



Office of City Clerk

City Council Document Tracking Sheet

City Hall
121 North LaSalle Street
Room 107
Chicago, IL 60602
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Matter ID: O2023-0004210

Meeting Date: 9/13/2023

Sponsor(s): Hadden (49) *
Rodriguez (22) (C)

Type: Ordinance

Title: Amendment of Municipal Code Title 6 by adding new Chapter 6-140 entitled "Heat Illness Prevention in Outdoor Places of Employment"

Committee Assignment: Committee on Workforce Development

ORDINANCE

WHEREAS, The City of Chicago (“the City”) is a home rule unit of government under Section 6(A), Article VII of the 1970 Constitution of the State of Illinois authorized to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City is experiencing an increase in the frequency and intensity of heat waves and drought due to climate change; and

WHEREAS, Between 1985 and 2005, Chicagoans experienced an average of 7 days per year above 92.5 degrees Fahrenheit; and

WHEREAS, By 2050, it is projected that Chicago will experience an average of 36 days per year with temperatures above 92.5 degrees Fahrenheit; and

WHEREAS, Protection from extreme heat is a matter of life and death for many workers and their families; and

WHEREAS, It is estimated that heat exposure is responsible for as many as 2,000 worker deaths and 170,000 heat stress-related injuries in the U.S. each year; and

WHEREAS, Low-income workers suffer five times as many heat-related injuries as high-income workers; and

WHEREAS, Heat waves compound pre-existing health conditions and lead to increased hospitalizations for cardiovascular, kidney, and respiratory disorders; and

WHEREAS, A 2019 study found that Black construction workers were on average 51% more likely to die from heat, and Mexican-born workers were 91% more likely; and

WHEREAS, Employers’ failure to implement heat safety measures costs the U.S. economy approximately \$100,000,000,000 every year; and

WHEREAS, In response to increasing temperatures, California, Minnesota, Oregon, and Washington have proactively codified statewide heat rules to protect workers from extreme heat;

WHEREAS, The City has a responsibility to protect the health and welfare of its residents; and

WHEREAS, Without federal or State heat standards in place for employers, the City must institute an aggressive and bold plan to address the imminent threat that rising temperatures pose to the safety and welfare of outdoor employees; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. Article II of Title 6 of the Municipal Code of Chicago is hereby amended by inserting new Chapter 6-140, as follows:

**CHAPTER 6-140 HEAT ILLNESS PREVENTION
IN OUTDOOR PLACES OF EMPLOYMENT**

6-140-010 Purpose and Intent.

This Chapter shall be known and may be cited as the “Heat Illness Prevention in Outdoor Places of Employment.” It is the purpose of this Chapter to ensure a minimum set of standards to protect the health and wellbeing of Chicago for workers whose primary functions of their job are performed outside when the outside temperatures pose a threat to the health and safety of said workers.

6-140-015 Scope and application.

This section shall apply to all outdoor employment including, but not limited to, agriculture, construction, landscaping, and transit and traffic engineering.

6-140-020 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

“Director” means the Director of the Office of Labor Standards or the Director’s designee within the Office of Labor Standards.

“Employee” means an individual that performs work for an employer in the capacity of an employee, as distinguished from a contractor, determined pursuant to Internal Revenue Service Guidelines.

“Employer” means a person who gainfully employs at least one Employee.

“Environmental risk factors for heat illness” means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement,

workload severity and duration, protective clothing and personal protective equipment worn by employees.

“Heat Illness” means a serious medical condition resulting from the body’s inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

“Heat index” means the apparent temperature, or what the temperature feels like to the human body, when humidity is combined with the air temperature. For example, if the temperature is 92.5°F and the relative humidity is 70%, the heat index is 114°F. The heat index is measured using the heat index calculator or heat index chart from the National Oceanic and Atmospheric Administration.

“Ice water” means the employer will ice the water at the start of each shift.

“Personal risk factors for heat illness” means factors such as an individual’s age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and the use of prescription medications that affect the body’s water retention or other physiological responses to heat.

“Potable water” means water that is safe for human consumption in accordance with State and federal standards.

“Shaded area” means an area where employees are permitted to rest, recover, or otherwise lower the employees’ body temperature in accordance with this chapter and that is shaded or otherwise blocked from direct sunlight.

6-140-025 Access to shaded areas.

(a) In accordance with the minimum standards of subsection (b) of this section, employers shall: (1) maintain one or more shaded areas at all times while employees are present when the outdoor heat index in the work area exceeds 80 degrees Fahrenheit; and (2) provide one or more shaded areas upon request when the outdoor heat index in the work area does not exceed 80 degrees Fahrenheit.

(b) Shaded areas required under this section shall be located as close as practicable to the area where employees are working. The minimum amount of shade provided by a shaded area shall be at least enough to accommodate the number of employees on recovery or rest periods so that

they can sit in a normal posture fully in the shade without having to be in physical contact with each other, and the amount of shade present during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite. Shaded areas may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use. Shaded areas shall be open to the air or equipped with ventilation or cooling systems. An area shall not be considered a shaded area for the purposes of this chapter if the heat index in the area is such that it prevents the ability of employees to rest, recover, or otherwise lower the employee's body temperature.

