevation, and
21 avoidance of walking on affected feet; and

22 (11) rights granted under this Act.

23 (e) The occupational temperature-related illness and
24 injury prevention plan shall contain, at a minimum, special
25 training and education for employees who are supervisors, in a
26 language that each supervisor understands, in addition to the

1 training and education provided to all employees under
2 subsection (d), that shall include:

3 (1) procedures a supervisor shall follow with respect
4 to the prevention of employee exposure to extreme
5 temperatures;

6 (2) strategies to recognize high-risk situations,
7 including procedures to monitor weather reports and
8 weather advisories, to assess the risk of assigning an
9 employee to a situation that could predictably compromise
10 the safety of the employee, and to initially and regularly
11 monitor for employee exposure to heat or cold to determine
12 whether an employee's exposure has reached an extreme
13 temperature threshold;

14 (3) emergency response procedures if an employee
15 exhibits signs or reports symptoms consistent with
16 temperature-related illnesses, including:

17 (A) for heat-related illness: heat rash, heat
18 cramps, heat exhaustion, heat syncope, and heat
19 stroke, with emphasis on progressive symptoms and
20 recognizing when sweating stops as a danger sign;

21 (B) for cold-related illness: hypothermia,
22 frostbite, trench foot, and chilblains, with emphasis
23 on recognizing hypothermia progression, especially
24 when shivering stops, frostbite symptoms, including
25 numbness and white or gray skin, and that trench foot
26 can occur at temperatures as high as 60 degrees

1 Fahrenheit if conditions are wet; and

2 (C) recognition that victims of hypothermia or
3 heat stroke may not be aware of their own symptoms,
4 emphasizing the critical importance of co-worker
5 monitoring and the buddy system; and

6 (4) different types of temperature-related illness,
7 including the distinction between conditions treatable
8 on-site, such as heat exhaustion, heat cramps, or
9 frostnip, and medical emergencies requiring immediate
10 professional intervention, such as heat stroke, severe
11 hypothermia, or severe frostbite;

12 (f) The occupational temperature-related illness and
13 injury prevention plan shall require that the education and
14 training:

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

17 (2) allow employees opportunities to ask questions,
18 provide feedback, and request additional instruction,
19 clarification, or follow-up;

20 (3) be provided by an individual with knowledge of
21 temperature-related illness prevention and the plan of the
22 employer;

23 (4) be appropriate in content and commensurate to the
24 language, education level, and literacy of each employee;

25 (5) be conducted during paid working hours and at no
26 cost to the employee; and

1 (6) be delivered in-person or through interactive
2 methods that allow for real-time questions and feedback.

3 (g) An employer shall maintain the following:

4 (1) records related to the temperature-related illness
5 and injury prevention plan, including temperature-related
6 illness risk and hazard assessments and identification,
7 evaluation, correction, and training procedures;

8 (2) data on all temperature-related illnesses,
9 injuries, and fatalities that have occurred at the place
10 of employment, including, but not limited to, the type of
11 temperature-related illness or injury experienced and
12 symptoms experienced, the cause of death, the time at
13 which manifestation of illness, injury, or death occurred,
14 environmental measures, including temperature and humidity
15 levels, at time of manifestation of illness, injury, or
16 death, a description of the location where the
17 manifestation of illness, injury, or death occurred; and

18 (3) data concerning environmental and physiological
19 measurements related to heat.

20 (h) An employer shall make the records and data available,
21 on request, for examination and copying at no cost, to an
22 employee, an employee's authorized representatives, including
23 collective bargaining representatives, and to the Director.
24 The employer shall preserve the records and data for a minimum
25 of 5 years after the records or data are created.

26 (i) Employers shall comply with the provisions of the heat

1 stress and cold stress standards in accordance with this
2 Section no later than 60 days after the rules containing the
3 heat stress standards are adopted.

