Prairie Island Indian Community

Tribal Occupational Safety & Health

Safety Advisory Board

Subject: Procedure for hearing administrative appeals of the actions of the TOSHA Administrator (“Administrator”)

Policy Owner (Department): Occupational Safety

Effective Date: 05/2026

Revision Number: 000

Revision Date:

Policy:

Prairie Island Indian Community shall establish, document, implement, and maintain a Safety & Health Program and continually improve its effectiveness, consistent with the requirements of the Tribal Occupational Safety and Health Ordinance (“PIIC-TOSHA”).

Purpose:

The purpose of the Safety Advisory Board (“Board”) is to hear administrative appeals of the actions of the TOSHA Administrator (“Administrator”) and to render a decision to uphold, reverse, or modify the actions of the Administrator.

Scope:

Any person impacted by a citation and/or assessment of civil penalty issued by the Administrator pursuant to the PIIC-TOSHA including employers, employees, representative of the employees, or any person engaging in any business within the jurisdiction of the Community.

Procedures:

Safety Advisory Board

The Safety Advisory Board is the administrative body responsible for hearing administrative appeals of the actions of the Administrator. This Board is comprised of five of people, including from each of the following areas:

1. Community Council Representative (1)
2. Directors Representatives (1)
3. Tribal Administrator’s Office Representative (1)
4. Non-Director/Manager Employees Representatives (2)

Notice of Appeal

Any person impacted by a citation and/or assessment of civil penalty issued by the Administrator may appeal the citation and/or civil penalty within 15 working days of the notice.

1. The notice must be served on the Administrator personally and/or by the United States mail return receipt requested.
2. The notice must specify what actions are contested and any evidence in support of the appeal.
3. Upon receipt of the notice, the Administrator must immediately inform the Tribal Administrator. The Tribal Administrator will then notify the Community Council to

appoint a representative and will identify the individuals to serve as representatives for categories (2), (3), and (4) above in the Safety Advisory Board Section.

4. The Safety Advisory Board must hold a hearing on appeal within 15 working days of receiving the notice.
5. If no impacted party serves the Administrator with a Notice of Appeal, the citation and any applicable civil penalty will be deemed a final order and not subject to review by any administrative body, court, agency, etc.

Administrative Appeal Hearing

The hearing must be completed within 15 working days from the date of the submission of the appeal.

1. The hearing may be conducted in person or virtually at the discretion of the Board.
2. The hearing must be recorded electronically or by transcription.
3. The person challenging the decision and the Administrator must both present their respective positions to the Board including documentary evidence and testimony.
4. The hearing is concluded when both parties have presented their evidence in support of their positions.

Decision

After conducting the hearing, the Safety Advisory Board must:

1. Prepare a written decision that upholds, reverses, or modifies the act(s) of the Administrator based on findings of fact and conclusions of law.
2. Provide its decision to the parties by certified mail with notice that the parties have 15 working days from receipt to file a Notice of Appeal to the Tribal Court.
3. If within 15 working days, the parties fail to seek appeal with the Tribal Court, the decision of the Safety Advisory Board will be deemed a final order.
4. Timely appeals of decisions by the Safety Advisory Board are governed by the PIIC-TOSHA, Section 10(b) (Appeal of Administrative Actions; Tribal Court Appeal) and the Prairie Island Indian Community Rules of Civil Procedure and Appellate Procedure.