

Permanent Final Adoptions

(b) Any persons desiring any information concerning the Department of Labor, its policies or procedures, or any information concerning said organization, or licenses or certificate holders may make submissions or request to the Labor Commissioner, either in person, by e-mail to the address designated on the Department of Labor's official website, or by mail, by directing such submissions or requests to the Labor Commissioner, ~~4001 N. Lincoln Blvd.~~ 409 NE 28th St., 3rd Floor, Oklahoma City, Oklahoma 73105 ~~or 440 S. Houston, Suite 300, Tulsa, Oklahoma 74127.~~

(c) The Department's established written fee schedule for recovery of the reasonable, direct costs of document copying, mechanical reproduction, document search, and certified copies is posted at the Department's Oklahoma City ~~and Tulsa~~ office ~~office~~ and is filed with the county ~~clerk~~ clerk of Oklahoma ~~and Tulsa counties~~ county. Fees will be charged only as authorized by 51 O.S. § 24A.5 and shall not exceed the maximum amounts stated therein.

SUBCHAPTER 7. INDIVIDUAL PROCEEDINGS, PUBLIC HEARINGS AND FORMAL PROCEDURES

380:1-7-4. Contents of petition for cease and desist orders [AMENDED]

(a) The Labor Commissioner in order to insure the public safety and/or uphold the legislative mandate may issue cease and desist orders. These orders will be issued to prevent the performance of acts violative of, or prohibited by, the labor laws; or it may require such affirmative action as will effectuate the policies of the labor statutes. A violation of any order issued subjects the party to contempt proceedings. The Labor Commissioner will evoke the power of cease and desist upon verified application.

(b) The Labor Commissioner will upon verified application, issue an ex parte order to the party offending the law or any rule adopted to implement the law. The order will recite the factual allegations and the relief sought or demanded, the rules or legal foundations for the order, and it will set forth a date for a hearing. The hearing will be in the form of a **show-cause** hearing, as example: The Labor Commissioner being well and fully advised in the premises, and pursuant to a complaint filed by John Doe, finds the respondent to be in violation of the laws of this State. Therefore, until further order of the Labor Commissioner, respondent is ordered to cease and desist, etc. You are further notified to appear before the Labor Commissioner at ~~4001 North Lincoln Blvd.~~ 409 NE 28th St., 3rd Floor, Oklahoma City, Oklahoma at 9:00 AM on the ____ day of _____, ~~1920~~, and show cause why this order should not remain in full force and affect. Any violation of this order prior to a determination on the merits will subject you to contempt proceedings and any other remedy provided by law.

[OAR Docket #26-486; filed 6-3-26]

TITLE 380. DEPARTMENT OF LABOR

CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS ACT RULES

[OAR Docket #26-487]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

380:40-1-16. Citations [AMENDED]

AUTHORITY:

Department of Labor; 40 O.S. §§ 407 and 412, Oklahoma Occupational Health and Safety Standards Act of 1970

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

November 7, 2025

COMMENT PERIOD:

December 1, 2025 through January 8, 2026

PUBLIC HEARING:

January 8, 2026

ADOPTION:

January 12, 2026

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 13, 2026

LEGISLATIVE APPROVAL:

Approved May 20, 2026, by HJR1091

LEGISLATIVE DISAPPROVAL:

N/A

APPROVED BY GOVERNORS DECLARATION:

N/A

FINAL ADOPTION:

May 20, 2026

EFFECTIVE:

July 11, 2026

SUPERSEDED EMERGENCY ACTIONS:**SUPERSEDED RULES:**

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:**INCORPORATED STANDARDS:**

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

GIST/ANALYSIS:

The rule amendment allows the Oklahoma Department of Labor to issue a citation more than six months following the occurrence of a violation when issued as part of a fatality investigation or when a delay in issuance of a citation is caused by parties other than the Department of Labor. The circumstances which created the need for the rule amendment are that fatality investigations conducted by the Oklahoma Department of Labor can frequently take longer than six months to complete due to the complex nature of these investigations. The intended effect of the rule amendment is to ensure that violators can be issued citations to help prevent further violations of the Oklahoma Occupational Health and Safety Standards Act, to promote the health and safety of employers and employees subject to the Act.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 11, 2026:

380:40-1-16. Citations [AMENDED]

- (a) Upon determination that the employer has violated a standard, rule or order promulgated pursuant to the Act, or of any substantive rule published in this chapter, the PEOSH Inspector shall issue to the employer a citation.
- (b) An appropriate citation shall be issued even though after being informed of an alleged violation by the PEOSH Inspector, the employer immediately abates, or initiates steps to abate, such alleged violation. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation except for violations discovered during the course of, or related to, investigations into employee fatalities, or if a delay in issuance of a citation is caused by parties other than the Department of Labor.
- (c) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the Act, standard, rule, or regulation, alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.
- (d) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger.
- (e) Violations of the Act shall be classified as follows:

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- (1) Serious: a condition creating substantial probability that death or serious physical harm could result. The condition is the result of one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the employer did not, and could not with the exercise of reasonable diligence, know of the condition that is the basis of the violation.
- (2) Other than serious: the most serious injury or illness that would be the likely result of the violation cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to the employees' safety and health.
- (3) Willful: a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.
- (4) Repeated: the employer has been cited previously for the same or a substantially similar condition within the past five years.
- (5) Regulatory: the violation involves posting requirements or injury and illness recordkeeping requirements.

[OAR Docket #26-487; filed 6-3-26]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 55. AMUSEMENT RIDE SAFETY RULES

[OAR Docket #26-488]

RULEMAKING ACTION:

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RULES:

Subchapter 15. Waiver Self-Inspections

380:55-15-6. Oklahoma law inspectors examination [AMENDED]

AUTHORITY:

Department of Labor; 40 O.S. § 460, Amusement Ride Safety Act

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