

4167-8-02 Finding of imminent danger.

- (A) If, during an inspection or investigation, the superintendent finds any condition or practice which presents an imminent danger to the safety and health of a public employee, the superintendent shall issue a "notice of imminent danger."
- (1) The public employer shall immediately post the notice, or a clearly legible copy thereof, at or near each place the violation referenced in the notice exists or occurred.
 - (2) Citations shall be posted in areas accessible to public employees and/or public employee representatives, but need not be posted in areas accessible to the public.
 - (3) A public employer shall seek the approval of the superintendent to post citations in locations other than those at the site of a violation.
- (B) If, during an inspection or investigation, the superintendent finds any condition or practice in any place of employment that presents a substantial probability that the condition or practice could result in death or serious physical harm, after notifying the employer of the intent to issue an order, the superintendent shall issue, after consultation with the administrator and upon recommendation by the administrator, an order prohibiting the employment of any public employee or any continuing operation or process under such condition or practice until necessary steps are taken to correct or remove the condition or practice.
- (1) The order shall not be effective for more than fifteen days.
 - (2) To extend such an order, the superintendent shall petition the court of common pleas to extend the order and to require corrective action by the employer.
 - (3) Any party may appeal to a court of common pleas any order of the superintendent under this rule within thirty days of the issuance of the order.

Effective: 1/1/14