

## INFORMAL CONFERENCE / REQUEST FOR INFORMAL CONFERENCE

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### **437-001-0255 Informal Conference.**

(1) The Administrator shall provide an opportunity for the employer and employees to discuss informally with the Division any matter affecting occupational safety and health in the place of employment.

(2) An informal conference may be used to:

- (a) Clarify statements of observed violations;
- (b) Discuss safety and health requirements;
- (c) Discuss abatement dates;
- (d) Explain the penalty system;
- (e) Improve employer/employee understanding of the Oregon Safe Employment Act;
- (f) Correct errors;
- (g) Narrow issues, or
- (h) Negotiate a settlement agreement to resolve disputed citations. Notwithstanding any other rule in this division, proposed civil penalties may be reduced as part of a settlement agreement resolving disputed claims.

(3) An informal conference concerning a citation shall not extend the 30 days allowed for filing an appeal with the Board.

(4) In those cases where an informal conference concerns a citation, the Division shall contact the employer and require them to notify the employees or their representatives of the opportunity to attend the informal conference.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).

**Stats. Implemented:** ORS 654.001 through 654.295.

**Hist:** WCB Admin. Order 19-1974, f. 6-5-74, ef. 7-1-74.

WCD Admin. Order, Safety 5-1978, f. 6-22-78, ef. 8-15-78.

WCD Admin. Order, Safety 4-1981, f. 5-22-81, ef. 7-1-81.

APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.

OR-OSHA Admin. Order 7-1992, f. 7/31/92, ef. 10/1/92.

OR-OSHA Admin. Order 7-1999, f. 7/15/99, ef. 7/15/99.

OR-OSHA Admin. Order 10-2007, f. 12-3-07, ef. 1-1-08.

**437-001-0260 Request for Informal Conference.** A request for an informal conference:

- (1) May be requested by either the employer or employee;
- (2) Need not be in any particular form;
- (3) Shall be addressed to the Administrator; and

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(4) Shall clearly state the subject to be discussed.

**Stat. Auth.:** ORS 654.025(2) and 656.726(3).  
**Hist:** WCB Admin. Order 19-1974, f. 6-5-74, ef. 7-1-74.  
WCD Admin. Order, Safety 5-1978, f. 6-22-78, ef. 8-15-78.  
APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.

## 437-001-0270 Discretion To Prevent a Manifest Injustice.

(1) To prevent a manifest injustice, the Administrator, at the Administrator's own discretion or upon request from the Division or an adversely affected person, may vacate or amend a Division citation, notice or order.

(2) If the Administrator proposes to vacate or amend a Division citation, notice or order, an opportunity to be heard will be given to persons, including affected employees, whose rights may be affected.

(3) All requests for reconsideration based on a manifest injustice shall contain a statement indicating the following:

- (a) The request has been posted as required by OAR 437-001-0275(2);
- (b) The request has been served on the authorized representative of affected employees, if appropriate;
- (c) The date the request was posted or service was made; and
- (d) All affected employees have been advised of their right to comment.

(4) No decision shall be made on a manifest injustice request until 10 days after the date of posting or service.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).  
**Stats. Implemented:** ORS 654.001 through 654.295.  
**Hist:** WCD Admin. Order, Safety 5-1978, f. 6-22-78, ef. 8-15-78.  
WCD Admin. Order, Safety 6-1982, f. 6-28-82, ef. 8-1-82.  
WCD Admin. Order, Safety 3-1983, f. 1-31-83, ef. 2-1-83.  
APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.  
OR-OSHA Admin. Order 7-1992, f. 7/31/92, ef. 10/1/92.  
OR-OSHA Admin. Order 6-2003, f. 11/26/03, ef. 11/26/03.  
OR-OSHA Admin. Order 7-2006, f. 9/6/06, ef. 9/6/06.