

4167-8-03

**Citations.**

- (A) The superintendent ~~shall~~will, 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~~and public employee representatives, but need not be posted in areas accessible to the public, for a minimum of three business days or until all alleged violations

in the citation are corrected or vacated through a final order pursuant to rule 4167-14-02 of the Administrative Code, whichever is later.

- (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 public employer, public employee, public employee representative ~~of employees~~, or upon the superintendent's own motion, the superintendent will hold an informal conference to discuss any issues raised by an inspection, citation, or notice of intention to contest.
- (1) If the conference is requested by the public employer, an affected public employee ~~or his, their public employee representative, or their legal~~ representative may be afforded an opportunity to participate, at the discretion of the superintendent.
  - (2) When the complainant is ~~an a public employee, and/or an a public~~ employee representative, or the legal representative of a public employee, the complainant may be given the opportunity to participate in the conference.
  - (3) Any party may be represented by legal 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 public employer's receipt of the citation; unless the public employer elects to contest the citation pursuant to rules 4167-14-01 ~~to 4167-14-03~~ and 4167-14-02 of the Administrative Code. If the public employer contests the citation, the order shall become final when either:
- (1) The public employer chooses not to appeal an adverse decision within the timeframe the public employer is permitted ~~to do so under~~ pursuant to rules 4167-14-01 and 4167-14-02 of the Administrative Code; or
  - (2) The public employer has exhausted all administrative remedies and a final decision is issued by the court of common pleas.

Effective: 3/1/2024

Five Year Review (FYR) Dates: 11/29/2023 and 10/01/2028

CERTIFIED ELECTRONICALLY

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Certification

02/06/2024

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Date

Promulgated Under: 119.03  
Statutory Authority: 4121.12, 4121.121, 4167.02, 4167.07  
Rule Amplifies: 4167.10  
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