

U.S. Department of Labor
Occupational Safety and Health Administration
Manhattan Area Office
201 Varick Street, Room 908
New York, NY 10014
Phone: (212)620-3200 FAX: (212)620-4121
OSHA Website Address: <http://www.osha.gov>



Citation and Notification of Penalty

To:
Verizon NY Inc.
and its successors
4409 Avenue H, 2nd Floor
Brooklyn, NY 11234

Inspection Number: 315915249
Inspection Date(s): 09/14/2011-09/14/2011
Issuance Date: 03/13/2012

Inspection Site:
New Lots Avenue & Christopher Avenue
Brooklyn, NY 11212

Attn: Mohit Patel
George Segur

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 read the following paragraphs which outline your rights and responsibilities. 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 call to request one with the Area Director **before** the 15 working day contest period ends. 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).

If you decide to request an informal conference, call our office at (212) 620-3200 between 8AM and 4PM for an appointment. 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.

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, if you intend to contest, 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.

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.

Notification of Corrective Action - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached is a letter with a form to assist you in meeting this requirement.

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.

Internet Posting Notice: You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under 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 "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/13/2012. The conference will be held at the OSHA office located at Manhattan Area Office, 201 Varick Street, Room 908, New York, NY, 10014 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

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

29 CFR 1910.268(e): The employer did not provide personal protective equipment, protective devices and special tools needed for the work and the employer did not ensure that they are used by the employees. The employer did not ensure that before each days use these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) An inspection by a competent person was not conducted to ensure personal protective devices were available and in good condition. A Verizon field technician/lineman was installing steel cable suspension strand while working in an aerial bucket when he came in contact with overhead power lines. Field technician/lineman was not wearing personal protective equipment, such as but not limited to insulating gloves, sleeves and covers.
- b) The employer did not ensure personal protective devices, tools, and equipment are carefully inspected by a competent person and that they are in good condition before each days use. Employees assisting in the installation of suspension strand did not inspect and ensure that personal protective equipment such as but not limited to insulating gloves and mats were available to be used.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 7000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

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

29 CFR 1910.268(i)(1): Head protection meeting the requirement of the ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B" was not provided whenever there is exposure to possible high voltage electrical contact, and the employer did not ensure that the head protection is used by employees.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Employees working in an aerial lift/bucket pulling strand, placing cable and lashing cable do not wear personal protective equipment such as but not limited to hardhats whenever there is possible exposure to high voltage electrical contact. A Verizon field technician/lineman was installing steel cable suspension strand while working in an aerial bucket when he came in contact with overhead power lines.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 7000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.268(j)(3): Vehicle mounted elevating and rotating work platform trucks shall not be operated with any conductive part of the equipment closer to exposed energized power lines that the clearances set in Table R-2 of this section.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Employees working in an aerial lift/bucket and the equipment is within the approach distance to exposed energized power lines. A Verizon field technician/lineman was installing steel cable suspension strand while working in an aerial bucket when he came in contact with overhead power lines.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.268(m)(6)(i): The suspension strand was not grounded to the existing grounds listed in paragraph (m)(4) of this section when being placed on jointly used poles or during thunderstorm activity.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Field technicians/linemen did not temporarily ground the suspension strand while installing the strand on jointly used poles.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 5500.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.268(n)(1)(i): The employer did not insure that when handling cable suspension strand which is being installed on poles carrying exposed energized power conductors, employees shall wear insulating gloves and shall avoid body contact with the strand until after it has been tensioned, dead-ended and permanently grounded.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Field technicians/linemen working in aerial lift/buckets and assisting on the ground while installing suspension strand on poles carrying exposed energized power conductors did not wear insulating gloves.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 7000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.268(b)(7): The employer did not ensure that no employee approaches or takes any conductive object closer to any electrically energized overhead power lines and parts that prescribed in Table R-2 unless: the employee is insulated from the energized parts (insulating gloves rated for the voltage involved), or the energized parts are insulated or guarded from the employee and other conductive object at a different potential, or the power conductors and equipment are deenergized and grounded:

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Employees working in aerial lift/buckets pulling strand, placing cable and lashing cable and the equipment are within 1 foot of to energized power lines.
- b) A Verizon field technician/lineman was installing steel cable suspension strand while working in an aerial bucket and the employee made contact with a energized power line, approximately 4000 volts.

