

## **803 KAR 2:125. Posting of citation.**

RELATES TO: KRS 338.101

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 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 for the posting of citations by the employer.

### Section 1. Definitions.

- (1) "Employee" is defined by KRS 338.015(2).
- (2) "Employer" is defined by KRS 338.015(1).
- (3) "Review commission" is defined by KRS 338.015(8).
- (4) "Working days" means Monday through Friday and does not include Saturday, Sunday, federal, or state holidays, and the day of receipt of notice.

### Section 2. Posting.

- (1) Upon receipt of any citation, the employer shall immediately post the unedited citation, or a copy of the unedited citation, at or near each place the alleged violation occurred, except as established in subsections (1) through (6) of this section.
  - (2) If, because of the nature of the employer's operations, it is not practicable to post the unedited citation, or a copy of the unedited citation, at or near each place of alleged violation, the unedited citation, or a copy of the unedited citation, shall be posted in a prominent place where it is readily observable by all affected employees such as a location where employees report each day.
  - (3) The unedited citation, or a copy of the unedited citation, may be posted at the location employees carry out their activities if the employees do not primarily work at, or report to, a single location.
  - (4) The employer shall ensure the unedited citation or copy of the unedited citation shall not be altered, defaced, or obscured.
  - (5)
    - (a) Each unedited citation, or copy of the unedited citation, shall remain posted until the violation is abated, or for three (3) working days, whichever is later.
    - (b) The filing by the employer of a notice to contest shall not affect the posting responsibility unless the review commission issues a final order vacating the citation.
  - (6)
    - (a) An employer that receives a citation shall post a notice indicating the citation is contested in the same location where the unedited citation, or copy of the unedited citation, is posted.
    - (b) The notice may explain the reason for the contest.
    - (c) The employer may indicate specific steps taken to abate the violation.
- (OSH 112; 1 Ky.R. 162; eff. 12-11-1974; Am. 5 Ky.R. 819; eff. 6-6-1979; 47 Ky.R. 2669; 48 Ky.R. 807; eff. 11-30-2021.)