

4167-1-01 **Definitions.**

The following definitions shall apply in all ~~agency-level 4167~~ rules of this chapter of the Administrative Code:

(A) "Act" means the Public Employment Risk Reduction Act promulgated under House Bill 308 on December 17, 1992, and as amended thereafter.

(B) ~~Director~~ "Administrator" means ~~director of the department of commerce~~ administrator of the bureau of workers' compensation.

(C) "~~Commission~~" means ~~the public employment risk reduction advisory commission (PERRAC) as created by division (B) of section 4167.02 of the Revised Code.~~

~~(D)~~(C) "Employment Risk Reduction Standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

~~(E)~~(D) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed.

~~(F)~~(E) "Imminent danger" means a condition or practice in any place of employment, where such a danger exists, which reasonably can be expected to cause death or serious physical harm, immediately or before the danger's imminence can be eliminated through the inspection procedures provided by section 4167.10 of the Revised Code.

~~(G)~~(F) "Ohio employment risk reduction standard" means any risk reduction standard adopted or issued under ~~agency-level 4167~~ this chapter of the Administrative Code.

~~(H)~~(G) "Public employee" as defined in section 4167.01 of the Revised Code means any individual who engages to furnish services subject to the direction and control of a public employer, including those individuals working for a private employer who has contracted with a public employer and who the national labor relations board has declined jurisdiction. "Public employee" does not mean a fire fighter or a peace officer employed by a public employer or any person employed as a correctional officer in a county or municipal corporation correctional institution whether the county or municipal corporation solely or in conjunction with each other operates the institution.

~~(I)~~(H) "Public employee representative" means an employee organization certified or recognized by the state employment relations board under section 4117.05 of the Revised Code as the exclusive representative of the public employees in a

bargaining unit.

~~(J)~~(I) "Public employer" as defined in section 4167.01 of the Revised Code means any of the following:

- (1) The state; and its instrumentalities;
- (2) Any political subdivisions and their instrumentalities, including any county, county or state hospital, municipal corporation, city, village, township, park district, school district, state institution of higher learning, public or special district, state agency, authority, commission, or board;
- (3) Any branch of public employment not mentioned in paragraph ~~(J)~~ (I)(1) or ~~(J)~~ (I)(2) of this rule.

~~(K)~~(J) "Undue hardship" means any requirement imposed under this chapter or a rule or order issued thereunder that would require a public employer to take an action with significant difficulty or expense.

~~(L)~~(K) "Peace officer" is hereby defined by section 109.71 of the Revised Code as a deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, member of a police force employed by a metropolitan housing authority, township constable, policemen appointed by a railroad company, employees of the department of taxation engaged in enforcement, undercover drug agents, liquor control investigators, an employee of the department of natural resources who is a park officer, forest officer, game protector, state watercraft officer, an employee of a park district or of a conservancy district, a policeman employed by a hospital who is appointed pursuant to sections 4973.17 and 4973.22 of the Revised Code, state university law enforcement officers appointed under section 3345.04 of the Revised Code, and the superintendent and the patrolmen of the state highway patrol.

~~(M)~~(L) "Abatement date" means:

- (1) The date set forth in a citation for the abatement of a violation when the citation item has not been contested;
- (2) When a citation item has been contested and a final order has been issued, the date is computed by adding to the final order date either the amount of time allowed for abatement in the original citation or, if the order modifies the abatement period, the newly specified period;

- (3) The date for abatement expressly set forth in a final order;
- (4) The date for abatement expressly set forth in a petition for modification of abatement date final order; or
- (5) The date for abatement expressly set forth in a settlement agreement.

~~(N)~~(M) "Abatement plan" is a written, detailed plan outlining a schedule for the implementation of measures to achieve abatement.

~~(O)~~(N) "Abatement verification" includes a final abatement report, an abatement plan, and progress reports.

~~(P)~~(O) "Citation item" is a separately designated portion of a citation containing one or more instances of violation.

~~(Q)~~(P) "Equipment" is a machine or device, powered or unpowered, used to do work.

~~(R)~~(Q) "Final order date" is:

- (1) Where the citation item has not been contested, the fourteenth day after the employer's receipt of the citation;
- (2) The fourteenth day after the date on which a decision of a hearing officer is made, including an order approving a settlement or a withdrawal of a notice of contest;
- (3) Where review has been directed by the superintendent of the division of ~~labor and worker~~ safety and hygiene, the thirtieth day after the date on which the superintendent issues the decision, including but not limited to an order approving a settlement or a withdrawal of a notice of contest, or an order severing citation items from a case; or
- (4) The date on which a court of common pleas issues a decision where the superintendent's order has been stayed.

~~(S)~~(R) "Petition for modification of the abatement date (PMA) final order" means

- (1) The superintendent approval of an uncontested (PMA);

(2) An order of a hearing officer granting a (PMA), in whole or in part, unless the hearing officer's decision is directed for review within thirty days of the decision of the superintendent;

(3) An order of a court of common pleas granting a PMA, in whole or in part.

~~(F)~~(S) "Progress report" is a written report explaining what measures have been taken, if any, in the process of achieving abatement of a violative condition in a citation item, other than measures ultimately achieving abatement; and the dates on which those measures have been taken.

~~(U)~~(T) "Hospitalization" means an individual must be admitted to a hospital or equivalent facility; it does not mean treated and released.

~~(V)~~(U) "Division" means division of ~~labor and worker~~ safety and hygiene.

~~(W)~~(V) "Superintendent" means superintendent of the division of ~~labor and worker~~ safety and hygiene.

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Certification

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