Kansas Administrative Regulations

Department of Health and Environment

Article 35.—Radiation—Part 10. Notices, Instructions and Reports to Workers; Inspections.

28-35-335. Presence of representatives of licensees or registrants and workers during inspection.

(a) Each licensee or registrant shall afford to the department, at all reasonable times, opportunity to inspect materials, machines, activities, facilities, premises, and records maintained by the licensee or registrant.

(b) During an inspection, department inspectors may consult privately with workers as specified in K.A.R. 28-35-336 and any amendment to that rule and regulation. The licensee or registrant may accompany department inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received the instructions specified in K.A.R. 28-35-333 and any amendment of that rule and regulation.

(e) Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time shall accompany the inspectors.

(f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

(g) Department inspectors may refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection. If an area to be inspected is a restricted area, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.
(Authorized by K.S.A. 1984 Supp. 48-1607; implementing K.S.A. 1984 Supp. 48-1604, 48-1607, 48-1609; effective May 1, 1976; amended, T-85-43, Dec. 19, 1984; amended May 1, 1985.)

***** Authenticated Kansas Administrative Regulation *****