

(1) THERE IS IMMINENT DANGER TO EMPLOYEES; OR

(2) DUE TO A VIOLATION OF A HEALTH AND SAFETY STANDARD ADOPTED UNDER THIS TITLE, THERE IS A THREAT OF SEVERE PHYSICAL HARM TO AN EMPLOYEE.

(B) FORM OF REQUEST.

TO REQUEST AN INSPECTION, AN EMPLOYEE OR REPRESENTATIVE OF EMPLOYEES SHALL SIGN AND SUBMIT TO THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER A WRITTEN NOTICE THAT DESCRIBES, WITH REASONABLE PARTICULARITY, THE GROUNDS FOR THE NOTICE.

(C) DETERMINATION OF GROUNDS.

ON RECEIPT OF A NOTICE MADE IN ACCORDANCE WITH THIS SECTION, THE COMMISSIONER SHALL DETERMINE WHETHER THERE ARE REASONABLE GROUNDS TO BELIEVE THAT IMMINENT DANGER OR A THREAT EXISTS.

(D) ACTION ON REQUEST.

(1) IF THE COMMISSIONER DETERMINES THAT THERE ARE REASONABLE GROUNDS, THE COMMISSIONER SHALL CONDUCT AN INVESTIGATION AS SOON AS PRACTICABLE TO DETERMINE WHETHER THE DANGER OR THREAT EXISTS.

(2) IF THE COMMISSIONER DETERMINES THAT THERE ARE NO REASONABLE GROUNDS, THE COMMISSIONER SHALL GIVE THE PERSON WHO SUBMITTED THE REQUEST WRITTEN NOTICE OF THAT DETERMINATION.

(E) DISCLOSURE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COPY OF THE NOTICE UNDER SUBSECTION (B) OF THIS SECTION SHALL BE GIVEN TO THE RAILROAD COMPANY OR REPRESENTATIVE OF THE RAILROAD COMPANY NO LATER THAN AT THE TIME OF THE INSPECTION.

(2) ON REQUEST OF THE PERSON WHO SUBMITS A NOTICE UNDER SUBSECTION (B) OF THIS SECTION, THE NAME OF THE PERSON AND THE NAME OF EACH EMPLOYEE TO WHOM THE NOTICE REFERS MAY NOT APPEAR IN THE COPY OF THE NOTICE TO BE GIVEN TO THE RAILROAD COMPANY AND IN EACH OTHER RECORD TO BE DISCLOSED UNDER THIS TITLE.

(F) COMPLAINT AND HEARING.

(1) IF AN EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEE FILES A COMPLAINT WITH THE COMMISSIONER CHARGING THE EMPLOYER WITH A VIOLATION OF A REGULATION ADOPTED BY THE COMMISSIONER UNDER § 5.5-108 OF THIS TITLE, OR THE COMMISSIONER ISSUES A COMPLAINT, THE COMMISSIONER SHALL SERVE THE EMPLOYER WITH A COPY OF THE COMPLAINT.

(2) WITHIN 20 DAYS AFTER RECEIPT OF THE COMPLAINT, THE EMPLOYER SHALL FILE A WRITTEN ANSWER WITH THE COMMISSIONER.