

**TITLE 380. DEPARTMENT OF LABOR  
CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY  
STANDARDS ACT RULES**

**380:40-1-16. Citations**

- (a) Upon determination that the employer has violated a standard, rule or order promulgated pursuant to the Act, or of any substantive rule published in this chapter, the PEOSH Inspector shall issue to the employer a citation.
- (b) An appropriate citation shall be issued even though after being informed of an alleged violation by the PEOSH Inspector, the employer immediately abates, or initiates steps to abate, such alleged violation. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation except for violations discovered during the course of, or related to, investigations into employee fatalities, or if a delay in issuance of a citation is caused by parties other than the Department of Labor.
- (c) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the Act, standard, rule, or regulation, alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.
- (d) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger.
- (e) Violations of the Act shall be classified as follows:
- (1) Serious: a condition creating substantial probability that death or serious physical harm could result. The condition is the result of one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the employer did not, and could not with the exercise of reasonable diligence, know of the condition that is the basis of the violation.
  - (2) Other than serious: the most serious injury or illness that would be the likely result of the violation cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to the employees' safety and health.
  - (3) Willful: a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.
  - (4) Repeated: the employer has been cited previously for the same or a substantially similar condition within the past five years.
  - (5) Regulatory: the violation involves posting requirements or injury and illness recordkeeping requirements.