

Expedited informal settlement agreements (EISAs)

What is an EISA?

This is a program where Minnesota OSHA (MNOSHA) Compliance offers an expedited pre-contest settlement agreement that reduces the OSHA penalty amount by 40% in exchange for prompt, documented abatement of cited items and an agreement that the employer will not contest the citation. This provides the employer with an incentive for prompt correction of hazards and reduces the time spent on contested cases.

When is an EISA offered to an employer?

An EISA may only be offered when a MNOSHA Compliance inspection revealed no instances of repeated, willful or failure-to-abate violations, nor were there any violations related to an accident. Next, there can be no more than two high-gravity, serious violations cited on the inspection. The employer must have a good safety and health program and be willing to make corrections by the dates specified in the citation. Finally, the employer must have cooperated with the MNOSHA Compliance inspection process in the past, including the employer:

- complied with the terms of previous EISAs or settlement agreements and orders;
- accepted delivery of citations; and
- submitted all progress reports and penalty payments in a timely fashion.

What does an employer have to do to accept an EISA offer?

When an employer qualifies for an EISA, a settlement agreement is sent in the mail with the citation, offering to reduce the penalty by 40% if the employer agrees to:

- post the EISA with the citation;
- abate the violations by the date shown in the citations;
- provide evidence of corrective action and submit a written progress report to MNOSHA Compliance every 30 days or until all items are abated; and
- pay the full amount of the reduced penalty at the time that the signed EISA is returned to MNOSHA Compliance – the signed agreement and a check for the full amount of the reduced penalty (60% of the original penalty amount) must be received by MNOSHA Compliance within 20 days after the employer's receipt of the citation.

Can an employer accept an EISA on part of the citation and contest the remainder?

An employer cannot contest a portion of the citation and notification of penalty and obtain an EISA on the remaining portion. An EISA can be used only where the sole issue of dispute is the dollar amount of the MNOSHA Compliance penalty. If the employer wishes to discuss, change or object to any other aspect of the inspection or citations, then a notice of contest must be filed according to the instructions contained on the citation and notification of penalty and the notice of contest form enclosed with the citation.

