

**WSR 21-22-089
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 2, 2021, 8:11 a.m., effective December 3, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making 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) is adopting language to change the amount of time a citation and notice is posted from three working days to seven working days, and added language clarifying that weekends and holidays are not included in the posting time period. L&I also added 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. These changes were made to address employees who work nonstandard shifts that may not have access to this information due to 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. Please see below for the adopted amendments.

Amended Sections:

WAC 296-900-13015 Posting citation and notices.

- In subsection (1), updated "three" to "seven" working days, as well as added "excluding weekends and holidays" after "seven working days" to clarify the length of time that the citation and notice should be posted to ensure being viewed by all employees.
- Added new sentence at the end of subsection (1) which gives the employer the option to use electronic means to supplement the safety bulletin board for employees that don't work in the office where the physical bulletin board is present, such as employees that telework.

Citation of Rules Affected by this Order: Amending WAC 296-900-13015.

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

Adopted under notice filed as WSR 21-14-077 [21-17-117] on July 6, 2021 [August 17, 2021].

A final cost-benefit analysis is available by contacting Tari Enos, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5541, fax 360-902-5619, email tari.enos@Lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 2, 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.]