

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



COPY

Citation and Notification of Penalty

To:
United States Postal Service
and its successors
8225 Cross Park Drive
Austin, TX 78710

Inspection Number: 1306365
Inspection Date(s): 04/03/2018 - 05/03/2018
Issuance Date: 09/26/2018

Inspection Site:
8225 Cross Park Drive
Austin, TX 78710

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 either call to schedule an informal conference (see paragraph below) or 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 by calling 512-374-0271. 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. 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 process the payments as if these restrictions or conditions 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 09/26/2018. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1306365

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710
Issuance Date: 09/26/2018

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 Item Number 1 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 2 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 1 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 2 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 3 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 4 was corrected on _____

By (Method of Abatement):

Citation Number 3 Item Number 1 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

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

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Citation and Notification of Penalty

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

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

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck(s) were performed by the employer without the manufacturer's prior written approval.

On or about 2 May 2018, and at times prior thereto, three Toyota Tow Motors were being used within the Tuscany Way facility with an unapproved tow hitch welded to the back rest of the vehicle, affecting the safe operation of the vehicle, and exposing the operators and those nearby to the hazard of being struck by the load being towed, components and pieces of the vehicle, or the vehicle itself.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2018
Proposed Penalty:	\$8130.00

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

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Citation and Notification of Penalty

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

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

29 CFR 1910.178(m)(5)(iii): Powered industrial truck(s) or specialized industrial truck(s), with the operator dismounted and within 25 feet of the truck still in his view, did not have the load engaging means fully lowered, controls neutralized, and the brakes set to prevent movement.

The employer does not ensure that Operators stop Powered Industrial Trucks before dismounting. Toyota Tow Motor #18: On 3 April 2018, an Operator was observed dismounting a Toyota Tow Motor vehicle prior to coming to a complete stop, exposing himself and others nearby to the hazard of being struck by the load being towed, components and pieces of the vehicle, or the vehicle itself.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2018
Proposed Penalty:	\$12195.00

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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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

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

29 CFR 1910.22(a)(3): Walking-working surfaces were not maintained free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow, and ice.

On or about 3 April 2018, and at times prior thereto, maintenance personnel accessing the DIOS 24 machine from the back panels did so while stepping on or near a 2-inch high metal railing bolted to the floor, exposing the employees to the hazard of tripping into the machine.

The United States Postal Service was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.22(a)(3), which was contained in OSHA inspection number 1208364, citation number 01, item number 001, and was affirmed as a final order on April 3, 2017, with respect to a workplace located at 8225 Cross Park Drive, Austin, TX 78710.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2018
Proposed Penalty:	\$50815.00

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: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

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

29 CFR 1910.178(n)(1): All traffic regulations were not observed, including authorized plant speed limits. A safe distance was not maintained approximately three truck lengths from the truck ahead, and the truck was not kept under control at all times.

The employer does not ensure Operators of Powered Industrial Trucks stop at Stop signs. Toyota Forklift: On 3 April 2018, and at times prior thereto, an Operator was observed coasting through a posted Stop sign for an intersection on the plant floor, exposing employees and others nearby to the hazard of being struck by the vehicles.

The United States Postal Service was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.178(n)(1), which was contained in OSHA inspection number 1011903, citation number 01, item number 001, and was affirmed as a final order on March 5, 2015, with respect to a workplace located at 3232 Denmark Avenue, Eagan, MN 55121 (St. Paul Processing & Distribution Center).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2018
Proposed Penalty:	\$50815.00

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: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident.

On or about 3 April 2018, and at times prior thereto, breaker panels within the plant floor were either mislabeled or not labeled for their intended purpose, exposing Maintenance personnel to an electrical hazard of 208/120 volts.

- 1) Breaker Panel PP8: Total of 34 breakers identified only as "RECEPTACLE", while one is identified as "RECEPTACLE - COPIER IN FRONT". The panel is located in an office area listed as 128 through 151, and panel location as RM L-146.
- 2) Breaker Panel CDP-3: Two side-by-side cabinets marked as CDP-3 with both old and new listings posted in each. New listing 1-42 was posted in the cabinet with breakers 43-84, while new listing 43-84 was posted in the cabinet with breakers 1-42. The new listings were posted in the wrong cabinets.
- 3) Breaker Panel CDP-2: Both the old and new listings were posted in the same cabinet without clarification of the effective listing.
- 4) Breaker Panel P3: Only the old listing is posted with date of posting as October 23, 1996. Breakers 9/19/21/23/25/27/29 were energized but were not identified on the listing. The old listing identified breaker slots 40 as Panel P3A and 41 as sump pumps but no actual breakers existed.
- 5) Breaker Panel P2: Both the old and new listings were posted in the same cabinet without clarification of the effective listing.
- 6) Breaker Panel BCSP: Only the old listing is posted with date of posting as April 20, 2005. Breakers 1/3/15/17/27/28/29/30 are identified as spares but are actual blanks. Breaker 25 is labeled as a Spare but is energized. Breakers 19/21/23 are identified as being active breakers, but were in the OFF position. Breaker 14 is labeled as Outlet but no indication of where the outlet is located.

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Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

The United States Postal Service was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(f)(2), which was contained in OSHA inspection number 1123918, citation number 01, item number 003, and was affirmed as a final order on July 26, 2016, with respect to a workplace located at 3055 Crescentville Road, Cincinnati, OH 45235 (Cincinnati NDC U.S. Postal Service).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/11/2018
Proposed Penalty:	\$50815.00

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

Inspection Number: 1306365
Inspection Date(s): 04/03/2018 - 05/03/2018
Issuance Date: 09/26/2018



Citation and Notification of Penalty

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment.

On or about 2 May 2018, and at times prior thereto, within the Tuscany Way facility, two sets of four disconnect switches that provide power for battery chargers and an electric hoist had materials stored in front, preventing safe and ready access to shutdown electrical equipment in the event of a fire or electrical contact, exposing the employees to hazards such as, but not limited to, trips, fire, and electrical shock.

The United States Postal Service was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1), which was contained in OSHA inspection number 1020590, citation number 01, item number 04 and was affirmed as a final order on May 13, 2015, with respect to a workplace located at 190 Fiberloid Street, Springfield, MA 01151 (Springfield Network Distribution Center).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/02/2018
Proposed Penalty:	\$50815.00

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

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Citation and Notification of Penalty

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a)(2): The employer failed to report the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, within (24) twenty-four hours.

On 7 April 2018 at approximately 6:15 PM, an employee operating a Toyota Tow Motor was injured while stepping from the moving vehicle, resulting in the in-patient hospitalization of the employee. The hospitalization was not reported within 24 hours to the local Area Office of the Occupational Safety and Health Administration. The Austin Area Office was notified on 11 August 2018 at approximately 10:00 AM.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/02/2018
Proposed Penalty: \$1000.00

A handwritten signature in black ink that reads "R. Casey Perkins". The signature is written in a cursive style.

R. Casey Perkins, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



INVOICE / DEBT COLLECTION NOTICE

Company Name: United States Postal Service
Inspection Site: 8225 Cross Park Drive, Austin, TX 78710
Issuance Date: 09/26/2018

Summary of Penalties for Inspection Number	1306365
Citation 1, Serious	\$20325.00
Citation 2, Repeat	\$203260.00
Citation 3, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES	\$224585.00

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.



R. Casey Perkins, CSP

Area Director



Date