

4167-8-03

Citations.

- (A) The superintendent shall, with reasonable promptness, issue a citation to any public employer that, upon inspection or investigation, the superintendent finds has violated any of the following:
- (1) An Ohio employment risk reduction standard;
 - (2) An order issued upon a finding of imminent danger pursuant to rule 4167-8-02 of the Administrative Code;
 - (3) An order to abate a violation issued pursuant to this rule.
- (B) The superintendent may, upon inspection or investigation, issue a notice of minor violation to any public employer that the superintendent believes has violated rules of this chapter that have no direct effect or immediate relationship to safety or health.
- (C) Citations issued under this rule shall:
- (1) Be issued in writing;
 - (2) Describe with particularity the nature of the alleged violation, including a reference to the provision of law, Ohio employment risk reduction standard, rule, or order alleged to have been violated;
 - (3) State that the issuance of a citation does not constitute a finding that a violation of the act has occurred unless there is a failure to contest as provided for in the act, or if contested, unless the citation is affirmed;
 - (4) Be issued within six months following the date of the final occurrence of the alleged violation;
 - (5) Fix a time for the abatement of the alleged violation pursuant to rule 4167-5-01 of the Administrative Code;
 - (6) Be sent to the public employer by certified mail, return receipt requested.
- (D) Upon receipt of any citation issued under this rule, the public employer shall immediately post the citation, or a clearly legible copy thereof, at or near each place an alleged violation referred to in the citation occurred.
- (1) Citations shall be posted in areas accessible to public employees and/or public employee representatives, but need not be posted in areas accessible to the public.

- (2) A public employer shall seek the approval of the superintendent to post citations in locations other than those at the site of a violation.
- (E) 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~~ to discuss any issues raised by an inspection, citation, or notice of intention to contest.
- (1) 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.
 - (2) When the complainant is an employee and/or an employee representative, the complainant may be given the opportunity to participate in the conference.
 - (3) Any party may be represented by counsel at such conference.
 - (4) 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 rule 4167-14-01 of the Administrative Code.
- (F) A citation shall be deemed a final order fourteen days after the employer's receipt of the citation, unless the employer elects to contest the citation pursuant to rules 4167-14-01 to 4167-14-03 of the Administrative Code. If the employer contests the citation, the order shall become final when either:
- (1) The employer chooses not to appeal an adverse decision within the timeframe the employer is permitted to do so under rules 4167-14-01 and 4167-14-02 of the Administrative Code; or
 - (2) The employer has exhausted all administrative remedies and a final decision is issued by the court of common pleas.

Effective: 1/1/2019
Five Year Review (FYR) Dates: 9/21/2018 and 01/01/2024

CERTIFIED ELECTRONICALLY

Certification

12/06/2018

Date

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