Amended Sections: WAC 296-900-13015 Posting citation and notices.

• In subsection (1), update "three" to "seven" working days, as well as add "excluding weekends and holidays" after "seven working days" to further clarify the length of time that the citation and notice should be posted to ensure being viewed by all employees.

• Add 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.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: L&I, governmental.


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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Tari Enos, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5541, email tari.enos@Lni.wa.gov.

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.

July 6, 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.]