(c) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest shall: (i) be monitored and asked if they are experiencing symptoms of heat illness; (ii) be encouraged to remain in the shade; and (iii) not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 10 minutes following the employee accessing the shaded area.

(d) If an employee exhibits signs or reports symptoms of heat illness while taking a preventative rest or during a preventative rest period, the employer shall provide appropriate first aid or emergency response according to subsection 6-140-055.

6-140-030 Access to water.

(a) Employers shall provide at all times, regardless of temperature or heat index, adequate potable water to employees. Employers shall add ice to such potable water at the start of each shift, such that potable iced water is readily available to employees during their respective shifts. When the heat index reaches or exceeds 80 degrees Fahrenheit, employers shall make additional potable ice water readily available to employees.

(b) Potable water required under this section shall be placed in a centralized location that is easily accessible to all employees. If the outdoor work site is expansive, employers shall provide multiple stations to reduce the distance an employee needs to travel to access potable water.

(c) Employees shall be allowed and encouraged to take short breaks to hydrate as may be reasonably necessary to protect themselves from dehydration and overheating. Access to water breaks shall be permitted at all-times, and an employer cannot prevent an employee from drinking water as they need.

6-140-035 High-heat procedures.

Employers shall implement high-heat procedures when the heat index equals or exceeds 95 degrees Fahrenheit. These procedures shall, at minimum, include the following:

(a) Ensuring effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable.

(b) Ensuring effective employee observation and monitoring for alertness and signs or symptoms of heat illness by implementing one or more of the following:

(1) Assigned supervisor or designee to the observation of 20 or fewer employees, or

(2) Mandatory buddy system, or

(3) Regular communication with sole employee such as by radio or cellular phone, or

(4) Other effective means of observation.

(c) Authorizing one or more employees on each worksite as authorized to call for emergency medical services, and allowing other employees to call for emergency services when no designated employee is available.

(d) Reminding employees throughout the work shift of the availability of water as required under section 6-140-030.

(e) Holding pre-shift meetings before the commencement of the workday to review the high heat procedures, encourage employees to drink water, including by notifying employees of employer's obligations under Section 6-140-030, and remind employees of their right to rest, recover, or otherwise lower the employee's body temperature when necessary.

6-140-040 Emergency Response Procedures.

Employers shall implement effective emergency response procedures when an employee exhibits the signs or symptoms that are indicators of severe heat illness, including, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation, irrational behavior or convulsions. These procedures shall, at a minimum, include the following:

(a) Ensuring that emergency response procedures are implemented when appropriate, including by authorizing one or more supervisory employees to implement such emergency response

procedures when an employee exhibits the signs or symptoms are indicators of severe heat illness.

(b) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor or emergency medical services when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable. If an electronic device cannot furnish reliable communication in the work area, the employer will ensure a means of summoning emergency medical services.

(c) Responding to signs and symptoms of possible heat illness, including but not limited to, the provision of first aid measures and contacting emergency medical services. If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, the supervisor shall take immediate action commensurate with the severity of the illness to ensure the employee's health and safety. An employee exhibiting signs or symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid or being provided with emergency medical services commensurate with the severity of the illness to ensure the employee's health and safety.

(d) Ensuring that emergency medical services are contacted in response to signs or symptoms of possible heat illness, including how emergency medical services will be provided when necessary and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider.

(e) Ensuring that clear and precise directions to the work site are provided to emergency responders in the event of an emergency

6-140-045 Observation of Employees.

One or more supervisors or designees of the employer shall closely observe the degree of acclimatization or adaptation to the heat of:

(a) each employee on any day in which the predicted high what index for the day will be: (1) at least 80 degrees Fahrenheit; and (2) at least 10 degrees Fahrenheit higher than the average high daily temperature in the preceding five days; and

(b) Each new employee for the first 14 days of their employment during the months of May 1 through October 15, or after the first date of employment when the daytime outdoor temperature exceeds 75 degrees Fahrenheit.

6-140-050 Training Requirements.

(a) Employers shall provide annual training on the following topics to each employee before commencing a job function that should reasonably be anticipated to result in exposure to the risk of heat illness:

(1) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing and personal protective equipment.

(2) The employer's procedures for complying with the requirements of this chapter, including, but not limited to, the employer's obligations to provide water, shade, rests, and access to first aid, as well as the employees' right to exercise their rights under this chapter without retaliation.

(3) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(4) The concept, importance, and methods of observing acclimatization or adaptation to the heat, including the employer's observation procedures, required under section 6-140-045.

(5) The different types of heat illness, the common signs and symptoms of heat illness, the speed with which such symptoms and signs can progress to serious and life-threatening illness, and appropriate first aid and emergency responses to the different types of heat illness.

(6) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves or other employees.

(7) The employer's procedures under Section 6-140-035 and Section 6-140-040.

