

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

Inspection Number: 1107873
Inspection Date(s): 11/17/2015 - 12/21/2015
Issuance Date: 04/29/2016



Citation and Notification of Penalty

Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.404(b)(1)(ii): On a construction site, where an assured equipment grounding program was not utilized, all 120-volt, single-phase, 15 and 20 ampere receptacle outlets which were not a part of the permanent wiring of the building or structure and which are in use by employees did not have approved ground fault circuit interrupters for personal protection.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were using a Dewalt circular saw, Skil reciprocating saw, and a Black and Decker drill without a ground fault circuit interrupter.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/11/2016
\$1600.00

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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 2 a Type of Violation: **Serious**

29 CFR 1926.416(a)(1): Employees were permitted to work in such proximity to any part of electric power circuits and could contact the electric power circuit in the course of work, and were not protected against electric shock by de-energizing and grounding the circuits or effectively guarding the circuits by insulation or other means.

(a) Locust Avenue: On or about November 17, 2015 and times prior, one employee was working from a scaffold within 5 foot of the energized residential power lines and weather heads, another employee had ducked under the power lines while working on the scaffold, exposing the employees to a 3 wire open service 120v-240v of electricity from a primary service drop of 2,400 volts.

(b) Locust Avenue: On or about November 17, 2015 and times prior, employees were using a 40 foot extension ladder to access and exit the roof of the building. The ladder was placed as close as 20 inches to the service line and weather head exposing employees to the 120v-240v of electricity from the service drop.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/11/2016
\$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: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.416(a)(3): Before work began, the employer did not ascertain by inquiry, direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or concealed, was so located that the performance of the work could bring any person, tool, or machine into physical or electrical contact with the electric power circuit.

(a) Locust Avenue: On or about November 17, 2015 and times prior, the employer did not determine whether the erection of the aluminum ladder jack scaffold, employees performing the work, and tools could contact the 3 wire open service 120v-240v energized electrical residential power line and weather head to the 8 unit apartment complex.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/11/2016

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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**

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables shall not be used.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were using power tools, such as, but not limited to a Skil reciprocating saw and a Black and Decker drill that were provided power from extension cords with damage to the outer insulation.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/09/2016
\$1600.00

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.416(b)(2): Working spaces, walkways, and similar locations were not kept clear of cords which created a hazard to employees.

(a) Locust Avenue: On or about November 17, 2015 and times prior, extension cords, power cords, and a surge protector were placed in the walkways and through doorways of the work area.

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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**

29 CFR 1926.452(k)(5): Scaffold platforms were bridged one to another.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were working from a bridged ladder jack scaffold with two 22ft. sections that had 12in. of overlap, with plank widths of 12in. and 14in. and was up to 11ft. 3in. from the ground.

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\$2400.00

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.451(b)(10): Scaffold components manufactured by different manufacturers were intermixed such that the components fit together with force and the scaffold's structural integrity was not maintained by the user:

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were working from a ladder jack scaffold that had a working platform 11ft. 3in. from the ground, 12in. wide, 22ft. length and another working platform 11ft. from the ground, 14in. wide, and 22ft. in length.

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.452(k)(4): Ladders used to support ladder jacks were not placed, fastened, or equipped with devices to prevent slipping.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were working from a ladder jack scaffold with a total length of approximately 44 foot, supported by three extension ladders on concrete that were not placed to prevent slipping of the ladders.

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Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.451(f)(6): Scaffolds were erected, used, dismantled, altered, or moved such that they, or any conductive material handled on them, could have come closer than the minimum distances established for specific voltages as set forth in the table in subparagraph (f)(6).

(a) Locust Avenue: On or about November 17, 2015 and times prior, a 40 foot extension ladder used to access the roof to perform the roofing work and as part of the ladder jack scaffold was erected within an estimated 20 inches of the energized 3 wire open service 120v-240v residential electrical service line and weather heads for the 8 unit apartment complex.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/09/2016
\$2800.00

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.454(b)(2): The employer did not have each employee who was involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question.

(a) Locust Avenue: On or about November 17, 2015 and times prior, the employer did not have employees who were involved in erecting, maintaining, or inspecting the ladder jack scaffold trained by a competent person to recognize the hazards associated with the scaffold, such as electrical shock.

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

29 CFR 1926.451(g)(1): Each employee on a scaffold more than 10 feet above a lower level were not protected from falling to that lower level.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were not protected from falling to the concrete ground while working from a ladder jack scaffold platform that was up to 11ft. 3in. to the ground.

