

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 91

Subject: Delegation of Authority to Issue Citations

A. **Purpose.**

The purpose of this OPN is to document the Director's legal authority to delegate to other authorized personnel within the Division, the power to issue citations.

B. **Discussion.**

North Carolina General Statute 95-137(a) requires that the Director or his authorized representative issue a citation to an employer if an inspection determines that a violation of any standard or regulation has occurred. This action is documented by the issuance of a "Citation and Notification of Penalty Form NCOSHA -2" either signed by the Director or the authorized representative of the Director. In the early years of the program, the Director signed each citation. However, with the evolution of the program, and as demands on the Director's time increased, the authority to issue citations was delegated to the Compliance Bureau Chiefs. The most recent change in program operations has been the decentralization of compliance activity, in response to the rapid growth of the Division. This action has resulted in much of the administrative activity related to the compliance process that was previously centralized in the Raleigh Office, being delegated to the district level. This change in procedures includes the citation issuance process.

C. **Action.**

Effective April 18, 1994, under the direction of the Compliance Bureau Chiefs, each District Supervisor may be authorized to sign and issue certain citations, and take other related actions under the authority granted by NCGS 95-137(a) to the Director. This authorization may stipulate that certain types of enforcement action will require prior approval by the appropriate Bureau Chief. The Bureau Chiefs shall issue written guidelines to the District Supervisors establishing the parameters for this authority once it is granted.

Signed on Original
Charles N. Jeffress

April 18, 1994
Date of Signature