

TO BE RESCINDED

4167-14-01 **Contests of citations.**

- (A) A public employer to whom a citation has been issued has fourteen calendar days after the receipt of the citation to contest all or any part of the citation.
- (B) Any public employee or public employee representative has fourteen calendar days after the receipt of a citation to file notice that the time period fixed in the citation for the abatement of a violation is unreasonable.
- (C) The contest for an adjudication hearing must include:
- (1) By the public employer, the factual basis for contesting each provision of the act, standard, regulation, rule, or order issued by the administrator.
 - (2) By the public employer, employee or employee representative evidence that any proposed abatement date is unreasonable.
- (D) Any contest must be postmarked within fourteen calendar days of the receipt of the citation and be mailed to the superintendent of the division of safety and hygiene at the official address listed in rule 4167-1-02 of the Administrative Code.
- (E) Any contest of an superintendent's citation must be made to the superintendent within fourteen calendar days of the receipt of the citation.
- (F) At the request of an affected employer, employee, representative of employees, or upon the superintendent's own motion, the superintendent will hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice of intention to contest. If the conference is requested by the employer, an affected employee or his representative may be afforded an opportunity to participate, at the discretion of the superintendent. When the complainant is an employee and/or an employee representative, the complainant may be given the opportunity to participate in the conference. Any party may be represented by counsel at such conference. No such conference or request for such conference shall operate as a stay of any fourteen calendar day period for filing a notice of intention to contest as prescribed in this rule.

Effective:

R.C. 119.032 review dates: 10/09/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121, 4167.02, 4167.07
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