

From: John Dyer [<mailto:John.Dyer@labor.ok.gov>]

Sent: Tuesday, July 18, 2017

Subject: UPDATE: ODOL Public Employees Occupational Safety and Health: Announcement of Agency new rules

FOR IMMEDIATE RELEASE

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**Oklahoma Department of Labor's
Public Employees Occupational Safety and Health Division**

UPDATE:

Due to the high interest in the upcoming meeting, we request that all interested parties RSVP. This will better enable ODOL to plan accordingly. In addition, several have express an interest in holding a meeting in Tulsa. Please contact john.dyer@labor.ok.gov to RSVP for the Oklahoma City meeting or to express your desire for a Tulsa meeting.

Thank you for your time.

Announcement of new rules:

Governor Fallin signed into law new rules affecting Public Sector employers across the State of Oklahoma. Effective September 15, 2017, Public Sector employers who violate Oklahoma Department of Labor's, Oklahoma Occupational Health and Safety Standards Act and Administrative Rules, 40 O.S. § 401, et seq., OAC 380:40 face potential citations and **fines**.

§ 380:40-1-16

(a) Upon determination that the employer has violated a standard, rule or order promulgated pursuant to the Act, or of any substantive rule published in this chapter, the PEOSH Inspector shall issue to the employer a citation.

380:40-1-24. Fines (NEW)

(a) In addition to citations issued under OAC 380:40-1-16, the Commissioner of Labor, or his or her designee, may issue an administrative fine for any and all violations of the Oklahoma Occupational Health and Safety Standards Act.

ODOL will be holding a meeting to discuss the new rules and how they will affect our Public Sector employers. Additionally, we would like your feedback on how our current practices have worked and how ODOL can work towards partnering with our Public Sector employers to improve safety and health in their workplaces. Your input is vital in helping ODOL work towards keeping Oklahoma's employees safe. Please plan on attending.

Date: July 27, 2017
Time: 2:00 pm
Location: Oklahoma Department of Labor
3017 North Stiles Ave.
Oklahoma City, OK 73105



PEOSH

Workplace Safety for Public Employees

What Is PEOSH?

- ▶ Public
- ▶ Employees
- ▶ Occupational
- ▶ Safety &
- ▶ Health



Workplace Safety in the Public Sector

- ▶ PEOSH has jurisdiction over all public sector employees in Oklahoma, including city, county, state, schools and municipal trusts. **Public sector employers are not within the jurisdiction of federal OSHA.**
- ▶ PEOSH is responsible for:
 - ▶ Inspection,
 - ▶ Compliance,
 - ▶ Rule making,
 - ▶ Consultation & training



Workplace Safety in the Public Sector

- ▶ The Oklahoma Occupational Health & Safety Standards Act and Administrative Rules: 40 O.S. § 401, et seq. and OAC 380:40
- ▶ The Act also adopts:
 - ▶ Federal OSHA regulations, (with a few minor exceptions).
 - ▶ CFR 1904
 - ▶ CFR 1910
 - ▶ CFR 1926
 - ▶ National Standards (ANSI, ASME, NEC, NFPA, etc.)

Employer's Duties & Responsibilities

- ▶ Each employer shall furnish to each employee, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.
- ▶ No person shall discharge, discriminate or take adverse personnel action against any employee because such employee has filed any complaint, or instituted or caused to be instituted any proceeding under or related to this act.



Inspections

- ▶ Imminent Danger Situations
- ▶ Fatalities & catastrophes
- ▶ Formal Employee Complaints
- ▶ Referrals
- ▶ Scheduled Inspections: Site-Specific Target List
 - ▶ Non-responders
 - ▶ High Incident Rates



New Rules

▶ 380:40-1-16. Citations

▶ (e) Violations of the Act shall be classified as follows:

- ▶ (1) **Serious**: a condition creating substantial probability that death or serious physical harm could result. The condition is the result of one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the employer did not, and could not with the exercise of reasonable diligence, know of the condition that is the basis of the violation.
- ▶ (2) **Other than serious**: the most serious injury or illness that would be the likely result of the violation cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to the employees' safety and health.
- ▶ (3) **Willful**: a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.
- ▶ (4) **Repeated**: the employer has been cited previously for the same or a substantially similar condition within the past five years.
- ▶ (5) **Regulatory**: the violation involves posting requirements or injury and illness recordkeeping requirements.

New Rules

▶ 380:40-1-24. Fines (NEW)

- ▶ (a) the Commissioner of Labor, or his or her designee, may issue an administrative fine for any and all violations of the Oklahoma Occupational Health and Safety Standards Act. **All monies collected for violations of the Oklahoma Occupational Health and Safety Standards Act shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.** The following schedule of fines shall apply on a per-violation, per-day basis:

- | | |
|----------------------------------|------------|
| ▶ (1) Serious: | \$1,000.00 |
| ▶ (2) Other than serious: | \$500.00 |
| ▶ (3) Willful: | \$5,000.00 |
| ▶ (4) Repeated: | \$5,000.00 |
| ▶ (5) Regulatory: | \$500.00 |

New Rules -- PEOSH Consultation

- ▶ 380:40-1-24. Fines (NEW)
 - ▶ (c) Employers who voluntarily request an onsite inspection shall not be subject to monetary penalties for hazards identified during the course of the voluntary inspection, provided that such hazards are corrected within the timeframes established during the consultation visit.



New Rules

- ▶ 380:40-1-24. Fines (NEW)
 - ▶ (d) Funds collected as payment from a violator for administrative fines imposed for violation of the Oklahoma Occupational Health and Safety Standards Act shall not be retained by the Department of Labor, but shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.



Questions





Sign up for alerts from our OSHA department through GovDelivery!

Topics include:

- Asbestos Contractors
- Asbestos Project Designers
- Public Employee Occupational Safety and Health
- Looking SHARP Newsletter
- Safety and Health Update
- Safety Coordinator (Public Sector)
- Public Sector Survey



Visit www.ok.gov/odol and click on the big red envelope!

For more information, contact:

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