4 (k) This Act does not apply to any employees directly
5 involved in the protection of life or property, including, but
6 not limited to, lifeguards during active rescue operations,
7 firefighters during fire suppression or rescue operations,
8 paramedics during emergency medical response, law enforcement
9 personnel during emergency response to active threats, and
10 employees engaged in the emergency restoration of essential
11 infrastructure and services, including roads, bridges,
12 utilities, and communications. This subsection applies during
13 the period of active emergency response and does not exempt
14 routine operations, training, maintenance, or non-emergency
15 duties. This subsection also applies to employees engaged in
16 snow and ice removal operations, including private contractors
17 performing such operations.

18 (l) This Act does not apply to incidental temperature
19 exposures where an employee is exposed to:

20 (1) conditions that meet the standard for extreme
21 heat, for less than 15 minutes in any 60-minute period; or

22 (2) conditions that meet the standard for extreme
23 cold, for less than 15 minutes in any 60-minute period.

24 This subsection does not apply if employees are required
25 to perform high-intensity work, wear heavy personal protective
26 equipment, or work in confined spaces during exposures.

1 Section 26. Specialized work environments.

2 (a) The Director shall establish, by rule, detailed
3 standards for temperature stress prevention in specialized
4 work environments where workers face elevated risks,
5 including, but not limited to:

6 (1) work requiring heavy personal protective
7 equipment;

8 (2) confined spaces with restricted air circulation,
9 including pipelines, boiler rooms, tunnels, and similar
10 enclosures;

11 (3) high radiant heat environments; and

12 (4) work sites where rapid temperature transitions
13 occur.

14 (b) If employees are required to wear heavy personal
15 protective equipment, employers may implement enhanced
16 protections, which may include:

17 (1) adjusting temperature action thresholds to account
18 for increased heat retention or cold exposure;

19 (2) increasing the frequency and duration of rest
20 breaks;

21 (3) providing additional hydration or warming
22 resources; and

23 (4) monitoring environmental conditions more
24 frequently.

25 Employees wearing heavy personal protective equipment

1 shall be permitted to temporarily remove the equipment during
2 preventative rest breaks and the time required for removing
3 and putting on the equipment shall not count against the
4 duration of the rest break.

5 (c) For work in confined spaces where air circulation is
6 restricted, employers shall provide enhanced safety
7 precautions, including:

8 (1) continuous or frequent environmental monitoring;

9 (2) mechanical ventilation where feasible;

10 (3) modified work-rest schedules appropriate to the
11 space; and

12 (4) emergency extraction and response protocols.

13 (d) Employers shall ensure that all work sites, including
14 those in remote or temporary locations, have appropriate
15 emergency medical response protocols in place before work
16 begins.

17 (e) For work conducted in extreme cold:

18 (1) Employers shall implement extreme cold work
19 schedule modifications, which may include:

20 (A) shortened work shifts with reduced maximum
21 continuous outdoor exposure periods;

22 (B) mandatory task rotation to limit individual
23 worker exposure to extreme cold conditions;

24 (C) increased frequency and duration of warm-up
25 breaks; or

26 (D) temporary work cessation until conditions

1 improve, except where work is necessary for active
2 emergency response as specified in subsection (k) of
3 Section 25 or for the protection of critical
4 infrastructure.

5 (2) The Director shall develop and publish recommended
6 work-rest schedules and maximum exposure durations for
7 extreme cold conditions, taking into account:

8 (A) work intensity levels;

9 (B) personal protective equipment requirements and
10 capabilities;

11 (C) wind chill values and wind speeds;

12 (D) availability of warming stations and shelters;

13 (E) employee acclimatization status; and

14 (F) ACGIH Threshold Limit Values and NIOSH Cold
15 Stress Standards.

16 (3) Employers shall provide enhanced extreme cold
17 protections, including:

18 (A) continuous environmental monitoring of wind
19 chill and temperature;

20 (B) physiological monitoring of workers for signs
21 of cold stress, hypothermia, or frostbite;

22 (C) full-body thermal protective equipment,
23 including insulated face coverings and windproof outer
24 layers;

25 (D) immediate access to warming stations with
26 adequate heating capacity;

1 (E) non-caffeinated heated beverages and warm,
2 nutritious food options;

3 (F) emergency medical protocols specifically
4 addressing hypothermia and frostbite; and

5 (G) buddy system or regular check-ins for workers
6 in extreme cold conditions.

