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sure to bring with you any and all supporting documentation of existing conditions, as well as any abatement steps taken. If conditions warrant, we can enter into an Informal Settlement Agreement which amicably resolves the citation(s) without litigation or contest.

When contemplating whether or not to request an informal conference, please keep in mind that you should schedule it early enough to allow time to contest after the informal conference, should you decide to do so. For this reason, an informal conference should be held within the 15 working day contest period. **The running of the contest period is not interrupted by a request for or the holding of an informal conference.**

**Right to Contest** - You have the right to contest any Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. To contest, you must notify the Director, in writing, within 15 working days after receipt of the Citation and Notification of Penalty. **Unless you inform the Director in writing, within the 15 working day period provided by law, that you intend to contest the citation(s) and/or penalty(ies), the citation(s) and the penalty(ies) will be deemed a final order of the Commission and not subject to review by any court or agency.**

If you contest the citation(s), the abatement period specified does not begin to run until the date of the Commission's final order **provided** you have initiated the contest in good faith and not solely for delay or avoidance of penalties.

**Penalty Payment** - You are required to pay any assessed penalties within 15 working days of receipt of the citation, unless contested. Checks

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or money orders must be made payable to "Industrial Commission of Arizona" and indicate the inspection number found on the citation. **ADOSH does not agree to any restrictions, conditions or endorsements put on any check or money order and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.**



**Employer Discrimination Unlawful** - It is important for employers to understand that the law prohibits discrimination against an employee for filing a complaint or for exercising any rights under the Act. An employee who believes that he/she has been discriminated against may file a complaint with ADOSH no later than 30 calendar days after the discrimination occurred.

**Additional Information** - You should be aware that Federal OSHA publishes information on ADOSH's inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available within 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact ADOSH at one of the numbers listed on the front of this brochure.

Revised 12/05

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# Arizona Division of Occupational Safety and Health

## EMPLOYER RIGHTS AND RESPONSIBILITIES FOLLOWING AN INSPECTION



800 W. Washington St.  
Phoenix, AZ 85007  
602-542-5795

2675 E. Broadway Rd.  
Tucson, AZ 85716  
520-628-5478

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You've just been inspected by ADOSH. Now what? Following an inspection, many employers are unsure of their rights and responsibilities as they pertain to citations and penalties. ADOSH has produced this brochure to help employers better understand what those rights and responsibilities are and how to exercise them.



**Posting** - Your first responsibility is to post the citations. The law requires that a copy of the Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited. If it is not practicable because of the nature of your operations to post the citations near the location where they occurred, then you must post them where they will be readily observable by all affected employees. Citations must remain posted until the violation(s) cited has (have) been abated (corrected), or for 3 working days (excluding weekends and legal holidays), *whichever is longer*. You must comply with the posting requirements even if you contest the citation(s). The penalty dollar amounts do not need to be posted and may be marked out or covered up prior to posting.

**Notification of Corrective Action** - You are required to certify to ADOSH, in writing, that the cited violations have been corrected. The certifi-

cation must be received within 10 calendar days following the abatement date, for those items which you do not contest. For those items contested, the certification is due immediately following any final order upholding the citation(s). The certification must contain the following: 1) the employer's name and address; 2) the inspection number; 3) the completion date and method of abatement for each violation; 4) a statement that the information is accurate and, 5) a statement that all affected employees and their representatives have been informed of the completed abatement. An *Abatement Certification Form* is mailed with the citations and may be used to assist with this requirement. For those items classified as **serious, willful or repeat**, documentation (photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification.

Abatement certification and documentation is **not** required for those violations the inspector observed you or your representative correct during the inspection and which are marked as "Abated on site" on the citation. For those violations having an abatement date of more than ninety days, abatement plans and progress reports must be submitted to the Division if so indicated on the violation.

A follow-up inspection may be made for the purpose of verifying that you have posted the citation(s) as required by the Act and corrected the alleged violations. **Failure to correct an alleged violation within the abatement period may result in further penalties of up to \$7000 for each day each alleged violation has not been corrected.** Timely correction of an alleged violation does not affect the initial penalty.

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**Informal Conference** - Before deciding whether to file a "Notice of Contest", you may request an informal conference with the section supervisor to discuss the Citation and Notification of Penalty. You may use this opportunity to:

- Obtain a better explanation of the violations cited;
- Obtain a more complete understanding of the specific standards that apply;
- Discuss ways to correct the violations;
- Discuss problems with the abatement dates;
- Discuss problems concerning employee safety practices;
- Resolve disputed citation(s) and penalties;
- Present any evidence or views that you believe would support an adjustment to the citations and/or penalties;
- Negotiate and enter into an Informal Settlement Agreement; and



- Obtain answers to any other questions you may have.

An informal conference is not required. However, you are encouraged to take advantage of the opportunity to have a conference if you foresee any difficulties in complying with any part of the citation. If an informal conference is held, be

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