Prairie Island Indian Community

Tribal Occupational Safety & Health

Notice of Non-Compliance

Subject: Process to document a notice of non-compliance and consequences of not acting.

Policy Owner (Department): Occupational Safety

Effective Date: 08/2025

Revision Number: 001

Revision Date: 10/2026

Policy:

Prairie Island Indian Community shall provide for the implementation and enforcement of occupational safety and health rules and regulations.

Purpose:

During an inspection or investigation, non-compliance with the Tribal Occupation Safety & Health Ordinance (PIIC-TOSHA) may be discovered, resulting in a "Notice of Non-Compliance." Repeated, willful, or serious violations, or failure to comply with previous notifications will result in a citation (violation)and possible penalties. This procedure explains the process and criteria of non-compliance.

Scope:

All businesses, employers, and employees are subject to enforcement of the occupational safety and health rules and regulations.

Procedures:

Non-Compliance

1. Non-compliance is defined as failure to comply with PIIC-TOSHA.
    a. Non-serious or non-continuing issues involve isolated incidents, i.e. a mistake, an oversite or misunderstanding. If the issue is corrected and noted in the inspections or investigation, no "Notice of Non-Compliance" will be issued.
    b. Serious non-compliance is an action or issue that is non-compliance with the safety and health program that any reasonable employer would know is non-compliance or an issue. For such action or issue, a "Notice of Non-Compliance" will be issued. The business representative and the TOSHA inspector will agree on the amount of reasonable time needed to become compliant.
2. A "Notice of Non-Compliance" may be issued to request additional information to determine compliance, to correct minor violations, or allow the business time to take corrective action.
3. Failure to take action or respond to either a serious or non-serious non-compliance issue will result in an escalation to a formal citation.
4. The Notice of Non-Compliance is documented using TOSHA-F04 Notice of Non-Compliance form or similar document and will describe the nature of the non-compliance, including a reference to the safety procedure at issue and recommendations to become compliant.

Communication and Training

1. The Notice of Non-Compliance must be communicated to all affected employees within three days of receipt of the notice.
2. A copy of the notice must be posted where the affected employees gather, such as breakroom or department communication board, or where the issue was identified.

NOTICE OF NON-COMPLIANCE

Inspector 1	**Purpose of Inspection**	**Date**	**TOSHA Event ID**
Inspector 2			

Employer	**Person In Charge**	**PIC Position**

ID	Location	Area	Violation	Finding	Recommendation
			Code description		
			Code: Code description		
			Code: Code description		
			Code: Code description		
			Code: Code description		
			Code: Code description		