

REGULATION, STANDARD, OR ORDER, PROMULGATED AND ISSUED UNDER THIS SUBTITLE, HE SHALL WITH REASONABLE PROMPTNESS ISSUE A CITATION TO THE EMPLOYER. EACH CITATION SHALL BE IN WRITING AND SHALL DESCRIBE WITH PARTICULARITY THE NATURE OF THE VIOLATION INCLUDING A REFERENCE TO THE PROVISION OF THIS SUBTITLE, RULE, REGULATION, STANDARD, OR ORDER ALLEGED TO HAVE BEEN VIOLATED. IN ADDITION, THE CITATION SHALL FIX A REASONABLE TIME FOR THE ABATEMENT AND CORRECTION OF THE VIOLATION.

(B) EACH CITATION ISSUED UNDER THIS SUBTITLE, OR A COPY OR COPIES THEREOF SHALL BE PROMINENTLY POSTED AS PRESCRIBED IN REGULATIONS ISSUED BY THE COMMISSIONER, AT OR NEAR EACH PLACE A VIOLATION REFERRED TO IN THE CITATION OCCURRED.

(C) NO CITATION MAY BE ISSUED AFTER THE EXPIRATION OF SIX MONTHS FOLLOWING THE OCCURRENCE OF ANY VIOLATION.

(D) THE COMMISSIONER MAY ISSUE REGULATIONS PRESCRIBING PROCEDURES FOR THE ISSUANCE OF A NOTICE IN LIEU OF A CITATION WITH RESPECT TO DE MINIMIS VIOLATIONS WHICH HAVE NO DIRECT OR IMMEDIATE RELATIONSHIP TO SAFETY OR HEALTH.

37. ENFORCEMENT.

(A) IF, AFTER AN INSPECTION AND INVESTIGATION, THE COMMISSIONER ISSUES A CITATION UNDER SECTION 36 HE SHALL, WITHIN A REASONABLE TIME AFTER THE DATE OF ISSUANCE OF SAID CITATION, NOTIFY THE EMPLOYER BY CERTIFIED MAIL OF THE PENALTY, IF ANY, PROPOSED TO BE ASSESSED UNDER SECTION 40 AND THAT THE EMPLOYER HAS FIFTEEN WORKING DAYS WITHIN WHICH TO NOTIFY THE COMMISSIONER IN WRITING, THAT HE WISHES TO CONTEST THE CITATION OR PROPOSED ASSESSMENT OF PENALTY, IF ANY. IF, WITHIN FIFTEEN WORKING DAYS FROM THE RECEIPT OF THE NOTICE ISSUED BY THE COMMISSIONER, THE EMPLOYER FAILS TO NOTIFY THE COMMISSIONER THAT HE INTENDS TO CONTEST THE CITATION OR PROPOSED ASSESSMENT OF PENALTY, IF ANY, AND NO NOTICE IS FILED BY ANY EMPLOYEE OR REPRESENTATIVE OF EMPLOYEES UNDER SUBSECTION (C) WITHIN SUCH TIME, THE CITATION AND THE ASSESSMENT, IF ANY, AS PROPOSED SHALL BE DEEMED A FINAL ORDER OF THE COMMISSIONER.

(B) IF THE COMMISSIONER HAS REASON TO BELIEVE THAT AN EMPLOYER HAS FAILED TO CORRECT A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED WITHIN THE PERIOD PERMITTED FOR ITS CORRECTION (WHICH PERIOD SHALL NOT BEGIN TO RUN UNTIL THE ENTRY OF A FINAL ORDER BY THE COMMISSIONER IN THE CASE OF ANY REVIEW BY THE COMMISSIONER OF PROCEEDINGS BEFORE A HEARING EXAMINER REQUESTED BY THE EMPLOYER IN GOOD FAITH AND NOT SOLELY FOR DELAY OR AVOIDANCE OF PENALTIES) THE COMMISSIONER SHALL NOTIFY THE EMPLOYER BY CERTIFIED MAIL OF SUCH FAILURE TO CORRECT AND OF THE PENALTY, IF ANY, PROPOSED TO BE ASSESSED UNDER SECTION ~~[[13]]~~ 40 BY REASON OF SUCH FAILURE,