

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

UNITED STATES POSTAL SERVICE,

Respondent,

and

NATIONAL ASSOCIATION OF LETTER
CARRIERS (NALC),

Authorized Employee Representatives,

and

NATIONAL RURAL LETTER CARRIERS'
ASSOCIATION (NRLCA),

Authorized Employee Representatives.

OSHRC Docket Nos. 16-1813

STIPULATION AND SETTLEMENT AGREEMENT

The Secretary of Labor, United States Department of Labor, hereinafter referred to as the “Secretary,” and United States Postal Service, hereinafter referred to as “Respondent,” stipulate and agree as follows:

1. Based on a reevaluation of the evidence, the Secretary hereby amends Citation 1, Item 1 as follows: Citation 1, Item 1, shall be reclassified as a “serious” violation of section 5(a)(1) of the OSH Act. Additionally, the AVD for Citation 1, Item 1, shall be amended as follows:

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 were exposed to the following recognized hazards when it failed to fully train all supervisory staff in the recognition of the symptoms of heat related illnesses and the appropriate response to report symptoms of heat related illness:

(a) On or about June 9, 2016, employees performing their mail delivery duties to customers were exposed to an outdoor temperature of approximately 84.9 degrees Fahrenheit at about 9:54 a.m., with a humidity level of 51%, creating a heat index of 86.6 degrees Fahrenheit, and an outdoor temperature of approximately 93.0 degrees Fahrenheit at about 1:54 p.m., with a humidity level of 35%, creating a heat index of 93.0 degrees Fahrenheit.

(b) On or about July 21, 2016, employees performing their mail delivery duties to customers were exposed to an outdoor temperature of approximately 84.9 degrees Fahrenheit at about 8:54 a.m., with a humidity level of 69%, creating a heat index of 92.1 degrees Fahrenheit, and an outdoor temperature of approximately 95.0 degrees Fahrenheit at about 1:54 p.m., with a humidity level of 58%, creating a heat index of 111.4 degrees Fahrenheit.

Feasible and acceptable means of hazard abatement include fully training all supervisory staff in the recognition of the symptoms of heat-related illnesses and in the appropriate response to reported symptoms of heat-related illness.

The Citation and Notification of Penalty is deemed amended accordingly.

2. Respondent hereby withdraws its notice of contest to the Citation and Notification of Penalty, as amended herein. In support of its withdrawal, Respondent states:

(a) The abatement of Item 1 of Citation number 1 will be accomplished within thirty (30) calendar days from the parties signing this Agreement, which shall be the final abatement date for said items. Respondent will comply with all applicable abatement verification provisions of 29 C.F.R. § 1903.19, including but not limited to, all certification, documentation, and posting requirements. Abatement certification shall be accomplished within ten (10) calendar days after the abatement date by e-mailing the Omaha Office of the Occupational Safety and Health Administration, at complaints.fl64@dol.gov, stating that abatement has been completed, the date and method of abatement, and that affected

employees and their representatives have been informed of the abatement. Any required abatement documentation shall be submitted along with the abatement certification.

(b) Affected employees are represented by National Association of Letter Carriers, and a copy of this Stipulation and Settlement Agreement has been served on Peter D. DeChiara, Cohen, Weiss and Simon LLP , attorney for NALC, on May 30, 2023. Additionally, a copy of this Stipulation and Settlement Agreement will be posted on June 6, 2023, at Respondent's workplace at 2323 Forest Avenue, Des Moines, Iowa 50311, where it may be viewed by its employees. The Agreement will remain posted for 14 days.

(c) Within sixty (60) calendar days from Respondent signing this Agreement, Respondent shall tender payment of \$12,471 to OSHA's Omaha Area Office or electronically at www.pay.gov. The parties agree that any unpaid balance under this Agreement is a debt owing to the United States and is subject to the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3701-3719.

3. The Secretary and Respondent agree that based on the foregoing representations of Respondent, an Order Terminating Proceedings of the Commission may be entered of record. Respondent withdraws its notice of contest and agrees that the citation and penalty (as set forth and amended herein by this Agreement) shall become a final order of the Commission on the same date that the Order Terminating Proceeding becomes a final order, as set forth in the Notice of Docketing issued by the Executive Secretary of the Commission.

4. Further, each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to,

attorney's fees, costs, and other expenses which may be available under the Equal Access to Justice Act (5 U.S.C. § 504), as amended.

Dated this 2d day of June, 2023.

