

INTRODUCTION

A. History

On April 3, 1993 Revised Code Chapter 4167 went into effect. A sixteen member Public Employment Risk Reduction Advisory Commission adopted federal OSHA regulations in their entirety on July 1, 1994. The Ohio Bureau of Employment Services established a new division, the Division of Occupational Safety and Health, which began enforcing the OSHA and ODOT standards adopted by the Commission on January 1, 1995.

B. Covered Employers

Townships are expressly included, R.C. Section 4167.01(A)(1). There is a long laundry list of every kind of conceivable government entity, and then a catchall at R.C. Section 4167.01(A)(3) that includes every branch of public employment, whether mentioned expressly in the statute or not.

C. Covered Employees

“Any individual who engages to furnish services subject to the direction and control of a public employer”. R.C. Section 4167.01. This includes employees of private companies who contract with public agencies when the employees are not subject to the jurisdiction of the NLRB. R.C. Section 4167.01 (B); OAC Section 4167-1-01(H).

1. Employees of a transportation company who drive school buses at the direction and control of a school district would be covered.
2. Employees of a construction contractor who work under the direction and control of the contractor’s foreman, and who have the right to form a union that would be recognized by the NLRB would not be covered.

D. Employees Who Are Not Covered

Firefighters, EMTs, members of the militia, peace officers, corrections officers and wildlife and forestry employees. Volunteers are not covered, and those who work for non-profit organizations that contract to provide emergency services (volunteer firefighter) are not covered.

E. Enforcement Activity

The Division of Occupational Safety and Health has concentrated on providing consultative inspections. These are voluntary, and the Division will issue no citations and take no enforcement action as a result of such inspections. In 1999, the 11 inspectors of the Division performed 574 consultative inspections, conducted 62 training programs, and provided training to 4043 public employees. Also in 1999, there were 51 employee complaints resulting in inspections. 5 employees refused to work. Of

those 5, the Division dismissed 2 as not being imminent danger situations. The other 3 were resolved when the employer agreed to abate the hazard voluntarily upon consulting with the Division. There has been only one lawsuit brought by the Division against an employer, and the Division lost that one. The Division will inspect only if the employer asks it to, there is a fatality, there are multiple hospitalizations, or an employee or employee representative complains.