

803 KAR 2:130. Informal conference.

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 to be followed in conducting informal conferences requested by the employer, employee, or representative of employees.

Section 1. Definitions.

- (1) Commissioner is defined by 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 the day of receipt of notice.

Section 2. Informal Conference.

- (1) At the request of an affected employer, employee, or representative of employees, the commissioner or designee may hold an informal conference for the purpose of discussing issues raised by an inspection, investigation, citation, notice of proposed penalty, or notice to contest.
- (2) If the informal conference is requested by the employer, an affected employee or employee representative 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 be afforded an opportunity to participate, at the discretion of the commissioner or designee.
- (4) Any party may be represented by counsel.
- (5) An informal conference or request for an informal conference shall not serve as a stay or extension of the fifteen (15) working day period to file a notice of contest pursuant to 803 KAR 2:140.

(OSH 113; 1 Ky.R. 162; eff. 12-11-1974; TAm eff. 8-9-2007; TAm eff. 9-8-2011; 47 Ky.R. 2673; 48 Ky.R. 809; eff. 11-30-2021.)