7 (4) For workers wearing heavy personal protective
8 equipment, employers shall maintain additional policies to
9 address both cold exposure and the physical demands of
10 wearing the equipment.

11 (f) Process requirement worksites.

12 (1) An employer operating at temperatures that would
13 otherwise trigger obligations under this Act on the basis
14 of a process requirement shall, before employees are
15 assigned to work in those conditions, prepare and maintain
16 a written process requirement determination.

17 (2) The process requirement determination shall
18 include, at a minimum:

19 (A) a description of the operational process or
20 function that requires the maintenance of temperatures
21 outside the thresholds established under this Act, and
22 the basis for that determination;

23 (B) the expected temperature range to which
24 employees will be exposed and the anticipated duration
25 of exposure per shift;

26 (C) the activity classification of employees

1 working in the affected area, consistent with the
2 definitions of light activity and moderate to heavy
3 activity;

4 (D) the protective measures the employer has
5 implemented to reduce the risk of temperature-related
6 illness, including engineering controls,
7 administrative controls, and personal protective
8 equipment; and

9 (E) a designated contact, identified by name or
10 title, to whom employees may report
11 temperature-related safety concerns without fear of
12 retaliation.

13 (3) The process requirement determination shall be:

14 (A) made available to employees assigned to the
15 affected work area before their first assignment and
16 upon request at any subsequent time;

17 (B) posted at or near the affected work area in
18 English and in any language spoken by a significant
19 portion of the workforce; and

20 (C) provided to the Director upon request.

21 (4) An employer shall review and re-certify the
22 process requirement determination annually and whenever
23 there is a material change in the operational process, the
24 temperature conditions, or the workforce assigned to the
25 affected area.

26 (5) Records maintained under this subsection shall be

1 subject to the access and preservation requirements of
2 subsection (h) of Section 25.

3 (g) Mobile and multi-location worksites.

4 (1) For purposes of this subsection, "mobile worksite"
5 means any work arrangement in which an employee regularly
6 performs work at 2 or more locations in a single shift, or
7 performs work from or in a vehicle as a primary work
8 environment.

9 (2) Where an employer-provided vehicle is equipped
10 with functional heating and cooling systems, that vehicle
11 shall be deemed a temperature-controlled recovery space
12 for purposes of this Act. Employers shall ensure that the
13 heating and cooling systems of any vehicle used as a
14 primary work environment are maintained in working order.

15 (3) Where an employee's assigned duties require
16 regular exposure to extreme temperature conditions in
17 intervals of less than 15 minutes, the employer shall
18 structure work assignments so that the average duration of
19 extreme temperature exposure does not exceed 15 minutes in
20 any 60-minute period. Where work assignments cannot be
21 structured to meet this standard, the employer shall
22 provide access to a temperature-controlled recovery space
23 and adjust work assignments or scheduling accordingly. The
24 Director may by rule establish alternative standards for
25 specific industries or work configurations.

1 Section 27. Employer support and resources.

2 (a) The Department shall develop, maintain, and make
3 publicly available on its website educational materials, model
4 prevention plans, and training resources to assist employers
5 in complying with this Act and to educate workers on their
6 rights and on how to recognize, prevent, and respond to
7 temperature-related illness. All materials shall be:

8 (1) available in English and in the languages most
9 commonly spoken by workers in covered industries in this
10 State, as determined by the Department in consultation
11 with the Department of Human Services;

12 (2) tailored to different industry sectors, including
13 sectors with elevated risk of temperature-related illness;

14 (3) reviewed and updated no less than annually, with
15 any updates published no later than March 1 of each year;
16 and

17 (4) referenced to recognized occupational safety and
18 health standards, including guidance from the Department,
19 ACGIH Threshold Limit Values, and NIOSH guidance where
20 applicable.

