

Regulations of Connecticut State Agencies

TITLE 31. Labor

Agency

Department of Labor

Subject

OCCUPATIONAL SAFETY AND HEALTH

Inclusive Sections

§§ 31-371-1—31-371-20

CONTENTS

Inspections, Citations and Proposed Penalties

Sec. 31-371-1.	Purpose and scope
Sec. 31-371-2.	Posting of notice: Availability of the act, regulations and applicable standards
Sec. 31-371-3.	Authority for inspection
Sec. 31-371-4.	Objection to inspection
Sec. 31-371-5.	Entry not a waiver
Sec. 31-371-6.	Advance notice of inspections
Sec. 31-371-7.	Conduct of inspection
Sec. 31-371-8.	Representatives of employers and employees
Sec. 31-371-9.	Trade secrets
Sec. 31-371-10.	Consultation with employees
Sec. 31-371-11.	Complaints by employees
Sec. 31-371-12.	Inspection not warranted; informal review
Sec. 31-371-13.	Imminent danger
Sec. 31-371-14.	Citations; notices of de minimis violations
Sec. 31-371-14a.	Petitions for modification of abatement date
Sec. 31-371-15.	Proposed penalties
Sec. 31-371-16.	Posting of citations
Sec. 31-371-17.	Employer and employee contests before the review commission
Sec. 31-371-18.	Failure to correct a violation for which a citation has been issued
Sec. 31-371-19.	Informal conferences
Sec. 31-371-20.	Definitions

OCCUPATIONAL SAFETY AND HEALTH

Inspections, Citations and Proposed Penalties

Sec. 31-371-1. Purpose and scope

The Connecticut Occupational Safety and Health Act of 1973 (Public Act No. 73-379) requires that every employer covered under the Act furnish to his employees 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 his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act which are applicable to their own actions and conduct. The Act authorizes the Department of Labor to conduct inspections, and to issue citations and proposed penalties for alleged violations. The Act under section 31-383 authorizes the Commissioner of the Labor Department to conduct inspections and to question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the Occupational Safety and Health Review Commission, if contested by an employer or by an employee or authorized representative of employees, and for judicial review. The purpose of this part is to prescribe rules and to set forth general policies for enforcement of the inspection, citation, and proposed penalty provisions of the Act. In situations where this part sets forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the Commissioner or his designee determines that an alternative course of action would better serve the objectives of the Act.

(Effective September 11, 1974)

Sec. 31-371-2. Posting of notice: Availability of the act, regulations and applicable standards

(a) (1) Each employer shall post and keep posted a notice or notices to be furnished by the Occupational Safety and Health Division of the Connecticut Labor Department, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the office of the Department of Labor. Such 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. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

(2) Where the state has an approved poster informing employees of their projections and obligations, such poster, when posted by employers covered by the state plan, shall constitute compliance with the posting requirements of section 31-374(c) (1) of the act.

(3) Reproductions or facsimiles of such state posters shall constitute compliance with

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-3

Department of Labor

the posting requirements of section 31-374(c) (1) of the act where such reproductions or facsimiles are at least 8-1/2 inches by 14 inches, and the printing size is at least 10 point. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, generally not less than 36 point.

(b) “Establishment” means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office). Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Occupational Safety and Health Division of the Connecticut Labor Department. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as longshoremen, traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of paragraph (a) of this section.

(c) Copies of the Act, all regulations and all applicable standards will be available at the office of the Occupational Safety and Health Division of the Connecticut Labor Department. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized 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 his authorized representative and the employer.

(d) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 31-382 of the Act.

(Effective October 5, 1979)

Sec. 31-371-3. Authority for inspection

(a) Occupational Safety and Health Officers of the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, work place or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee; and to review records required by the Act and related regulations, and other records which are directly related to the purpose of the inspection.

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-6

(b) Prior to inspecting areas containing information which is classified by an agency of the United States Government in the interest of national security, Occupational Safety and Health Officers shall have obtained the appropriate security clearance.

(Effective September 11, 1974)

Sec. 31-371-4. Objection to inspection

(a) Upon a refusal to permit an Occupational Safety and Health Officer, in the exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner operator, agent, or employee, in accordance with section 31-371-3, or to permit a representative of employees to accompany the Occupational Safety and Health Officer during the physical inspection of any work place, the Occupational Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, material, records, or interviews concerning which no objection is raised. The compliance safety and health officer shall endeavor to ascertain the reason for such refusal and shall immediately report the refusal and the reason therefor to the director. The director shall consult with the attorney general who shall take appropriate action, including compulsory process if necessary.

(b) Compulsory process may be sought in advance of an inspection or investigation if in the judgment of the director and the attorney general, circumstances exist which make preinspection process desirable or necessary.

(c) With the approval of the commissioner and the attorney general, compulsory process may also be obtained by the director or his designee.

