

Safety and Health on the Job



Kentucky Occupational Safety and Health Program

Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This mandatory poster details the safety and health protections for public and private sector employees working in the Commonwealth.

Employer Responsibilities: Employers shall furnish employment and places of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and shall comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338.

Employee Responsibilities: Employees shall comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338 which are applicable to their own actions and conduct.

Standards: Kentucky's occupational safety and health standards are adopted and promulgated by the Kentucky Occupational Safety and Health Standards Board. The Board consists of 13 members, comprised of the Secretary of Labor who serves as Chair, and 12 other members equally representing industry, labor, agriculture, and the safety and health profession. The Board meets annually and additionally as needed. All meetings are open to the public.

Inspections: The Division of Occupational Safety and Health Compliance conducts periodic inspections of workplaces to determine the cause or prevent the occurrence of occupational injuries and illnesses. During an inspection a representative of the employer and a representative authorized by the employees must be given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees regarding safety and health at the workplace.

Complaints: Employees or their authorized representative have the right to file a complaint with the Division of Occupational Safety and Health Compliance requesting an inspection if they believe a hazardous condition(s) exists in their workplace. The name of the complainant will be kept confidential upon request.

Discrimination Protections: Employees are protected against discharge and other discriminatory actions for having filed complaints and exercising any other right provided by the occupational safety and health laws. Employees who feel they have been so discriminated against may complain to the Kentucky Labor Cabinet within 120 days of the alleged discrimination. Private sector employees also have the option of filing discrimination complaints with the U.S. Department of Labor within 30 days. Complaint forms are available from the Division of Occupational Safety and Health Compliance, and on its Web page, located at: www.labor.ky.gov/osh/compliance.

Citations: A citation(s) alleging the violation of a Kentucky occupational safety and health law(s) or regulation(s) may be issued to an employer following an inspection. The citation(s) is mailed to the employer and specifies an abatement date by which the alleged violation must be corrected. To inform employees, the employer must post each citation at or near the location of the alleged violation for 3 days or until the violation is corrected, whichever is longer.

Proposed Penalties: An employer may be assessed penalties up to \$7,000 for each serious violation, and optional penalties up to \$7,000 for each other-than-serious violation. Failure to correct a violation within the specified time period may result in penalties of up to \$7,000 per day. Also, any employer who commits a willful or repeat violation(s) may be assessed a penalty of up to \$70,000 for each violation, and not less than \$5,000 for each willful violation.

Contesting Procedures: An employer who has been cited may contest the action before the Kentucky Occupational Safety and Health Review Commission. Equally, any employee or employee representative of an employer who has been cited may also contest the action. Any party wishing to contest a citation(s) must notify the Division of Occupational Safety and Health Compliance in writing of its intent to do so. Notices of contest must be postmarked within 15 working days of receipt by the employer of the citation(s). Notices of contest will be transmitted to the Review Commission in accordance with its rules.

Recordkeeping: Employers are required to maintain records of occupational fatalities, injuries, and illnesses experienced by their employees. Records must be kept using OSHA 300, 300-A, and 301, or equivalent forms. Unless requested to do so by the U.S. Bureau of Labor Statistics, employers with 10 or fewer employees, or whose establishments fall within the Standard Industrial Classification codes 52 through 89, are exempt from recordkeeping requirements.

Reporting: Employers must report to the Division of Occupational Safety and Health Compliance within 8 hours any incident which results in a fatality or the hospitalization of 3 or more employees. Incidents resulting in an amputation or the in-patient hospitalization of 1 or 2 employees must be reported within 72 hours. Mechanical power press point-of-operation injuries must be reported within 30 days.

Education & Training Services: The Division of Occupational Safety and Health Education and Training assists employers who are interested in preventing workplace injuries and illnesses by developing and improving their workplace safety management programs. All assistance is provided upon request, **free of charge**, and includes services such as: on-site consultative services, training courses, and informational and technical publications.

Federal/State Relations: The Commonwealth provides occupational safety and health protections under a plan approved in 1973 by the U.S. Department of Labor. Question and concerns regarding its administration may be addressed to the Kentucky Labor Cabinet, Office of Occupational Safety and Health. The U.S. Department of Labor monitors the plan to assure that continued approval is merited. Any person who has a complaint regarding the administration of the Kentucky plan may contact the U.S. Department of Labor/OSHA, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303; (404) 562-2300.

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