

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

408.1041 Granting additional time for compliance, modification, or dismissal of citation and penalty; petition; procedure; effect of failure to petition; action by department; notice; finality of decision; appeal to board.

Sec. 41.

Within 15 working days after receipt of a citation and proposed penalty, if any, an employer may petition the appropriate department for a grant of additional time for compliance, modification, or dismissal of the citation and a proposed penalty. Within 15 working days after the employer has received a citation, an employee or employee representative may petition the department of labor or the department of public health, whichever is appropriate, alleging the period of time fixed in the citation for the abatement of the violation is unreasonable. When a petition is submitted to the department by the employer, the employer shall transmit a copy immediately to the affected employees or the employee representative. When a petition is submitted to the department by an employee or employee representative, the department shall submit a copy of the petition immediately to the employer after deleting the name of the employee or employee representative, if so requested by the employee or employee representative. If the employer, employee, or employee representative does not petition the department within the 15 working days after receipt of the citation and proposed penalty, if any, the citation or proposed penalty shall be considered a final order of the board. Upon receipt of a petition, the department of public health or the department of labor, whichever is appropriate, may modify the time schedule for compliance, modify the citation, dismiss the citation, or dismiss or modify any proposed penalty. The appropriate department shall notify the employer of its decision within 15 working days after receipt of the petition. If the department meets with the employer regarding the employer's petition, the department shall notify the employee or employee representative that a meeting will be held and allow the attendance of the employee or employee representative. The employer shall promptly post the notice of the department's decision together with the appropriate citation. The decision of the department of labor or the department of public health shall become final 15 working days after receipt of the decision. Within 15 working days after receipt of the department of labor's or the department of public health's decision, an employer may appeal the decision to the board. Within 15 working days after the employer has received the decision of the director of labor or the director of public health, whichever is appropriate, an employee or employee representative may appeal the decision to the board with respect to the violation abatement period, classification of citation, or proposed penalty.

History: 1974, Act 154, Eff. Jan. 1, 1975 ;— Am. 1979, Act 149, Eff. Mar. 27, 1980