21 (b) The Department shall develop industry-specific
22 compliance guidance for sectors with unique
23 temperature-related hazards, including, but not limited to,
24 construction, manufacturing, agriculture, and pipeline work.
25 The Department shall make all industry-specific compliance
26 guidance developed under this subsection publicly available on

1 its website no later than 90 days after development and shall
2 update that guidance whenever material changes to applicable
3 standards or rules occur.

4 (c) The Department shall develop and make publicly
5 available a Small Employer Compliance Kit for employers with
6 fewer than 15 employees. The Small Employer Compliance Kit
7 shall include, at a minimum:

8 (1) a model occupational temperature-related illness
9 and injury prevention plan tailored to low-complexity
10 worksites;

11 (2) the standardized worksite posting notice required
12 under subsection (b) of Section 25;

13 (3) plain-language guidance on the temperature
14 thresholds established under this Act and the obligations
15 they trigger; and

16 (4) a self-certification checklist that an employer
17 may use to document compliance with this Act.

18 The Small Employer Compliance Kit shall be available in
19 English and in the languages determined under paragraph (1) of
20 subsection (a) and shall be updated whenever this Act or rules
21 adopted under this Act are materially amended.

22 Section 30. Retaliation.

23 (a) It is a violation of this Act for an employer, or any
24 agent of an employer, to retaliate against an employee by
25 terminating the employment, disciplining, or taking any other

1 adverse action against any employee for exercising any right
2 under this Act. There shall be a rebuttable presumption of
3 unlawful retaliation under this Section if an employer takes
4 an adverse action against an employee within 90 days after the
5 employee exercises the employee's rights under this Act.

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

9 (1) makes a complaint or threatens to make a complaint
10 to an employer, to a co-worker, to a community
11 organization, before a public hearing, or to a State or
12 federal agency that rights under this Act have been
13 violated;

14 (2) seeks assistance or intervention with respect to
15 temperature-related health symptoms from the employer,
16 local emergency services, the federal government, the
17 State, or a unit of local government;

18 (3) refuses to work if the employee reasonably
19 believes:

20 (A) that an employer has not met the minimum
21 requirements under this Act to prevent illness and
22 injury; or

23 (B) that performing the required work in extreme
24 temperature conditions may result in illness or
25 injury;

26 (4) participates in or attempts to participate in a

1 worker safety committee;

2 (5) uses or attempts to use wearable heat stress
3 monitors;

4 (6) institutes any proceeding under or related to this
5 Act; or

6 (7) testifies or prepares to testify in an
7 investigation or proceeding under this Act.

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

20 Section 40. Penalties.

21 (a) An employer who violates any provision of this Act or
22 any rule adopted under this Act shall be subject to a civil
23 penalty of not less than \$100 and not more than \$5,000 for each
24 violation found in an initial investigation by the Department

1 or determined by a circuit court in a civil action brought
2 either by an interested party or by the Attorney General
3 pursuant to its authority under Section 6.3 of the Attorney
4 General Act.

5 (b) An employer found by the Department or a circuit court
6 to have committed a subsequent violation of this Act within 3
7 years after the first finding shall be subject to a civil
8 penalty of not less than \$250 and not more than \$15,000 for the
9 violation.

10 (b-5) For purposes of this Section, each violation of this
11 Act for each employee and for each day the violation continues
12 shall constitute a separate and distinct violation. Any
13 penalty assessed under this Act against a corporation,
14 partnership, limited liability company, or sole proprietorship
15 shall be effective against any successor entity that: (i) is
16 engaged in the same or equivalent trade or activity; and (ii)
17 has one or more of the same principals or officers, as the
18 corporation, partnership, limited liability company, or sole
19 proprietorship against which the penalty was assessed. In
20 determining the appropriateness of a penalty against an
21 employer, the Director or circuit court shall consider factors
22 such as the history of violations by the employer, the
23 seriousness of the violation, the good faith of the employer,
24 and the size of the employer's business. The amount of the
25 penalty may be: (i) recovered in a civil action brought by the
26 Director in any circuit court, represented by the Attorney

1 General; or (ii) ordered by the court, in an action brought by
2 any party, including the Attorney General, for a violation of
3 this Act.

