

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

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 91B

Subject: Delegation of Authority to Issue Citations

A. Purpose.

The purpose of this Operational Procedure Notice (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 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 OSHA - 2" signed either 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 decentralization of compliance activity resulted in much of the administrative activity related to the compliance process being delegated to the district level.

C. Action.

Compliance Safety and Health Officers (CSHOs) subject to the approval of their direct supervisor, may issue citations and take other related actions under the authority granted by NCGS 95-137(a) to the director. In the absence of their direct supervisor, any district supervisor may approve the issuance of citations and take other related actions under the authority granted by NCGS 95-137(a) to the director. This authorization stipulates that certain types of enforcement action will require prior approval by the appropriate bureau chief and/or the director's office as outlined in the Field Operations Manual and Administrative Procedure Notice 16 – OSH Director's Office Citation and Settlement Authorization.

D. Effective Date.

OPN 91A is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.



Hollis Yelverton
Standards Supervisor

Scott Mabry
Director

Date of Signature