

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street, Suite 950
Des Plaines, IL 60016
Phone: (847) 803-4800 FAX: (847) 390-8220



Citation and Notification of Penalty

To:
J & S Plumbing, Inc.

and its successors
370 Bond Street
Elk Grove Village, IL 60007

Inspection Site:
914 S. Dunton
Arlington Heights, IL 60005

Inspection Number: 315509125
Inspection Date(s): 05/06/2011 - 05/06/2011

Issuance Date: 08/31/2011

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may meet with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies). Please call immediately if you wish to schedule a conference.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Abatement Certification - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly that you have taken appropriate corrective action within the time frame set forth on this Citation. Please send to the Area Office abatement certification or documentation as indicated on the citation.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Internet Citation History - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

DIANE TUREK, Area Director
U.S. Department of Labor - OSHA
701 Lee Street - Suite 950

Des Plaines, IL 60016
Phone: (847)803-4800

J & S Plumbing, Inc.
370 Bond Street
Elk Grove Village, IL 60007

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/31/2011. The conference will be held at the OSHA office located at 701 Lee Street, Suite 950 Des Plaines, IL, 60016 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: J & S Plumbing, Inc.
Inspection Site: 914 S. Dunton, Arlington Heights, IL 60005

Citation 1 Item 1 Type of Violation: **Willful**

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652(b) or 1926.652(c):

The employer does not protect each employee in its excavations by properly sloping the excavation or by using appropriate protective systems designed in accordance with paragraphs (b) or (c) of 29 CFR 1926.652. This violation occurred on May, 6, 2011, at 914 S. Dunton, Arlington Heights, Illinois, where employees were repairing a sewer line in an excavation that was approximately 6.6 feet in depth. To abate this violation, the employer must ensure that its excavations are properly sloped, or that protective systems designed in accordance with this standard are used, and that no employees enter the excavations until protection is provided.

Pursuant to 29 CFR 1903.19, The employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from excavation cave-ins. (An abatement plan and periodic process report may be required if the abatement period is more than 90 days.)

This employer has been cited for this practice that include:

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.652(a)(1) which was contained in OSHA violation number 313933285, citation 2, item 2, issued on April 8, 2010 and became final order on or about May 3, 2010 with respect to a workplace located at 1438 W. Fulton Str., Chicago, IL 60607.

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.652(a)(1) which was contained in OSHA violation number 312110232, citation 1, item 4, issued on May 9, 2008 and became final order on or about May 28, 2008 with respect to a workplace located at 901 N. Princeton, Arlington Heights, IL 60005.

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.652(a)(1) which was contained in OSHA violation number 311163125, citation 1, item 6, issued on July 26, 2007 and became final order on or about August 15, 2007 with respect to a workplace located at 917 Gibbons, Arlington Heights, IL 60004.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: J & S Plumbing, Inc.
Inspection Site: 914 S. Dunton, Arlington Heights, IL 60005

limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	09/06/2011
Proposed Penalty:	\$ 36300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: J & S Plumbing, Inc.
Inspection Site: 914 S. Dunton, Arlington Heights, IL 60005

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees:

a) Employees were not provided with a safe means of egress when working in a trench with a depth of approximately 6.6 feet.

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.651(c)(2) which was contained in OSHA violation number 312110232, citation 1, item 2, issued on May 9, 2008 and became final order on or about May 28, 2008 with respect to a workplace located at 901 N. Princeton, Arlington Heights, IL 60005.

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.651(c)(2) which was contained in OSHA violation number 311163125, citation 1, item 3, issued on July 26, 2007 and became final order on or about August 15, 2007, with respect to a workplace located at 917 Gibbons, Arlington Heights, IL 60004.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 15400.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: J & S Plumbing, Inc.
Inspection Site: 914 S. Dunton, Arlington Heights, IL 60005

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1926.651(j)(2): Protection was not provided by placing and keeping excavated or other materials or equipment at least 2 feet (.61m) from the edge of excavations, or by the use of retaining devices that were sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary:

a) Employees were not protected from the hazard of falling or rolling excavated material that was placed and kept at the edge of the trench.

J & S Plumbing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.651(j)(2) which was contained in OSHA violation number 311163125, citation 1, item 4, issued on July 26, 2007 and became final order on or about August 15, 2007 with respect to a workplace located at 917 Gibbons, Arlington Heights, IL 60004.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	09/06/2011
Proposed Penalty:	\$ 6160.00



DIANE TUREK
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street - Suite 950
Des Plaines, IL 60016
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INVOICE/ DEBT COLLECTION NOTICE

Company Name: J & S Plumbing, Inc.
Inspection Site: 914 S. Dunton, Arlington Heights, IL 60005
Issuance Date: 08/31/2011

Summary of Penalties for Inspection Number 315509125

Citation 1, Willful	= \$	36300.00
Citation 2, Repeat	= \$	21560.00
TOTAL PROPOSED PENALTIES	= \$	57860.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than the full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



DIANE TUREK
Area Director



Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).