4 (c) For any violation determined by the Department or
5 circuit court to be willful that occurs within 3 years of an
6 earlier violation, employers shall be subject to civil
7 penalties up to double the amounts specified in subsections
8 (a) and (b).

9 (d) (1) In any enforcement action under this Act where no
10 employee suffered injury or illness, an employer may assert as
11 an affirmative defense that:

12 (A) the employer was making good faith efforts to
13 comply with the requirements of this Act;

14 (B) the violation was minor, technical, or inadvertent
15 in nature;

16 (C) the employer had implemented and was maintaining a
17 temperature-related illness and injury prevention plan as
18 required under Section 25;

19 (D) the employer promptly corrected the violation upon
20 discovery or notification; and

21 (E) the employer has no history of repeated or willful
22 violations of this Act.

23 (2) If an employer successfully establishes each element
24 of the affirmative defense under paragraph (1), the Director
25 may:

26 (A) issue a warning instead of a civil penalty;

1 (B) reduce the civil penalty to a nominal amount; or
2 (C) require corrective action with a reasonable
3 compliance period instead of an immediate civil penalty.

4 (3) The defense provided under this subsection does not
5 apply to:

6 (A) violations that result in employee injury,
7 illness, or death;

8 (B) willful or repeated violations;

9 (C) violations involving failure to implement any
10 temperature-related illness and injury prevention plan;

11 (D) a violation of Section 30; or

12 (E) situations where the employer failed to correct a
13 violation after receiving notice from the Department.

14 (4) The burden of proving a defense under this subsection
15 rests with the employer.

16 Section 45. Enforcement.

17 (a) The Department shall enforce the provisions of this
18 Act when, in the Department's judgment, there is cause and
19 there are sufficient resources for investigation. The
20 Department shall have the authority to conduct investigations
21 in connection with the administration and enforcement of this
22 Act. The Director or the Director's designee may:

23 (1) enter and inspect the place of business of any
24 employer for the purpose of examining and inspecting the
25 employer's physical workplace;

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

4 (3) question any employee outside the presence of the
5 employer or any employer representative;

6 (4) access relevant records and work sites where
7 employees are exposed to extreme temperatures, including
8 sites with varying employer arrangements;

9 (5) conduct any tests at the employer's place of
10 business to determine if this Act has been violated; and

11 (6) require any employer to submit written statements,
12 including sworn statements, relating to compliance with
13 this Act as the Director may deem necessary or
14 appropriate.

15 (b) A representative of the employer and a non-managerial
16 representative of the employees shall be given an opportunity
17 to accompany the Department during the physical inspection of
18 any workplace for the purpose of aiding the inspection.

19 The Department may permit additional representatives of
20 the employer and non-managerial representatives of the
21 employees to be present during the inspection if the
22 Department determines that the additional representatives will
23 aid the inspection. A different employer and non-managerial
24 employee representative may be present during each phase of
25 the inspection if doing so does not interfere with the
26 inspection.

1 The Department may resolve all disputes as to who shall be
2 the representative of the employer and the non-managerial
3 representative of the employees for purposes of this Act. If
4 there is no authorized representative of the employees, or if
5 the Department is unable to determine with reasonable
6 certainty who the representative of the employees is, the
7 Department shall consult with a reasonable number of employees
8 concerning matters of safety and health in the workplace.

9 The representative of the employees may be an employee of
10 the employer or a third party. When the representative of the
11 employees is not an employee of the same employer, the
12 representative of the employees may be present during the
13 inspection.

14 The Department may deny the right to be present during an
15 inspection to any person whose conduct interferes with a fair
16 and orderly inspection.

17 (c) The Director may compel, by subpoena, the attendance
18 and testimony of witnesses and the production of books,
19 payrolls, records, papers, and other evidence in any
20 investigation or hearing and may administer oaths to
21 witnesses.