(8) The employer's procedures for contacting emergency medical services and, if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(9) The employer's procedure for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

(b) In addition to the training required under subsection (a) of this section, employers shall provide annual training on the following topics to each supervisory employee before

commencing the supervision of employees who are reasonably anticipated to be exposed to the risk of heat illness:

(1) All procedures the supervisory employee must follow to implement the provisions of this chapter.

(2) The procedures the supervisory employee must follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.

(3) Methods to monitor weather reports, including how to respond to hot weather advisories and a minimum frequency to monitor weather reports throughout the workday or shift, as applicable.

6-140-055 Heat Illness Prevention Plan.

Each employer shall establish, implement, and maintain an effective heat illness prevention plan in accordance with minimum standards promulgated by the Office of Labor Standards, and shall file a copy with the Office of Labor Standards. Such plan shall be given to employees at the start of their employment and every time the employer makes a change to the plan, and shall be made available to employees at the worksite upon request. Employers shall provide the heat illness prevention plan in writing, in both English and the language understood by the majority of the employees, provided that an employer shall translate such plan and all changes to such plan into each employee's primary language upon request and notify employees of limited English proficiency in their primary language that they can request oral interpretation of such plan provided by the employer. A heat illness prevention plan shall, at minimum, outline how such employer will comply with their obligations under this chapter, including:

(a) Procedures to ensure the employer complies with their obligations related to the provision of water and access to shaded areas under this chapter.

(b) The high heat procedures in accordance with Section 6-140-035.

(c) Emergency response procedures in accordance with Section 6-140-040.

(d) Methods and procedures for observing acclimatization or adaptation to the heat, including the employer's observation procedures required under Section 6-140-045.

6-140-160 Notice and posting.

Employers shall post in a conspicuous place where the employees work notices advising the employees of their rights under this chapter. The Director shall prepare and make available a form notice that satisfies the requirements of this section. Such form notice shall ensure that employees who have limited proficiency in the English language have meaningful notice of their rights under this chapter in accordance with Chapter 2-40 of the Code.

6-140-065 Enforcement.

The Office of Labor Standards shall enforce this chapter, and the Director is authorized to adopt rules for its proper administration and enforcement.

6-140-070 Application to collective bargaining agreements.

Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish conditions of work in excess of the applicable minimum standards of the provisions of this chapter.

6-140-070 Violation Penalty.

(a) Any employer who violates this chapter or any rule promulgated hereunder shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(b) In addition to any other penalty provided by law, an employer who has been found liable for three or more violations of this chapter or any rule promulgated thereunder on three different days within any 12-month period may result in ineligibility under Section 1-23-020 or Section 2-92-320, or license revocation under Section 4-4-280.

6-140-075 Private cause of action

An employee may initiate a civil action asserting that they were subjected to a violation of this chapter after the following sequence of events occurs: (i) the employee submits to the Department a factually supported written complaint describing the violation, (ii) the Office of Labor Standards forwards to the Employer the complaint and provides the Employer with an opportunity to contest the alleged violation. in which case the Employer shall provide to the Office of Labor Standards factual support for its position, and (iii) the Office of Labor Standards has notified the complaining employee and the Employer in writing that the Officer of Labor Standards considers the complaint to be closed. The Office of Labor Standards may consider a complaint closed when: (a) the complaint has been cured by the employer, or the Office of Labor

Standards has deemed the complaint justified and supported and has enforced it against the employer to conclusion; or (b) or the Office of Labor Standards has deemed the complaint unjustified or unsupported. An Employee who prevails in a civil action pursuant to this section shall be entitled to an award of compensation for any damages sustained, including backpay, medical expenses, litigation costs, expert witness fees, and reasonable attorney's fees.

6-140-080 Non-exclusive remedy

The remedies, fines, and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties, and procedures established by law which may be pursued to address violations of this chapter.

6-140-085 Investigations as a result of settlements.

If the City learns that after being charged with a violation of this chapter an employer has entered into two or more settlements within a year with the United States Department of Labor or the Illinois Department of Labor, the Director, in conjunction with the Chief Procurement Officer, is authorized to conduct an investigation to determine whether the person's conduct that resulted in those settlements evinces culpability that merits ineligibility under Section 1-23-020 or Section 2-93-320, or license revocation under Section 4-4-280.

SECTION 3. Section 2-92-320 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

(a) No person or business entity shall participate in a transaction as defined herein, and may have its current transactions permanently or temporarily suspended or canceled, if that person or business entity:

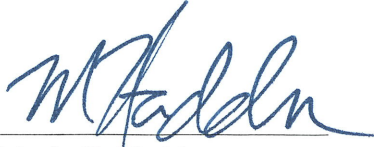
(Omitted text is unaffected by this ordinance)

(6) has committed, within a 24-month period, three or more violations of Chapter 6-105 of this code; or

(7) has committed, within a 24-month period, three or more violations of Chapter 6-140 of this Code; or

(8) has been debarred by any local, state or federal government agency from doing business with such government agency as provided in subsection (d) of Section 1-23-020 of the Code, for the duration of the debarment by such government agency.

SECTION 4. This Ordinance shall be in full force and effect March 15, 2024.



Maria E. Hadden
Alderson, 49th Ward



Michael Rodriguez
Alderson, 22nd Ward