

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

**Raleigh, North Carolina**

Field Information System

Operational Procedure Notice 91A

**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 NIOSHA -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 decentralization of compliance activity resulted in much of the administrative activity related to the compliance process being delegated to the district level.

C. **Action.**

On April 18, 1994, under the direction of the director's office and the compliance bureau chiefs, each district supervisor was 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 stipulates that certain types of enforcement action will require prior approval by the appropriate bureau chief and/or the director's office. The bureau chiefs issued written guidelines to the district supervisors establishing the parameters for this authority.

D. **Effective Date.**

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

Signed on Original  
Susan Haritos  
Health Standards Officer

Signed on Original  
Allen McNeely  
Director

5/27/2011  
Date of Signature