

WSR 21-17-117
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 17, 2021, 10:12 a.m.]

Continuance of WSR 21-14-077.

Preproposal statement of inquiry was filed as WSR 21-01-200.

Title of Rule and Other Identifying Information: WAC

296-900-13015 Posting citation and notices.

Hearing Location(s): On September 22, 2021, at 11:00 a.m. Join Zoom meeting <https://lni-wa-gov.zoom.us/j/86044671815>, Meeting ID 860 4467 1815, Passcode Posting@11, Phone +1 253 215 8782, Meeting ID 860 4467 1815, Passcode 7017133855. The hearing will continue until all oral comments are received.

Date of Intended Adoption: November 2, 2021.

Submit Written Comments to: Tari Enos, P.O. Box 44620, Olympia, WA 98504-4620, email tari.enos@lni.wa.gov, fax 360-902-5619, by September 29, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this continuance is to provide another public hearing for the WAC 296-900-13015 Posting citation and notices, rule making. The original public hearing virtual meeting link posted on WSR 21-14-077 was faulty, and did not allow the hearing to occur as scheduled. The comment period is also being extended.

The purpose of the rule making filed under WSR-21-14-077 was to change the length of time that a citation and notice needs to be posted on an employee safety bulletin board; this includes any correspondence related to an employee complaint. The department of labor and industries (L&I) proposed to change the amount of time a citation and notice is posted from three working days to seven working days, and add language clarifying that weekends and holidays are not included in the posting time period. L&I also proposed adding language giving the employer the option to use electronic means to supplement the safety bulletin board for those employees that don't work where the physical board is located, such as those who telework.

Reasons Supporting Proposal: Employers are currently required to post a citation and notice for three working days for employees to see. There are employees who work nonstandard shifts that may not have access to this information due to the short amount of time the citation and notice is actually posted. L&I believes worker safety could be improved if all employees have access to corrective action information.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.120.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Craig Blackwood, Acting Assistant Director, Tumwater, Washington, 360-902-5828.

A school district fiscal impact statement is not required under RCW 28A.305.135.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. It was determined that leaving the citation and notice on the bulletin board for the additional workdays does not create any new costs for employers. Employers must already post citations and notices and oftentimes notices are left up longer than three days already. The proposed language allows employers to use electronic means as an option of posting citations and notices for their employees. There are no mandated costs since using technology to give employees access to the citations and notices is voluntary.

August 17, 2021
Joel Sacks
Director

OTS-2690.3

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

WAC 296-900-13015 Posting citation and notices. (1) You must immediately notify employees of a citation and notice by posting it and any correspondence related to an employee complaint on the safety bulletin board for ((three)) seven working days, excluding weekends and holidays, or until all violations are corrected, whichever time period is longer. As an option, an employer may use electronic means to supplement the bulletin board, such as with telework employees.

(2) You must use any other appropriate means to notify employees who may receive notices posted on the safety bulletin board.

Examples of other appropriate means include sending a copy by mail or electronically to any of the following:

- (a) A designated employee representative.
- (b) Safety representatives.
- (c) The safety committee.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-13015, filed 9/5/17, effective 10/6/17; WSR 06-06-020, § 296-900-13015, filed 2/21/06, effective 6/1/06.]