

U.S. Department of Labor

Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



Citation and Notification of Penalty

To:
The Children's Home of Reading
1010 Centre Avenue
Reading, PA 19601

Inspection Number: 1130403
Inspection Date(s): 03/07/2016 - 09/02/2016
Issuance Date: 09/07/2016

Inspection Site:
1010 Centre Avenue
Reading, PA 19601

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. 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 09/07/2016. The conference will be held by telephone or at the OSHA office located at 43 Kline Village, Harrisburg, PA 17104 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1130403

Company Name: The Children's Home of Reading
Inspection Site: 1010 Centre Avenue, Reading, PA 19601
Issuance Date: 09/07/2016

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, 43 Kline Village, Harrisburg, PA 17104**

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

U.S. Department of Labor

Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: The Children's Home of Reading

Inspection Site: 1010 Centre Avenue, Reading, PA 19601

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees are exposed to the hazard of workplace violence:

a) The Children's Home of Reading - Employees were exposed to the hazard of workplace violence in that they were being physically assaulted and injured by the youth housed and schooled at the facility, on or about March 7, 2015.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Among other methods, feasible and acceptable means to abate the hazard of workplace violence include:

Develop a written, comprehensive workplace violence program which should include:

- a. A policy statement regarding potential violence in the workplace and assignment of oversight and prevention responsibilities. The policy must clearly define workplace violence hazards employees may encounter including, but not limited to, verbal and physical assaults. Ensure the policy is conveyed to employees, teachers, clients, and anyone else that may come in contact with clients.
- b. Workplace violence hazard assessment and security procedures that are used for each client. Such procedures should identify the risks employees may face and how the employer will address the specific hazards identified.
- c. Development of workplace violence controls, including implementation of engineering and

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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administrative controls and methods used to prevent potential workplace violence incidents.

- i. Establish a system such as chart tags or log books to identify clients with assaultive behavior problems. Be cognitive of patient confidentiality and worker safety issues. Update clients behavioral histories as needed. Review workplace violence incidents from the previous shift during change-in shift meetings.
 - ii. Maintain records of clients violent behavior experienced by employees and establish a system, such as chart tags or log books to ensure employees are provided this information.
 - iii. Provide personal protective equipment (PPE) such as panic buttons for employees exposed to clients who have a tendency to be aggressive. Provide spit masks for clients who have a tendency to spit in the face of employees. Provide impact cushions to protect employees from clients who head butt and train them to use the cushion as a shield of protection from aggressive clients.
 - iv. Encourage employees to promptly report incidents and train them on ways to reduce or eliminate risk. Keep log books and reports to help determine any necessary actions to prevent recurrences.
- d. A recordkeeping system designed to report any violent incidents. The reports must be in writing and maintained for review after each incident and at least annually to analyze incident trends.
- i. Require and ensure that employees report all assaults or threats to a supervisor or manager, regardless of severity. Investigate all violent incidents and threats. Implement appropriate recommendations resulting from incident investigations.
 - ii. Identify clients who pose the most risk to employees and ensure employees are aware by using signage or charts to inform them of the risk in dealing with aggressive clients.
- e. Development of a workplace violence training program for all employees so they are aware of the potential hazards and means to protect themselves and coworkers through established policies and procedures. The training shall include the employer's workplace violence prevention program and what procedures and practices to follow in the workplace and when clients are transported.

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- i. Include in the program elements how to identify and defuse a situation prior to it becoming an escalated incident.
- ii. Ensure training is provided to employees prior to beginning work, and should also occur when significant changes are made to policies and procedures. Annual refresher training should be provided to all staff.
- f. Annually review the workplace violence prevention program and update it as necessary. Such review and updates shall set forth any mitigating steps taken in response to any workplace violence incidents.
- g. Development of procedures and responsibilities to be taken in the event of a violent incident in the workplace. Advise employees of company procedures for requesting police assistance or filing charges when assaulted and help them do so, if necessary. Provide prompt medical and psychological evaluations and treatment after the incident.
- h. Ensure employees utilize a buddy system while providing service to clients especially in the cottages where clients have a history of violence.
- i. Develop and implement a formal weapons policy to address clients using objects as weapons and should include procedures for employees to follow, as well as employee training on such procedures. Remove any glass cups, bowls, and metal silverware, to prevent the items from becoming a weapon for the clients to use against employees.
- i. Ensure that on second shift that the client to staff ratio is in accordance with State regulations to handle aggressive clients when they are in crisis.
- j. Employ security personnel and provide training to them that includes the psychological components of handling aggressive and abusive clients, types of disorders and ways to handle aggression and defuse hostile situations.
- k. When appropriate, make sure the furniture in the cottages are bolted to the floor to prevent clients from using them as a weapon.

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l. When code yellow is called make sure there are enough employees to respond to the incident to ensure employees' safety during the crisis.

m. Develop a safety committee that implements appropriate recommendations based on the monthly evaluation of injuries that occur at the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/25/2016
Proposed Penalty:	\$12471.00

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Company Name: The Children's Home of Reading

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

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

(a) Children's Home of Reading - The employer did not provide personal protective equipment such as Kevlar sleeves for employees who are being bitten by clients while in therapeutic holds, on or about March 7, 2016.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and state employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

10/25/2016

Proposed Penalty:

\$10689.00

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

Timothy W. Braun
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Children's Home of Reading
Inspection Site: 1010 Centre Avenue, Reading, PA 19601
Issuance Date: 09/07/2016

Summary of Penalties for Inspection Number	1130403
Citation 1, Serious	\$23160.00
TOTAL PROPOSED PENALTIES	\$23160.00

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.

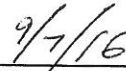
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Timothy W. Braun

Acting Area Director



Date