22 (d) The Department shall conduct hearings in accordance
23 with the Illinois Administrative Procedure Act upon written
24 complaint by an investigator of the Department or any
25 interested party of a violation of this Act. After the
26 hearing, if supported by the evidence, the Department may:

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

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

5 (3) determine the amount of any civil penalty allowed
6 by this Act.

7 (e) If an employee or interested party complaint is the
8 basis for an investigation or inspection conducted by the
9 Director, the identity of the employee or interested party
10 that made the complaint shall be treated as confidential
11 unless the complainant consents to disclosure of the
12 complainant's identity.

13 (f) If the Director investigates, then the Director shall
14 provide a written report to the complainant within a
15 reasonable time after the investigation has concluded.

16 Section 50. Review under Administrative Review Law. Any
17 party to a proceeding under this Act may apply for and obtain
18 judicial review of an order of the Department entered under
19 this Act in accordance with the provisions of the
20 Administrative Review Law and the Department in proceedings
21 under this Act may obtain an order from the court for the
22 enforcement of its order.

23 Section 55. Contempt. If it appears that an employer has
24 violated a valid order of the Department issued under this

1 Act, then the Director may commence an action and obtain from
2 the court an order commanding the employer to obey the order of
3 the Department or be adjudged guilty of contempt of court and
4 punished accordingly.

5 Section 60. Action for civil enforcement by an interested
6 party.

7 (a) Upon a reasonable belief that an employer covered by
8 this Act is in violation of any part of this Act, an interested
9 party may initiate a civil action in the county where the
10 alleged offenses occurred or where any party to the action
11 resides, asserting that a violation of this Act has occurred,
12 pursuant to the following sequence of events:

13 (1) The interested party submits to the Department a
14 complaint describing the violation and naming the employer
15 alleged to have violated this Act.

16 (2) The Department sends notice of the complaint to
17 the named parties alleged to have violated this Act and
18 any interested party.

19 (3) The named party may either contest the alleged
20 violation or attempt to cure the alleged violation within
21 30 days after the receipt of the notice of the complaint.
22 If the named party does not respond within 30 days after
23 the receipt of the notice of the complaint, the Department
24 shall issue a notice of the right to sue to the interested
25 party as described in paragraph (4).

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

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

6 (B) the Director has determined that the
7 allegation is unjustified or that the Department does
8 not have jurisdiction over the matter or the parties;
9 or

10 (C) the Director has determined that the
11 allegation is justified or has not made a
12 determination, and either has decided not to exercise
13 jurisdiction over the matter or has concluded
14 administrative enforcement of the matter.

15 (b) If, within 180 days after service of the notice of the
16 complaint to the parties, the Department has not (i) resolved
17 the contest and cure period, (ii) with the mutual agreement of
18 the parties, extended the time for the named party to cure the
19 violation and resolve the complaint, or (iii) issued a right
20 to sue letter, the interested party may initiate a civil
21 action for penalties. The parties may extend the 180-day
22 period by mutual agreement. The limitations period for the
23 interested party to bring an action for the alleged violation
24 of the Act shall be tolled for the 180-day period and for the
25 period of any mutually agreed extensions. At the end of the
26 180-day period or any mutually agreed extensions, the

1 Department shall issue a right to sue letter to the interested
2 party.

3 (c) Upon receipt of a right to sue letter from the
4 Department, an interested party may bring a civil action, in
5 the name of the State or for the benefit of any impacted
6 employee, in the county where the alleged offenses occurred or
7 where any party to the action resides. If the civil action is
8 brought in the name of the State:

9 (1) No later than 30 days after filing the action, the
10 interested party shall serve upon the State through the
11 Attorney General a copy of the complaint and written
12 disclosure of substantially all material evidence and
13 information the interested party possesses.

14 (2) The State may elect to intervene and proceed with
15 the action no later than 60 days after it receives both the
16 complaint and the material evidence and information. The
17 State may, for good cause shown, move the court for an
18 extension of the time to intervene and proceed with the
19 action.

