

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(As Amended at ARRS, August 10, 2021)

803 KAR 2:130. Informal conference~~[conferences]~~.

RELATES TO: KRS 338.101

STATUTORY AUTHORITY: KRS 338.051, 338.061~~[KRS Chapter 13A]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires ~~[Pursuant to the authority granted]~~ the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes procedures ~~[by KRS 338.051, the following administrative regulation is adopted, identifying the procedure]~~ to be followed in conducting informal conferences requested by the employer, employee, or representative of employees.

Section 1. Definitions. (1) Commissioner is defined ~~by~~in KRS 338.015.

(2) "Employee" is defined by KRS 338.015(2).

(3) "Employer" is defined by KRS 338.015(1).

(4) "Working day" means Monday through Friday and does not include Saturday, Sunday, federal, or state holidays, ~~and~~as well as the day of receipt of notice.

Section 2. Informal Conference~~[Conferences]~~. (1) At the request of an affected employer, employee, or representative of employees, the commissioner or designee ~~[Division of Occupational Safety and Health Compliance]~~ may hold an informal conference for the purpose of discussing ~~[any]~~ issues raised by an inspection, investigation, citation, notice of proposed penalty, ~~[variance,]~~ or notice ~~[of intention]~~ to contest ~~[-. The settlement of any issue at such conference shall be subject to the rules of procedure prescribed by the review commission.]~~.

(2) If the informal conference is requested by the employer, an affected employee ~~[,]~~ or employee ~~[his]~~ representative shall~~[may]~~~~shall~~ be afforded an opportunity to participate, at the discretion of the commissioner or designee.

(3) If the informal conference is requested by an employee or representative of employees, the employer shall~~[may]~~~~shall~~ be afforded an opportunity to participate, at the discretion of the commissioner or designee.

(4) Any party may be represented by counsel ~~[at such conference]~~.

(5) An~~[No]~~ informal ~~[such]~~ conference or request for an informal ~~[such]~~ conference shall not serve~~[serves]~~ ~~[shall operate]~~ as a stay or extension of the ~~[any]~~ fifteen (15) working day ~~[working day]~~ period to file ~~[for filing]~~ a notice of ~~[intention to]~~ contest pursuant to ~~[as prescribed in]~~ 803 KAR 2:140.

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