
From: Kambarian, Erik
Sent: Friday, February 14, 2020 3:29 PM
To: Perez, Matt <Matt.Perez@illinois.gov>
Cc: Lozosky, Brandy <Brandy.Lozosky@Illinois.gov>; Vahling, Julie <Julie.Vahling@illinois.gov>
Subject: IL-OSHA response to questions

Mr. Perez,

Please see our replies to each question below and please do not hesitate to contact us for further assistance.

1. Does your State have any formal disciplinary measures/actions to be taken towards Fire Departments pertaining to conduct generally or unsafe actions?
 - A. The Illinois Department of Labor, Division of Occupational Safety and Health (IL-OSHA) enforces occupational safety and health standards for public sector employers (excluding federal employers) in the State of Illinois. IL-OSHA can and does issue citations against public sector employers for violating adopted standards. IL-OSHA performs programmed inspections and responds to complaints, referrals and fatalities/catastrophes. Although authorized by statute, IL-OSHA does not levy financial penalties against public sector employers for citations unless it is a repeat, willful or failure to abate citation. Citations, once classified as final, contain a violative condition that must be abated by the employer within a certain amount of time.
2. Does your State have any authority to take actions on individuals participating on these fire departments for conduct unbecoming or unsafe practices?
 - A. The Illinois Occupational Safety and Health Act (820 ILCS 219/20) does require that “every employee must comply with the rules that are promulgated from time to time by the Director under this Act and that are applicable to the employee’s action and conduct.” The Act does not allow for enforcement action directly on an employee. It is up to the employer to ensure that their employees comply by establishing rules, informing employees of the rules, supervising employees and enforcing rules.
3. What types of policies and enforcement measures are in place in your State pertaining to

Junior Firefighter's participation within fire departments? Does your State's Dept of Labor limit the allowance of Junior Firefighter's participation within fire departments?

A. IL-OSHA would have to determine if the junior firefighter is considered an employee as defined in section five of the Illinois Occupational Safety and Health Act. If so, they would be regulated by the Act as outlined in previous answers. If the junior firefighter is considered a civilian, IL-OSHA would not have any regulatory authority over participation.

4. What is your State's age limit to full participation within fire departments?

A. Section seven of the Illinois Child Labor Law (820 ILCS 205/) provides examples of prohibited employment activities for minors under the age of 16. Based on the list of prohibited activities and expected fire department operations, the minimum age limit for full participation in a fire department in Illinois would be 16. Other state agencies such as the Secretary of State (driving) and Department of Public Health (EMS licensure) may have other minimum age requirements applicable to fire departments.

5. What actions or disciplinary measures are taken within your State if children under the age of 16 are found involved in fire service activities of training and on emergency scenes?

A. If a child under the age of 16 would be performing activities as a full member of a fire department as an employee, the employing fire department would be subject to a civil penalty not to exceed \$5,000 per violation per section 17.3 of the Illinois Child Labor Law. A willful violation of the Child Labor Law is a Class A misdemeanor.

6. Does your State agency enforce or restrict in any measure pertaining to fire department's involvement in social media within active fire service operations?

A. IL-OSHA would not have the authority to restrict a fire department's involvement in social media within active fire service operations. If the use of social media at a fire scene jeopardized employee safety and other specific criteria are met, IL-OSHA may have the ability to issue a general duty citation based on section 20 of the Illinois Occupational Safety and Health Act.

Sincerely,

Erik Kambarian

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