(d) For the purpose of this section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent.

(Effective October 5, 1979)

Sec. 31-371-5. Entry not a waiver

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. Occupational Safety and Health Officers are not authorized to grant any such waiver.

(Effective September 11, 1974)

Sec. 31-371-6. Advance notice of inspections

(a) Advance notice of inspections may not be given, except in the following situations: (1) In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible; (2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection; (3) where necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection; and (4) in other

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-7

Department of Labor

circumstances where the Occupational Safety and Health Director determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situations described in sub-section (a) of this section, advance notice of inspections may be given only if authorized by the Director of Occupational Safety and Health, except that in cases of apparent imminent danger, advance notice may be given by the Occupational Safety or Health Officer without such authorization if the Director is not immediately available. When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of such representative is known to the employer. Upon the request of the employer, the Occupational Safety or Health Officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Occupational Safety or Health Officer with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. An employer who fails to comply with his obligation under this subsection promptly to inform the authorized representative of employees of the inspection or to furnish such information as is necessary to enable the Occupational Safety or Health Officer promptly to inform such representative of the inspection, may be subject to citation and penalty under section 31-382 (c) of the Act. Advance notice in any of the situations described in subsection (a) of this section shall not be given more than 24 hours before the inspection is scheduled to be concluded, except in apparent imminent danger situations and in other unusual circumstances.

(e) The Act provides in section 31-382 (f) that any person who gives advance notice of any inspection to be conducted under the Act, without authority from the Commissioner or his designees, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(Effective September 11, 1974)

Sec. 31-371-7. Conduct of inspection

(a) Subject to the provisions of section 31-374 inspections shall take place at such times and in such places of employment as the Commissioner may direct. At the beginning of an inspection, Occupational Safety and Health Officers shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified which they wish to review.

(b) Occupational Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment.

(c) In taking photographs and samples, Occupational Safety and Health Officers shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. Occupational Safety and Health Officers shall comply

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-8

with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

(e) At the conclusion of an inspection, the Occupational Safety and Health Officer shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the Occupational Safety and Health Officer any pertinent information regarding conditions in the workplace.

(f) Inspections shall be conducted in accordance with all other regulations.

(Effective September 11, 1974)

Sec. 31-371-8. Representatives of employers and employees

(a) Occupational Safety and Health Officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by such employees shall be given an opportunity to accompany the Occupational Safety and Health Officer during the physical inspection of any workplace for the purpose of aiding such inspection. An Occupational Safety and Health Officer may permit additional employer representatives and additional representatives authorized by employees to accompany the Occupational Safety and Health Officer where such officer determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Occupational Safety and Health Officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) Occupational Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the Occupational Safety and Health Officer is unable to determine with reasonable certainty who is such representative, such officer shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees may be an employee of the employer or a third party. When the representative(s) authorized by employees is not an employee of the employer, they may accompany the Occupational Safety and Health Officer during the inspection if, in the judgment of the Occupational Safety and Health Officer, good cause has been shown why accompaniment by a third party is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, including, but not limited to, because of such representative's and representatives' relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills.

(d) Occupational Safety and Health Officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-9

Department of Labor

subject to the provisions of section 31-471-9(c) of the Regulations of Connecticut State Agencies. With regard to information classified by an agency of the U. S. Government in the interest of national security, only persons authorized to have access to such information may accompany an Occupational Safety and Health Officer in areas containing such information.

(Effective September 11, 1974; Amended September 27, 2024)

Sec. 31-371-9. Trade secrets

(a) Section 31-381 of the Act provides: “All information reported to or otherwise obtained by the Commissioner or his representatives in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret shall be considered confidential, provided such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceedings the Commissioner, the Review Commission or the Court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.”

(b) At the commencement of an inspection the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the inspecting officer has no clear reason to question such identification, information obtained in such areas including all negatives and prints of photographs and environmental samples shall be labelled “confidential-trade secret” and shall not be disclosed except in accordance with the provisions of section 31-381 of the Act.

(c) Upon the request of an employer, any authorized representative of employees in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative or employee, the inspector shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

(Effective September 11, 1974)

Sec. 31-371-10. Consultation with employees

Occupational Safety and Health Officers may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act which he has reason to believe exists in the workplace to the attention of the Occupational Safety and Health Officer.

(Effective September 11, 1974)

Sec. 31-371-11. Complaints by employees

(a) Any employee or representative of employees who believes that there is a violation of an occupational safety or health standard or that there is an imminent danger of physical harm may request an inspection by giving notice to the Commissioner or his authorized representative of such violation or danger. Any such notice shall be reduced to writing and

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-12

shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or the representative of employees. A copy of such notice shall be provided the employer or his agent no later than the time of the inspection, provided, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released or made available by the Labor Department.

