

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101

"Occupational safety and health standard" § 5-101

5-213. ENFORCEMENT OF CITATION.

(A) NOTICE OF PROPOSED PENALTY.

WITHIN A REASONABLE TIME AFTER ISSUANCE OF A CITATION UNDER § 5-212 OF THIS SUBTITLE TO AN EMPLOYER, THE COMMISSIONER SHALL SEND BY CERTIFIED MAIL TO THE EMPLOYER A NOTICE THAT:

(1) STATES THE CIVIL PENALTY, IF ANY, THAT THE COMMISSIONER PROPOSES TO ASSESS UNDER THIS TITLE; AND

(2) INFORMS THE EMPLOYER THAT, WITHIN 15 WORK DAYS AFTER RECEIPT OF THE NOTICE, THE EMPLOYER MAY SUBMIT TO THE COMMISSIONER A WRITTEN NOTICE OF CONTEST ON THE CITATION OR CIVIL PENALTY.

(B) NOTICE AS FINAL ORDER.

A CITATION AND ANY PENALTY THAT THE COMMISSIONER PROPOSES TO ASSESS SHALL BE CONSIDERED A FINAL ORDER OF THE COMMISSIONER UNLESS:

(1) WITHIN 15 WORK DAYS AFTER RECEIPT OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION THE EMPLOYER NOTIFIES THE COMMISSIONER OF AN INTENT TO CONTEST THE CITATION OR ANY PENALTY; OR

(2) WITHIN 15 WORK DAYS AFTER ISSUANCE OF A CITATION, AN EMPLOYEE OR REPRESENTATIVE OF AN EMPLOYEE SUBMITS A WRITTEN NOTICE TO THE COMMISSIONER THAT ALLEGES THAT THE PERIOD OF TIME SET IN THE CITATION FOR ABATEMENT OF THE VIOLATION IS UNREASONABLE.

(C) PERIOD FOR CORRECTION OF VIOLATION.

(1) AN EMPLOYER SHALL CORRECT EACH VIOLATION FOR WHICH THE COMMISSIONER ISSUES A CITATION WITHIN THE PERIOD SET FOR CORRECTION IN A FINAL ORDER UNDER THIS SUBTITLE.

(2) IF THE REQUEST OF AN EMPLOYER FOR A HEARING IS MADE IN GOOD FAITH AND NOT SOLELY TO DELAY OR AVOID PAYMENT OF A PENALTY, THE PERIOD FOR CORRECTION BEGINS ON THE DAY WHEN THE ORDER PASSED AS A RESULT OF THE HEARING BECOMES FINAL.

(D) NOTICE OF FAILURE TO CORRECT.