

**STATE OF ALASKA
DEPARTMENT OF LABOR**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD
P.O. BOX 21149
JUNEAU, AK 99802**

STATE OF ALASKA, DEPARTMENT)
OF LABOR, DIVISION OF LABOR)
STANDARDS AND SAFETY,)
OCCUPATIONAL SAFETY AND)
HEALTH SECTION,)

Complainant,)

v.)

STATE OF ALASKA, DEPARTMENT)
OF HEALTH AND SOCIAL SERVICES,)
DIVISION OF FAMILY AND YOUTH)
SERVICES,)

Contestant,)

ALASKA STATE EMPLOYEES)
ASSOCIATION,)

Authorized Employee)
Representative.)

Docket Nos. 95-2032 through
95-2045 (Consolidated)

_____)

DECISION AND ORDER

This matter involves occupational safety and health inspections conducted in April 1995 at fourteen separate Youth Corrections offices under the control of the Department of Health and Social Services, Division of Family and Youth Services (DFYS). The inspections were performed following a complaint lodged by the Alaska State Employees Association (ASEA), an authorized employee representative.

As a result of the inspections, the Department of Labor (OSHA) issued citations to DFYS alleging violations of Alaska Occupational Safety and Health Standards and proposing total

penalties in the amount of \$ 64,750. DFYS contested all of the alleged violations and proposed penalties.

ASEA requested and was granted permission to participate as a party in these proceedings. The fourteen individual cases were consolidated into a single proceeding. Upon ASEA's request for an expedited hearing, a hearing was scheduled in this matter on January 23-24, 1996, in Anchorage. OSHA was represented by Dennis Smythe, Chief of Enforcement. DFYS was represented by Bob Bacolas, Labor Relations Specialist; Brent Allison, Safety Officer; and Phil Snyder, Regional Administrator. ASEA was represented by Charles O'Connell, Business Manager.

At the outset of the hearing, the parties stipulated that all of the contested violations had been settled except for an alleged violation concerning personal protective equipment (PPE) which was cited in twelve of the fourteen cases. The hearing then proceeded with respect to only the PPE violation (General Safety Code 01.0401(b)(1)). On the second day of hearing, the parties informed the Board that they had reached a tentative settlement regarding the PPE violation and that a separate written settlement agreement would be submitted regarding that item. Accordingly, the scope of this decision and order includes all of the cited violations except for the alleged PPE violation.

In their prehearing agreement, the parties agreed that each of the alleged violations would be affirmed as cited, with extended abatement dates for certain items. Based on the agreement of the parties, the abatement status of each alleged violation is summarized as follows:

Docket No. 95-2032	Anchorage, 550 West 8th Avenue	Abatement Status
Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	O&IS 02.320(a)(1), Emergency Plans	4/30/96
Item 3	O&IS 02.320(a)(2)(A), Emergency Action Training	4/30/96
Item 4	GSC 01.0401(B)(1), Personal Protective Equipment	Contested
Item 5	O&IS 02.320(a)(3)(A), Alarm System	6/30/96
Item 6	O&IS 02.320(a)(4), Emergency Evacuation	Abated
Item 7	O&IS 02.320(a)(5)(C), Emergency Action Plan	Abated

Docket No. 95-2033 Anchorage, 2600 Providence Drive

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	O&IS 02.320(a)(1), Emergency Plans	4/30/96
Item 3	GSC 01.0401(b)(1), Personal Protective Equipment	Contested
Item 4	O&IS 02.320(a)(3)(A), Alarm System	6/30/96
Cit. 2, Item 1	O&IS 02.320(a)(4), Emergency Evacuation	Abated

Docket No. 95-2034 Bethel

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	Abated
Item 2	EC 03.002(g)(2)(A), Unguarded Electrical	Abated
Item 3	O&IS 02.104(a)(6), Walking & Working Surfaces	Abated
Item 4	EC 03.004(a)(2)(C)(vi), Fluorescent Bulb Guarding	Abated

Docket No. 95-2035 Dillingham

Cit. 1, Item 1	GSC 01.1303(c)(1), Fire Extinguishers	Abated
Item 2	O&IS 02.315(q)(2), Exit Marking	Abated
Item 3	O&IS 02.315(q)(5), Exit Marking	Abated
Item 4	O&IS 02.320(a)(1), Emergency Plans	Abated

Docket No. 95-2036 Fairbanks

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2037 Homer

Cit. 1, Item 1a	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 1b	GSC 01.0105(a)(2), Code of Safe Practices	12/31/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2038 Juneau

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	4/30/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2039 Kenai

Cit. 1, Item 1a	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 1b	GSC 01.0105(a)(2), Code of Safe Practices	12/31/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2040 Ketchikan

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2041 Kodiak

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2042 Kotzebue

Cit. 1, Item 1	GSC 01.0105(a)(2), Code of Safe Practices	12/31/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2043 Nome

Cit. 1, Item 1	GSC 01.0105(a)(2), Code of Safe Practices	12/31/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

Docket No. 95-2044 Palmer

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	6/30/96
Item 2	O&IS 02.320(a)(1), Emergency Plans	4/30/96
Item 3	O&IS 02.320(a)(2)(A), Emergency Action Training	Abated
Item 4	GSC 01.0105(b)(1), Personal Protective Equipment	Contested
Cit. 1, Item 5	O&IS 02.320(a)(3)(A), Alarm Systems	6/30/96
Item 6	O&IS 02.320(a)(4), Emergency Evacuation	Abated
Item 7	O&IS 02.320(a)(5)(C), Emergency Action Plan	Abated

Docket No. 95-2045 Sitka

Cit. 1, Item 1	GSC 01.0105(a)(1), Accident Prevention Program	4/30/96
Item 2	GSC 01.0401(b)(1), Personal Protective Equipment	Contested

With regard to monetary penalties, the parties agreed that in recognition of DFYS' good faith commitment to abate each of the alleged violations by the specified abatement date, the proposed monetary penalties could be reduced or eliminated subject to the Board's discretion. Upon review, the Board concludes that it would be appropriate to eliminate the proposed monetary penalties.

ORDER

Based on the agreement of the parties, the Board orders as follows:

1. Each of the alleged violations cited in Docket Nos. 95-2032 through 95-2045, except for the alleged violation concerning Personal Protective Equipment, is affirmed as cited.

2. The alleged violation concerning Personal Protective Equipment will be addressed in a separate settlement agreement.

3. DFYS shall comply with the abatement dates agreed to by the parties and, if necessary, may apply for an extension of abatement dates pursuant to 8 AAC 61.135.

4. The proposed monetary penalties for Docket Nos. 95-2032 through 95-2045, except for the alleged violation concerning Personal Protective Equipment, are eliminated.

5. OSHA shall conduct such follow-up inspection activity as it deems necessary to verify compliance with this decision and order, and shall report the results of the follow-up inspection to the Board.

DATED this 23rd day of May, 1996.

ALASKA OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

NOT PARTICIPATING
Donald F. Hoff, Chairman

/s/
James J. Ginnaty, Member

/s/
Timothy O. Sharp, Member