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

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

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

1 (4) When the State conducts the action, the interested
2 party shall have the right to continue as a party to the
3 action subject to the following limitations:

4 (A) the State may dismiss the action
5 notwithstanding the objections of the interested party
6 initiating the action if the interested party has been
7 notified by the State of the filing of the motion and
8 the court has provided the interested party with an
9 opportunity for a hearing on the motion; and

10 (B) the State may settle the action with the
11 defendant notwithstanding the objections of the person
12 initiating the action if the court determines, after a
13 hearing, that the proposed settlement is fair,
14 adequate, and reasonable under all the circumstances.

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

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

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

1 (e) In an action brought by an interested party under this
2 Section, an interested party may recover against the covered
3 entity any statutory penalties set forth in Section 40,
4 injunctive relief, and any other relief available to the
5 Department. An interested party who prevails in a civil action
6 shall receive 10% of any statutory penalties assessed, plus
7 any attorney's fees and costs. The remaining 90% of any
8 statutory penalties assessed shall be deposited into a special
9 fund of the Department for enforcement of this Act.

10 Section 65. Private right of action.

11 (a) An employee aggrieved by any violation of this Act or
12 any rule adopted under this Act may file suit in circuit court,
13 in the county where the alleged offense occurred or where any
14 employee who is party to the civil action resides, without
15 regard to exhaustion of any alternative administrative
16 remedies provided in this Act. A civil action may be brought by
17 one or more employees for and on behalf of themselves and other
18 employees similarly situated. An employee whose rights have
19 been violated under this Act by an employer is entitled to
20 collect:

21 (1) in the case of a notice violation, statutory
22 damages in an amount of not less than \$50 and not more than
23 \$500 for the violation of this Act;

24 (2) in the case of a health and safety violation, in
25 addition to all other relief available for injury,

1 compensatory damages and an amount of statutory damages of
2 not less than \$50 and not more than \$500 for each violation
3 of this Act;

4 (3) in the case of unlawful retaliation, all relief
5 necessary to make the employee whole, including, but not
6 limited to:

7 (A) permanent or preliminary injunctive relief;

8 (B) reinstatement with the same seniority status
9 that the employee would have had, but for the
10 violation;

11 (C) back pay, with interest of 9% per annum for no
12 more than 90 calendar days after the date the
13 complaint is filed, and front pay;

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

15 (E) compensation for any costs incurred as a
16 result of the violation, including litigation costs,
17 expert witness fees, and reasonable attorney's fees;
18 and

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

21 (b) The right of an aggrieved employee to bring an action
22 under this Section terminates 3 years after the date of the
23 violation. This limitations period is tolled if an employer or
24 prospective employer has failed to provide an employee or
25 prospective employer information required under this Act or
26 has deterred an employee or prospective employee from the

1 exercise of rights under this Act.

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

6 (d) Notwithstanding any other provision of this Section,
7 an employee of a small employer may not bring a civil action
8 under this Section. An employee of a small employer retains
9 all rights to file a complaint with the Department under
10 Section 45 and to benefit from enforcement actions brought by
11 the Department or an interested party under Sections 45 and
12 60.

13 Section 70. No diminution of obligations.

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

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

22 (2) prohibiting an employer from agreeing to provide
23 under an employer policy or collective bargaining
24 agreement protections that are more favorable to employees
25 than the protections required by this Act or prohibiting

1 an employer from agreeing to provide rights or benefits to
2 employees not provided by this Act;

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

8 (4) limiting the alternative compliance mechanisms
9 available to employers under Section 75.