(b) If upon receipt of such notification the Commissioner determines there are reasonable grounds to believe that such violation or danger exists, he shall make an inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. Such inspection may be limited to the alleged violation or danger.

(c) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Commissioner or any representative of the Commissioner responsible for conducting the inspection, in writing, of any violation of the Act which they have reason to believe exists in such workplace. Any such notice shall comply with the requirements of subsection (a) of this section.

(d) Subsection (a) of section 31-379 of the Connecticut General Statutes provides: “No person shall discharge, discipline, penalize or in any manner discriminate against any employee (1) because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, (2) because such employee has testified or is about to testify in any such proceeding, or (3) because of the exercise by such employee on behalf of such employee or others of any right afforded by this chapter.”

(Effective September 11, 1974; Amended December 6, 2001)

Sec. 31-371-12. Inspection not warranted; informal review

(a) If the Director of Occupational Safety and Health determines that an inspection is not warranted because there are no reasonable grounds to believe that violation or danger exists with respect to a complaint under section 31-371-11, he shall notify the employer and the complaining party in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Commissioner and, at the same time, providing the employer with a copy of such statement by certified mail. The employer may submit an opposing written statement of position with the Commissioner and, at the same time provide the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employer, the Commissioner, at his discretion may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written and oral views presented, the Commissioner shall affirm, modify, or reverse the previous determination and furnish the complaining party and the employer a written notification of his decision and the reasons therefor. The decision of the Commissioner shall be final and not subject to further review. Such notification shall not preclude future enforcement action if conditions change.

(b) If the Director of Occupational Safety and Health determines that an inspection is

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-13

Department of Labor

not warranted because the requirements of section 31-371-11 have not been met, he shall notify the employer and the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of section 31-371-11 and it shall not preclude future enforcement action if conditions change.

(Effective September 11, 1974)

Sec. 31-371-13. Imminent danger

Whenever and as soon as an Occupational Safety and Health Officer concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act, he shall inform the affected employees and employers of the danger and that he is recommending a civil action to restrain such conditions or practices and for other appropriate relief in accordance with the provisions of section 31-380 of the Act. Appropriate citations and notices of proposed penalties may be issued with respect to an imminent danger even though, after being informed of such danger by the Occupational Safety and Health Officer, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.

(Effective September 11, 1974)

Sec. 31-371-14. Citations; notices of de minimis violations

(a) The Commissioner shall review the inspection reports of the Occupational Safety and Health Officers. If on the basis of the report the Commissioner believes that the employer has violated a requirement of section 31-370 of the Act, of any standard, rule or order promulgated pursuant to section 31-372 of the Act, or of any substantive rule published by the Occupational Safety and Health Division, he shall, if appropriate, consult with the Occupational Safety and Health Division Attorney, and he shall issue to the employer either a citation or a notice of de minimis violations which have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the Occupational Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provisions of the Act, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection or a notification of violation under section 31-371-11, a copy of the

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-14a

citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

(d) After an inspection, if the Commissioner determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection or a notification of violation under section 31-371-11, the informal review procedures prescribed in section 31-371-12 shall be applicable. After considering all views presented, the Commissioner shall affirm the determination, order a reinspection, or issue a citation if he believes that the inspection disclosed a violation. The Commissioner shall furnish the complaining party and the employer with written notification of his determination and the reason therefor. The determination of the Commissioner shall be final and not subject to review.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Review Commission.

(Effective September 11, 1974)

Sec. 31-371-14a. Petitions for modification of abatement date

(a) An employer may file a petition for modification of abatement date when he has made a good faith effort to comply with the abatement requirements of a citation but such abatement has not been completed because of factors beyond his reasonable control.

(b) A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with subsection (c) (1) of this section and a certification of the date upon which such posting and service was made.

(c) A petition for modification of abatement date shall be filed with the Director of the Occupational Safety and Health Division of the Connecticut Labor Department who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(1) A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-15

Department of Labor

petition shall remain posted for a period of ten (10) working days. Where affected employees are represented by an authorized representative, said representative shall be served with a copy of such petition.

(2) Affected employees or their representatives may file an objection in writing to such petition with the aforesaid Director. Failure to file such objection within ten (10) working days of the date of posting of such petition or of service upon an authorized representative shall constitute a waiver of any further right to object to said petition.

(3) The Commissioner or his duly authorized agent shall have the authority to approve any petition for modification of abatement date filed pursuant to paragraphs (b) and (c) of this section. Such uncontested petitions shall become final orders pursuant to sections 31-377 (a) and (c) of the Act.

(4) The Commissioner or his authorized representative shall not exercise his approval power until the expiration of fifteen (15) working days from the date the petition was posted or served pursuant to paragraphs (c) (1) and (2) of this section by the employer, and then the Commissioner shall respond within the next following ten (10) days. Failure to respond within ten (10) days shall be interpreted as an approval of the petition.

