

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System
SN/OPN

Operational Procedure
Notice 105A

Date: April 1, 1996

Subject: Corrections to the Bureau of Compliance Operations
Manual Chapter VI - Penalties/Delay of Effective Date

A. Purpose.

This OPN communicates a correction to the revised Penalties Chapter and delays the effective date to May 1, 1996.

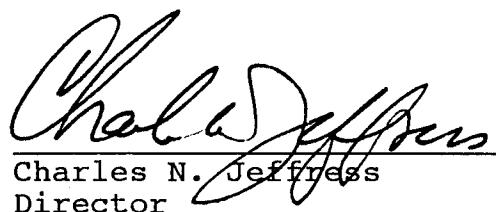
B. Action.

The corrected page nine of Chapter VI should replace the original page of the chapter. Also, the revised policies and procedures described in the new chapter will affect inspections initiated as of **May 1, 1996**.

C. Discussion.

It was the intent of the change in the penalty policy that the penalty adjustment factors would apply to all violations except those specifically exempted and that any other violations which did not fall within the exceptions would receive credit for size, good faith, and history. At the time of the penalty chapter revision, this policy was being applied inconsistently within the division. The use of the word "may" in the revised chapter continued to cause confusion for some. It was the intent that "may" reflected an obligation to adjust other violations, not affected by the exceptions listed at B.9.a.(1)-(3), for size, good faith, and history. In the corrected page VI-9, the word "may" has been changed to "shall" to eliminate any confusion as to the intent of the policy. The effective date of the revised Penalties Chapter has been changed to May 1, 1996 to allow extra time for the development of a calculation program to eliminate the need to calculate penalty amounts manually.

Apr 11, 1996
Date


Charles N. Jeffress
Director