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

15 Section 75. Alternative compliance mechanisms.

16 (a) Where a collective bargaining agreement is in effect
17 that specifically addresses temperature-related safety
18 conditions, the provisions of that agreement shall govern
19 instead of the protocols and work practice requirements
20 established under Section 25, if the agreement expressly
21 addresses, at minimum:

22 (1) the means by which heat and cold conditions are
23 measured at the worksite and communicated to employees,
24 including the instruments or indices used and the
25 frequency of measurement;

1 (2) rest break access and frequency under extreme heat
2 and extreme cold conditions;

3 (3) access to water and to the worksite shade and
4 warming or cooling stations, where applicable;

5 (4) emergency response procedures for heat-related or
6 cold-related illness; and

7 (5) where appropriate, personal protective equipment
8 and uniform requirements suited to the temperature
9 conditions employees are likely to encounter, including
10 adjustments to temperature action thresholds or uniform
11 policies for work requiring heavy personal protective
12 equipment or occupational uniforms.

13 (b) A collective bargaining agreement that does not
14 contain a subject matter required under subsection (a) shall
15 not be deemed to satisfy the requirements of subsection (a)
16 with respect to that subject matter, and the applicable
17 provisions of this Act shall govern. A qualifying collective
18 bargaining agreement may establish temperature action
19 thresholds that differ from those established under Section 10
20 or adopted by the Director under Section 20. If a collective
21 bargaining agreement expires or is voided, the requirements of
22 this Act shall apply immediately and in full until a successor
23 agreement satisfying the requirements of subsection (a) is in
24 effect.

25 (c) This Act does not apply to employees covered by a
26 collective bargaining agreement in effect on the effective

1 date of this Act until the expiration of that agreement.

2 (d) Where a public employer, including a fire protection
3 district organized under the Fire Protection District Act, has
4 adopted and implemented a written temperature safety policy
5 that specifically addresses heat and cold conditions, that
6 policy shall govern in lieu of the protocols and work practice
7 requirements established under Section 25, if the policy
8 expressly addresses, at minimum:

9 (1) the means by which heat and cold conditions are
10 measured at the worksite and communicated to employees,
11 including the instruments or indices used and the
12 frequency of measurement;

13 (2) rest break access and frequency under extreme heat
14 and extreme cold conditions;

15 (3) access to water and, where applicable to the
16 worksite, shade and warming or cooling stations;

17 (4) emergency response procedures for heat- or
18 cold-related illness;

19 (5) personal protective equipment and uniform
20 requirement adjustments appropriate to the temperature
21 conditions employees are likely to encounter; and

22 (6) a mechanism by which employees may report
23 temperature-related safety concerns to a designated
24 employer contact without fear of retaliation.

25 (e) A public employer policy that does not contain a
26 subject matter required under subsection (d) shall not be

1 deemed to satisfy the requirements of subsection (a) with
2 respect to that subject matter, and the applicable provisions
3 of this Act shall govern. A qualifying public employer policy
4 may establish temperature action thresholds that differ from
5 those established under Section 10 or adopted by the Director
6 under Section 20 where the public employer determines, based
7 on worksite-specific conditions, that different thresholds are
8 appropriate. If a public employer policy is rescinded or
9 expires without a successor policy in effect, the requirements
10 of this Act shall apply immediately and in full.

11 (f) Where a collective bargaining agreement governs
12 instead of subsection (a) of Section 25, the provisions of
13 Sections 30, 35, 40, 45, 55, 60, and 65 do not apply. Disputes
14 arising under a qualifying collective bargaining agreement
15 shall be resolved through the grievance and arbitration
16 procedures established in that agreement. If a collective
17 bargaining agreement expires or is voided without a successor
18 agreement satisfying the requirements of subsection (a) in
19 effect, the enforcement provisions of this Act shall apply
20 immediately and in full. Where a public employer policy
21 governs under subsection (d), the provisions of Sections 30,
22 35, 40, 45, 55, 60, and 65 do not apply with respect to the
23 subject matter areas addressed by that policy. If a public
24 employer policy is rescinded or expires without a successor
25 policy in effect, the enforcement provisions of this Act shall
26 apply immediately and in full.

1 Section 97. Severability. Should one or more of the
2 provisions of this Act be held invalid, the invalidity shall
3 not affect any of the valid provisions hereof.

4 Section 99. Effective date. This Act takes effect January
5 1, 2027."