

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



Citation and Notification of Penalty

To:
Yonkers Contracting Company, Inc
969 Midland Ave
Yonkers, NY 10704

Inspection Number: 330046
Inspection Date(s): 04/03/2012 - 09/26/2012
Issuance Date: 10/02/2012

Inspection Site:
524 West 33rd Street
New York, NY 10001

Attn: John Chrysogelos

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.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one 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).

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 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.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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.

Inspection Activity Data – 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 these alleged violations will be posted when our system indicates that you have received this citation. 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/02/2012. The conference will be held at the OSHA office located at 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.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 330046

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001
Issuance Date: 10/02/2012

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 201 Varick Street, Room 908, New York, NY 10014**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.501(b)(1): Employees on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which was 6 feet (1.8 m) or more above a lower level were not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

Location: North side of tunnel access area

On or about 04/03/12

Employees worked, handing tools and supplies to employees on scaffolding, at an edge more than 6 feet above lower level with no fall protection.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE INSPECTION CASE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.701(b): All protruding reinforcing steel, onto and into which employees could fall, was not guarded to eliminate the hazard of impalement

Location: Under temporary scaffolding and next to ramp on north side of lower level

On or about 04/03/12

Employees were exposed to unguarded reinforcing steel rebar.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE INSPECTION CASE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

1926.1412(d)(1)(vii): Wire rope was not inspected in accordance with 1926.1413(a)

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer did not ensure that wire rope was inspected in accordance with standard during each shift.

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 1903.19

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.1413(a)(1): A competent person did not begin a visual inspection prior to each shift the equipment is used, which must be completed before or during that shift. The inspection must consist of observation of wire ropes (running and standing) that are likely to be in use during the shift for apparent deficiencies, including those listed in paragraph (a)(2) of this section.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer did not ensure that visual inspections were performed by a competent person prior to each shift.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

1926.1412(e)(1) Monthly Inspection; Equipment that was in service was not inspected in accordance with paragraph (d) of this section (each shift).

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer did not ensure that monthly inspections were performed in accordance with 1926.1412(d)

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

1926.1412(e)(3)(ii): Monthly inspection documentation was not retained for a minimum of three months.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer did not ensure that monthly inspection documents were maintained for 3 months.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.1412(f)(1): At least every 12 months the equipment was not inspected by a qualified person in accordance with paragraph (d) of this section.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Annual inspection was not performed in accordance with standard. All required inspections were not performed and documented.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.1412(f)(3): Annual inspection did not include functional testing to determine that equipment as configured in inspection was functioning properly.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer did not ensure that annual inspection included functional testing of equipment.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE INSPECTION CASE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.1412(f)(7)(i): Documentation of annual/comprehensive inspection. The following information was not documented, maintained, and retained for a minimum of 12 months, by the employer that conducts the inspection: The items checked and the results of the inspection.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employer failed to document the items checked and the results of inspection for annual crane inspection

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

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

29 CFR 1926.1412(f)(7)(ii): The name and signature of the person who conducted the inspection and the date were not stated on annual inspections.

Location: 524 West 33rd Street, New York , NY

On or about 4/3/12

Employer did not ensure that annual inspections included the date performed and the signature of the person performing inspections.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1926.1413(a)(2)(iii)(C): Shift inspections did consist of observation of wire ropes (running and standing) that are likely to be in use during the shift for apparent deficiencies; broken strands

Location: 524 West 33rd. St, New York, NY

On or about 4/3/12

Employer did not ensure that shift inspections included observation of wire rope for apparent deficiencies. Broken strands in the boom hoist line were not identified.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1926.1413(a)(4)(iii): Deficiency in Category III was not identified, operations involving use of the wire rope in question were not prohibited:

Location: 524 West 33rd St, New York ,NY

On or about 4/3/12

Employer continued to operate crane with wire rope that had category III deficiencies.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1926.1413(a)(3)(ii): Competent person did not give particular attention to wire rope being used for boom hoists and luffing hoists, particularly at reverse bends.

Location: 524 West 33rd St, New York, NY

On or about: 4/3/12

Employer did not ensure that inspections of the wire rope used for boom hoists during shift inspections were completed at reverse bends.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1926.1413(a)(3)(iii): The competent person did not give particular attention to all of the following: Wire rope at flange points, crossover points and repetitive pickup points on drums.

Location: 524 West 33rd St. , New York, NY

On or about 4/3/12

Employer did not ensure that shift inspections included particular attention to wire rope at flange and crossover points.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/17/2012



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1926.1413(b)(4): Monthly inspection of wire rope was not documented according to 1926.1412(e)(3) (monthly inspection documentation).

Location: 524 West 33rd St, New York, NY

On or about 4/3/12

Employer failed to ensure that monthly inspections of wire rope were documented in accordance with the standard.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.1425(b): While the operator is not moving a suspended load, no employee must be within the fall zone.

Location: 524 West 33rd St, New York, NY

On or about 04/03/12

Employees were in the fall zone while crane was not preparing to hoist a load. Employee was struck by hook block when crane boom hoist line failed.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE INSPECTION CASE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.1425(c)(3): When employees are engaged in the hooking, unhooking or guiding the load, or in the initial connection of the load to a component or structure the materials must be rigged a qualified rigger.

Location: 524 West 33rd St, New York , NY

On or about 4/3/12

Employer did not ensure that materials were being rigged by a qualified rigger. Several employees were standing in the fall zone of the crane when the boom collapsed.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/17/2012
Proposed Penalty:	\$7000.00

Kay Gee
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



INVOICE / DEBT COLLECTION NOTICE

Company Name: Yonkers Contracting Company, Inc
Inspection Site: 524 West 33rd Street, New York, NY 10001
Issuance Date: 10/02/2012

Summary of Penalties for Inspection Number	330046
Citation 1, Serious	\$68000.00
TOTAL PROPOSED PENALTIES	\$68000.00

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 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 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 one percent (1%). 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

Date