

U.S. Department of Labor
Occupational Safety and Health Administration
333 Las Vegas Blvd. South
Suite 5520
Las Vegas, NV 89101



Citation and Notification of Penalty

To:
US Postal Service, dba USPS - Silverado Station
and its successors
1001 East Sunset Road
Las Vegas, NV 89199

Inspection Number: 1339771
Inspection Date(s): 08/15/2018 - 08/15/2018
Issuance Date: 11/07/2018

Inspection Site:
455 East Pebble Road
Las Vegas, NV 89123

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 702-388-6150. 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 11/07/2018. The conference will be held by telephone or at the OSHA office located at 333 Las Vegas Blvd. South, Suite 5520, Las Vegas, NV 89101 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1339771

Company Name: US Postal Service, dba USPS - Silverado Station
Inspection Site: 455 East Pebble Road, Las Vegas, NV 89123
Issuance Date: 11/07/2018

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, 333 Las Vegas Blvd. South, Suite 5520, Las Vegas, NV 89101**

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: US Postal Service , dba USPS - Silverado Station
Inspection Site: 455 East Pebble Road, Las Vegas, NV 89123

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

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 were exposed to excessive heat hazards:

- (a) On or about August 1, 2018, for the employee who sustained a heat-related illness resulting in hospitalization while delivering mail with a heat index in excess of 99 degrees Fahrenheit at locations in and around 455 East Pebble Road, Las Vegas, NV.
- (b) On or about July 31, 2018, for the employee who sustained a heat-related illness resulting in medical treatment while delivering mail with a heat index in excess of 101 degrees Fahrenheit at locations in and around 455 East Pebble Road, Las Vegas, NV.
- (c) On or about July 26, 2018, for the employee who sustained a heat-related illness resulting in medical treatment while delivering mail with a heat index in excess of 105 degrees Fahrenheit at locations in and around 455 East Pebble Road, Las Vegas, NV.
- (d) On or about June 19, 2018, for the employee who sustained a heat-related illness resulting in medical treatment while delivering mail with a heat index in excess of 95 degrees Fahrenheit at locations in and around 455 East Pebble Road, Las Vegas, NV.

Among other methods, one feasible and acceptable method of abatement would be to: 1) Conduct a comprehensive safety analysis of letter carrier work assignments during a heat index of 91 degrees Fahrenheit and above. 2) Develop and implement control measures to include but not limited to engineering, administrative, and personal protective equipment (PPE). 3) Provide a standardized method of monitored emergency communication for employees working in the field. 4) Provide comprehensive heat illness prevention training to employees and management staff to include but not limited to heat index and the effects on the body, symptoms of heat-related illness, and control measures.

The U.S. Postal Service was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard which was contained in OSHA Inspection Number 1093157,

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: US Postal Service , dba USPS - Silverado Station

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Citation 1, Item 1, and was affirmed as a final order on 09/08/2016, with respect to a workplace located at 1910 Navarre School Road, Pensacola, FL 32501.

The U.S. Postal Service was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard which was contained in OSHA Inspection Number 1075844, Citation 2, Item 1, and was affirmed as a final order on 09/08/2016, with respect to a workplace located at 616 West Second Street, Ottumwa, IA, 52501.

The U.S. Postal Service was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard which was contained in OSHA Inspection Number 917092, Citation 1, Item 1, and was affirmed as a final order on 04/30/2014, with respect to a workplace located at 20 Forest Street, Medford, MA 02155.

The U.S. Postal Service was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard which was contained in OSHA Inspection Number 538158, Citation 1, Item 1, and was affirmed as a final order on 10/24/2014, with respect to a workplace located at 3525 South Cottage Avenue, Independence, MO 64055.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/13/2018

Proposed Penalty:

\$129,336.00

A handwritten signature in black ink, appearing to read "Eric R. Brooks", written over a horizontal line.

Eric R. Brooks
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
333 Las Vegas Blvd. South
Suite 5520
Las Vegas, NV 89101



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: US Postal Service , dba USPS - Silverado Station
Inspection Site: 455 East Pebble Road, Las Vegas, NV 89123
Issuance Date: 11/07/2018

Summary of Penalties for Inspection Number	1339771
Citation 1, Repeat	\$129,336.00
TOTAL PROPOSED PENALTIES	\$129,336.00

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.

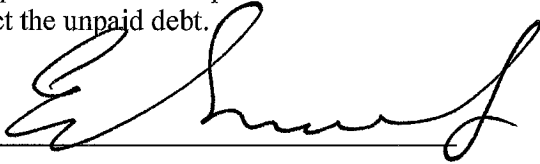
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Eric R. Brooks

Area Director

11/7/2018

Date