REPEAT STATEMENT

(FIRST REPEAT)

Verizon, Inc WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.268(b)(7) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER #307578195 CITATION NUMBER 01, ITEM NUMBER 001 (b), ISSUE ON 01/11/2007

NOTE: FINAL ORDER DATE 08/16/2007

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 35000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 2 Item 2 Type of Violation: Repeat

29 CFR 1910.268(c): The employer did not provide training in the various precautions and safe practices described in this section and insure that employees do not engage in the activities to which this section applies until such employees have received proper training in the various precautions and safe practices required in this section.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Employees were not aware of the safe approach distances or precautions of safe work practices while installing suspension strand. Employees did not know what the safe approach distances were, they did not know of grounding the strand, did not know requirements to use personal protective equipment such as but not limited to insulating gloves, hard hats and sleeves while working near energized lines.

REPEAT STATEMENT

(FIRST REPEAT)

**Verizon, Inc WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.268(c) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER #307578195 CITATION NUMBER 01, ITEM NUMBER 001 (e), ISSUE ON 01/11/2007
NOTE: FINAL ORDER DATE 08/16/2007**

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/30/2012
Proposed Penalty:	\$ 35000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 2 Item 3 Type of Violation: Repeat

29 CFR 1910.268(f)(1): The employer did not ensure that rubber insulating equipment designed for the voltage levels to be encountered was provided and being used by employees as required by this section.

Located at New Lots Avenue & Christopher Avenue, Brooklyn, NY

On or about September 14, 2011

- a) Field technicians/linemen installing steel cable suspension strand did not use rubber insulating gloves (high voltage) or other insulating equipment when working near energized lines.

REPEAT STATEMENT

(FIRST REPEAT)

**Verizon, Inc WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.268(f)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER #307578195 CITATION NUMBER 01, ITEM NUMBER 002(b), ISSUE ON 01/11/2007
NOTE: FINAL ORDER DATE 08/16/2007**

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/23/2012
Proposed Penalty:	\$ 35000.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 3 Item 1 Type of Violation: **Other**

29 CFR 1904.7(b)(2): An injury or illness resulting in an employee's death, was not entered on the OSHA 300 Log with a check mark in the space for cases resulting in death.

Located at Verizon NY Inc, 4409 Avenue H, Brooklyn, NY on or about 9/14/2011, the employer did not correctly record the following workplace injuries and illnesses on the OSHA 300 Log for calendar year 2011.

- a) Employer Case No #18622, on the OSHA Form 300 for calendar year 2011 was classified as recorded Days Away from Work cases and not as Death.
- b) Employer Case No #18622, on the OSHA Form 300 for calendar year 2011 was listed with an incorrect employee name. The name listed on the OSHA Form 300 was the employees spouses name and not the employee.
- c) Employer Case No #18622, on the OSHA Form 300 for calendar year 2011 was listed as "15" days away from work when the injury was a death. Column "K" information was recorded in error.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/30/2012
Proposed Penalty:	\$ 1100.00

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: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212

Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1904.32(a)(2): The Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) was not created, certified or posted:

Located at Verizon Communications, 4409 Avenue H Garage, Brooklyn, NY on or about 9/14/2011.

- a) Employer did not certify the OSHA Form 300-A for calendar year 2010.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:	03/30/2012
Proposed Penalty:	\$ 1100.00



Kay Gee
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

Manhattan Area Office

201 Varick Street, Room 908

New York, NY 10014

Phone: (212)620-3200 FAX: (212)620-4121

OSHA Website: "<http://www.osha.gov>"



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Verizon NY Inc.
Inspection Site: New Lots Avenue & Christopher Avenue, Brooklyn, NY 11212
Issuance Date: 03/13/2012

Summary of Penalties for Inspection Number 315915249

Citation 1, Serious	= \$ 33500.00
Citation 2, Repeat	= \$ 105000.00
Citation 3, Other	= \$ 2200.00
TOTAL PROPOSED PENALTIES	= \$ 140700.00

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 full amount due and will cash the check or money order as if these restrictions or conditions, or endorsements 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 or 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 charges are assessed at an annual rate determined by the Secretary of Treasury. This rate is currently 3%.

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.



Kay Gee
Area Director

3/3/12

Date