(d) Where any petition is objected to by the Commissioner or affected employees, the petition, citation, and any objections shall be forwarded to the Commission within three (3) working days after the expiration of the fifteen (15) day period set out in paragraph (c) (4) of this section.

(Effective December 13, 1976)

Sec. 31-371-15. Proposed penalties

(a) After, or concurrent with, the issuance of a citation, and within a reasonable time after the termination of the inspection, the Commissioner shall notify the employer by certified mail or by personal service by the Occupational Safety and Health Officer of the proposed penalty under section 31-382 of the Act, or that no penalty is being proposed. Any notice of proposed penalty shall state that the proposed penalty shall be deemed to be the final order of the Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notice, the employer notifies the Commissioner in writing that he intends to contest the citation or the notification of proposed penalty before the Review Commission.

(b) The Commissioner shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations, in accordance with the provisions of section 31-382 of the Act.

(c) Appropriate penalties may be proposed with respect to an alleged violation even though after being informed of such alleged violation by the Occupational Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Penalties shall not be proposed for de minimis violations which have no direct or immediate

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-17

relationship to safety or health.

(Effective September 11, 1974)

Sec. 31-371-16. Posting of citations

(a) Upon receipt of any citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employers operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable. by all affected employees. For example, where employers are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The filing by the employer of a notice of intention to contest shall not affect his posting responsibility unless and until the Review Commission issues a final order vacating the citation.

(c) An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Review Commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

(d) Any employer failing to comply with the provisions of subsections (a) and (b) of this section shall be subject to citation and penalty in accordance with the provisions of section 31-382 of the Act.

(Effective September 11, 1974)

Sec. 31-371-17. Employer and employee contests before the review commission

(a) Any employer to whom a citation or notice of proposed penalty has been issued may, under Section 31-377 (a) of the Act, notify the Commissioner in writing that he intends to contest such citation or proposed penalty before the Review Commission. Such notice of intention to contest shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty. Every notice of intention to contest shall specify whether it is directed to the citation or to the proposed penalty, or both. The Commissioner shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commissioner.

(b) Any employee or representative of employees of an employer to whom a citation has been issued may, under section 31-377 (c) of the Act, file a written notice with the Commissioner alleging that the period of time fixed, in the citation for the abatement of the

Regulations of Connecticut State Agencies

TITLE 31. Labor

§31-371-18

Department of Labor

violation is unreasonable. Such notice shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty or notice that no penalty is being proposed. The Commissioner shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.

(Effective September 11, 1974)

Sec. 31-371-18. Failure to correct a violation for which a citation has been issued

(a) If an inspection discloses that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, the Commissioner shall notify the employer by certified mail or by personal service by the Occupational Safety and Health Officer of such failure and of the additional penalty proposed under section 31-382 (d) of the Act by reason of such failure. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the Review Commission in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.

(b) Any employer receiving a notification of failure to correct a violation and of proposed additional penalty may, under section 31-377 (b) of the Act, notify the Commissioner in writing that he intends to contest such notification or proposed additional penalty before the Review Commission. Such notice of intention to contest shall be filed within 15 working days of the receipt by the employer of the notification of failure to correct a violation and of proposed additional penalty. The Commissioner shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.

(c) Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notification, the employer notifies the Commissioner in writing that he intends to contest the notification or the proposed additional penalty before the Review Commission.

(Effective September 11, 1974)

Sec. 31-371-19. Informal conferences

At the request of an affected employer, employee, or representative of employees, the Commissioner may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The settlement of any issue at such conference shall be subject to the rules of procedure prescribed by the Review Commission. If the conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Commissioner. If the 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. Any party may be represented by counsel at such

Regulations of Connecticut State Agencies

TITLE 31. Labor

Department of Labor

§31-371-20

conference. No such conference or request for such conference shall operate as a stay of any 15 working-day period for filing a notice of intention to contest as prescribed in section 31-371-17.

(Effective September 11, 1974)

Sec. 31-371-20. Definitions

(a) “Act” means the Connecticut Occupational Safety and Health Act of 1973 (Public Act No. 73-379).

(b) The definitions contained in section 31-367 of the Act shall be applicable to such terms when used in the regulations.

(c) “Working days” means Mondays through Fridays but shall not include Saturdays, Sundays or State holidays. In computing 15 working days, the day of receipt of any notice shall not be included, and the last day of the 15 working days shall be included.

(d) “Occupational Safety or Health Officer or Inspector” means a person authorized by the Commissioner of the Connecticut Department of Labor, to conduct inspections.

(e) “Inspection” means any inspection of an employer’s factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint, any reinspection, followup inspection, accident investigation or other inspection conducted under section 31-374 of the Act.

(Effective September 11, 1974)