

338.141 Issuance of citation by commissioner -- Time limitation for issuance of citation -- Additional time for compliance -- Hearing.

- (1) If upon inspection an authorized representative of the commissioner finds that an employer has violated any requirement of this chapter, a citation shall be issued to the employer. Each citation shall describe with particularity the alleged violation, including a reference to the provision of the act, standard, rule, or administrative regulation alleged to have been violated. Each citation shall establish the time period permitted for correction of the alleged violation by fixing a reasonable date for elimination of the alleged violation and may propose a civil penalty to be paid. If within fifteen (15) working days from the receipt of the citation an employer, employee, or the employees' representative fails to notify the commissioner that he or she intends to contest the citation, then the citation shall be deemed a final order of the review commission and not be subject to review by any court or agency.
- (2) Any citation or a notice of a de minimis violation shall be promptly issued after the inspection. A citation or a notice of a de minimis violation shall not be issued more than six (6) months after the occurrence of any alleged violation. As used in this subsection, a de minimis violation is a violation that has no direct or immediate relationship to safety or health. A citation that is issued under this section shall not be classified as a repeated violation when issued more than three (3) consecutive years from the final order date of the previous citation.
- (3) The commissioner, upon determination that an employer is acting in good faith to correct the cited violation, may grant additional time for correction upon application by the employer.
- (4) If an employer, employee, or the employees' representative notifies the commissioner that he or she intends to challenge a citation issued under this section or under KRS 338.131, the commissioner shall notify the review commission of such notification and the review commission shall afford an opportunity for a hearing.
- (5) In the case of any review proceedings initiated by an employer, employee, or the employees' representative under this chapter, the time period permitted for correction of cited violations shall be tolled until the conclusion of the action.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 105, sec. 5, effective June 27, 2025. -- Amended 2010 Ky. Acts ch. 24, sec. 1761, effective July 15, 2010. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 7, sec. 1. -- Created 1972 Ky. Acts ch. 251, sec. 15.