

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1082728
Inspection Date(s): 08/05/2015 - 08/28/2015
Issuance Date: 09/21/2015



Citation and Notification of Penalty

Company Name: K & N Contracting, Inc.
Inspection Site: Elkview Baptist Church, Elkview, WV 25071

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

29 CFR 1910.178(l)(4)(iii) as referenced by 29 CFR 1926.602(d): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

a.) K & N Contracting, Inc., Elkview Baptist Church: On or about 08/05/15, the operator of the CAT TL1255 powered industrial truck had not been evaluated since 2010.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/16/2015
\$2800.00

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

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Company Name: K. & N Contracting, Inc.
Inspection Site: Elkview Baptist Church, Elkview, WV 25071

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards:

a.) K. & N Contracting, Inc., Elkview Baptist Church: On or about 08/05/15, employees were not provided training prior to being required to work on a steep sloped roof.

ABATEMENT DOCUMENTATION IS REQUIRED.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2015
Proposed Penalty:	\$4900.00

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

a.) K & N Contracting, Inc., Elkview Baptist Church: On or about 08/05/15, the ladder used to access the roof of the building did not extend at least 3 feet above the landing surface.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/16/2015
\$3500.00

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Company Name: K & N Contracting, Inc.
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

a.) K & N Contracting, Inc., Elkview Baptist Church: On or about 08/05/15, the employer did not provide employees with training in the proper use of ladders prior to requiring them to use the ladder to access a roof.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/16/2015
\$3500.00

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

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Citation and Notification of Penalty

Company Name: K & N Contracting, Inc.
Inspection Site: Elkview Baptist Church, Elkview, WV 25071

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

29 CFR 1926.501(b)(11): Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels was not protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

a.) K & N Contracting, Inc., Elkview Baptist Church: On or about 08/05/15, employees performing roofing activities on an 8/12 sloped roof were not protected from falling 19.5' to the ground.

ABATEMENT DOCUMENTATION IS REQUIRED.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2015
Proposed Penalty:	\$35000.00

A handwritten signature in black ink, appearing to read "Prentice Cline", written over a horizontal line.

Prentice Cline
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
405 Capitol Street
Suite 407
Charleston, WV 25301
Phone: 304-347-5937 Fax: 304-347-5275



INVOICE / DEBT COLLECTION NOTICE

Company Name: K & N Contracting, Inc.
Inspection Site: Elkview Baptist Church, Elkview, WV 25071
Issuance Date: 09/21/2015

Summary of Penalties for Inspection Number	1082728
Citation 1, Serious	\$14700.00
Citation 2, Willful	\$35000.00
TOTAL PROPOSED PENALTIES	\$49700.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.

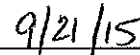
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



Prentice Cline
Area Director



Date