

Technical Amendment
November 10, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

803 KAR 2:060. Employer responsibility to post notice.

RELATES TO: KRS 338.051, 29 C.F.R. Part 1903

STATUTORY AUTHORITY: KRS 338.051, 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards 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 employers' responsibility to post notices provided by the Education and Labor Cabinet and availability of safety and health administrative regulations.

Section 1. Definitions.

- (1) "Employee" is defined by KRS 338.015(2).
- (2) "Employer" is defined by KRS 338.015(1).
- (3) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed such as a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.

Section 2. Posting.

- (1) Each employer shall post and keep posted a notice or notices created by the Education and Labor Cabinet informing employees of the protections and obligations established in KRS Chapter 338 including information that employees may contact the employer or the Education and Labor Cabinet for occupational safety and health assistance and information.
- (2) The notice created by the Education and Labor Cabinet shall be available on the Education and Labor Cabinet Web site at Labor.ky.gov.
- (3) The notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted.
- (4) If distinctly separate activities are performed at a single physical location, such as construction activities at the same physical location, each activity shall be treated as a separate physical establishment and a separate notice or notices shall be posted in each establishment.
- (5) If employers are engaged in activities that are physically dispersed, such as agriculture, construction, gas and sanitary services, transportation, communications, and electric services, the notice or notices shall be posted at the location to which employees report each day.
- (6) If employees do not usually work at, or report to, a single establishment, such as traveling salesmen, technicians, and engineers, the notice or notices shall be posted at the location where employees operate to carry out their activities.
- (7) In all cases, notice or notices shall be posted in accordance with the requirements of this administrative regulation.
- (8) Each employer shall take steps to ensure the notice or notices are not altered, defaced, or obscured.

Section 3. Availability of Administrative Regulations.

(1) All applicable occupational safety and health administrative regulations shall be available on the Education and Labor Cabinet Web site at Labor.ky.gov.

(2) If an employer has copies of these materials, the employer shall make the copies available upon request to any employee or authorized employee representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or authorized employee representative and the employer.

(OSH 103; 1 Ky.R. 158; eff. 12-11-1974; 3 Ky.R. 249; eff. 10-6-1976; 24 Ky.R. 1145; 1510; eff. 1-12-1998; TAm eff. 8-9-2007; TAm eff. 9-8-2011; TAm eff. 7-17-2014; 47 Ky.R. 2655; 48 Ky.R. 800; eff. 11-30-2021; TAm eff. 11-10-2022.)

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