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05/09/2016
\$2400.00

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.451(b)(3): The front edge of all platforms was not 14 inches (36 cm) or less from the face of the work, and no guardrail systems were erected along the front edge and/or no personal fall arrest systems were used in accordance with paragraph (g) of this section to protect employees from falling.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees working from a ladder jack scaffold that was up to 11 foot 3 inches from the ground and up to 33 inches from the face of the apartment building were not protected from falling to the ground.

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.454(a): The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees that are required to work from scaffolds were not trained by the employer to recognize the hazards associated with the ladder jack scaffold and how to protect themselves from the hazards presented.

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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 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees required to remove shingles and prepare a 4:12 pitched roof for the installation of a metal roof were exposed to falls up to 19 foot to the ground and were not trained on the hazards of working from heights and/or the procedures to follow to protect themselves.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/11/2016
Proposed Penalty:	\$2800.00

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: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part.

(a) Locust Avenue: On or about November 17, 2015 and times prior, a safety and health program was not initiated and maintained to provide compliance with general safety and health provisions of the standard.

1. Management Commitment and Leadership
 - A. Policy statement: goals established, issued, and communicated to employees.
 - B. Program Reviewed Annually.
 - C. Participation in safety meetings, inspections; agenda item in meetings.
 - D. Adequate commitment of resources.
 - E. Safety rules and procedures incorporated into site operations.
 - F. Management observations of safety rules.

2. Assignment of Responsibility
 - A. Safety designee on site, knowledgeable, and accountable.
 - B. Supervisors' (including foremen) safety and health responsibilities understood.
 - C. Employees adherence to safety rules.

3. Identification and Control of Hazards
 - A. Periodic site inspection program involving supervisors.
 - B. Preventive controls in place (PPE, Maintenance, and Engineering Controls).
 - C. Action taken to address hazards.
 - D. Safety Committee, where appropriate.
 - E. Technical reference materials available.

4. Training and Education
 - A. Supervisors receive basic safety and health training.
 - B. Specialized training taken when needed.
 - C. Existence of an employee training program, which is ongoing and effective.

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Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

5. Recordkeeping and Hazard Analysis

- A. Records maintained of employee illnesses/injuries, and posted.
- B. Supervisors perform incident investigations, determine causes, and propose corrective action.
- C. Injuries, near misses, and illnesses are evaluated for trends, similar causes; corrective action initiated.

6. First Aid and Medical Assistance

- A. First aid supplies and medical services available.
- B. Employees informed of medical results.
- C. Emergency procedures and training, where necessary.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/25/2016

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Citation and Notification of Penalty

Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s).

(a) Locust Avenue: On or about November 17, 2015 and times prior, inspections and/or audits of the worksite were not required by the employer to identify and correct hazards presented on the worksite, such as fall hazards and electrical shock hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/11/2016

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Citation and Notification of Penalty

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Inspection Site: Locust Avenue, Fairmont, WV 26554

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 8 a Type of Violation: **Serious**

29 CFR 1926.1053(b)(12): Ladders used where the employee or the ladder could contact exposed energized electrical equipment did not have nonconductive side rails.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were carrying aluminum extension ladders on the worksite near a power line located approximately 12 foot from the ground at the lowest point, with outer insulation missing throughout the line that was energized with primary voltage of 2400 volts and 3 wire open service with 120v-240v of electricity.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/09/2016
\$2000.00

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Citation and Notification of Penalty

Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

Citation 1 Item 8 b 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 enable each employee to recognize hazards related to ladders and stairways and train each employee in the procedures to be followed to minimize these hazards.

((a) Locust Avenue: On or about November 17, 2015 and times prior, employees were using aluminum ladders and had not been trained by the employer to recognize the hazards related to aluminum ladders when working near energized power lines and the procedures to follow to ensure the hazards are minimized.

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Citation and Notification of Penalty

Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents.

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were not required to wear eye protection when using a Skil reciprocating saw to cut pieces of metal roof to length, Dewalt 10 inch circular saw to cut furring strips, and nail guns to secure furring strips to the roof.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/09/2016
\$14000.00

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Citation and Notification of Penalty

Company Name: M&M Construction, LLC, dba Michael Jones Contracting
Inspection Site: Locust Avenue, Fairmont, WV 26554

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

(a) Locust Avenue: On or about November 17, 2015 and times prior, employees were exposed to falls of 15 to 19 foot to the ground while removing old shingles and preparing a 4:12 pitched roof for the installation of a metal roof.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/09/2016
\$14000.00

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

Prentice Cline
Area Director

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