Seema Nanda
Solicitor of Labor

Christine Z. Heri
Regional Solicitor

Evert H. Van Wijk
Associate Regional Solicitor

/s/ Traci Martin
Traci Martin
Office of the Solicitor
2300 Main Street, Suite 10100
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Attorneys for Secretary of Labor

/s/ Deborah M. Levine
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Denver, CO 80202
Deborah.m.levine@usps.gov

Attorney for Respondent USPS

NOTICE TO EMPLOYEES AND EMPLOYEE REPRESENTATIVE

The attached Stipulation and Settlement Agreement has been entered into by the parties hereto. The parties will file a joint Notification of Settlement to the Occupational Safety and Health Review Commission requesting an Order Terminating Proceeding. The Agreement will remain posted until the Court issues an Order Terminating Proceedings of the Commission or for 14 days from signing. If you have any comments on the Stipulation and Settlement Agreement, you may submit them within 14 days of service or posting to:

Judge Sharon D. Calhoun
Occupational Safety and Health Review Commission
1924 Building - Room 2R90
100 Alabama Street, S.W.
Atlanta, Georgia 30303-3104

A copy of such comments should also be sent to:

Evert H. Van Wijk
Associate Regional Solicitor
U.S. Department of Labor
2300 Main Street, Suite 10100
Kansas City, Missouri 64108

Posted this 6th day of June, 2023.



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

OSHRC Docket No. 16-1813

UNITED STATES POSTAL SERVICE,

Respondent.

ON BRIEFS:

Amy S. Tryon, Senior Attorney; Heather R. Phillips, Counsel for Appellate Litigation; Edmund C. Baird, Associate Solicitor of Labor for Occupational Safety and Health; Elena S. Goldstein, Deputy Solicitor of Labor; Kate O'Scannlain, Solicitor of Labor; U.S. Department of Labor, Washington, D.C.

For the Complainant

James C. Colling, Esq.; Eric D. Goulian, Esq.; Deborah M. Levine, Esq.; United States Postal Service, Denver, CO

Arthur G. Sapper, Esq.; Melissa A. Bailey, Esq.; Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Washington, D.C.

For the Respondent

DECISION AND REMAND

Before: ATTWOOD, Chairman; LAIHOW, Commissioner.

BY THE COMMISSION:

The Occupational Safety and Health Administration issued the United States Postal Service a citation alleging a repeat violation of the Occupational Safety and Health Act's general duty clause, 29 U.S.C. § 654(a)(1), for exposing employees of a postal station in Des Moines, Iowa to an "excessive heat" hazard. In the summer of 2016, two of the station's letter carriers began feeling ill while delivering mail and were treated at a hospital or urgent care clinic. The Secretary alleges that both carriers became ill due to excessive heat.

Administrative Law Judge Sharon D. Calhoun vacated the citation.¹ For the reasons discussed below, we set aside her decision and remand for further proceedings.

DISCUSSION

To establish a violation of the general duty clause, the Secretary must show: (1) “that a condition or activity in the workplace presented a hazard,” (2) “that the employer or its industry recognized this hazard,” (3) “that the hazard was likely to cause death or serious physical harm,” and (4) “that a feasible and effective means existed to eliminate or materially reduce the hazard.” *Arcadian Corp.*, 20 BNA OSHC 2001, 2007 (No. 93-0628, 2004). The Secretary also must prove that the employer “knew, or with the exercise of reasonable diligence could have known, of the violative conditions.” *Tampa Shipyards Inc.*, 15 BNA OSHC 1533, 1535 (No. 86-360, 1992) (consolidated). Here, the judge vacated the citation on the ground that the Secretary failed to prove the cited conditions posed a hazard. The judge also found that if a hazard had been proven, however, the Secretary would have established a feasible and effective means of abatement to address it. The judge did not address any of the other elements required to prove a general duty clause violation.

For the same reasons stated in *USPS*, No. 16-1713, slip op. at 3-13 (OSHRC Feb. 16, 2023) (consolidated), we find that the Secretary has established that an excessive heat hazard was present in this case. Accordingly, we reverse the judge on this element of the Secretary’s burden. We turn next to the judge’s finding that the abatement element was otherwise established. To prove abatement, the Secretary must “specify the particular steps a cited employer should have taken to avoid citation, and demonstrate the feasibility and likely utility of those measures.” *Beverly Enters., Inc.*, 19 BNA OSHC 1161, 1191 (No. 91-3144, 2000) (consolidated). On review, the Secretary broadly argues that he established the feasibility and efficacy of the abatement measures he proposed below, briefly naming a few. While he does not describe those proposals in detail,

¹ In addition to her decision in this case, the judge also issued separate decisions in four additional cases (Docket Nos. 16-1713, 16-1872, 17-0023, 17-0279), each involving a general duty clause citation issued by OSHA to the Postal Service alleging employee exposure to an excessive heat hazard in four other cities. These four additional cases were directed for review and consolidated by the Commission for disposition. Our decision vacating all four of those citations has been issued today. *USPS*, No. 16-1713, slip op. (OSHRC Feb. 16, 2023) (consolidated). To the extent relevant, we rely on the analysis in that decision throughout our opinion here. Not only do the issues and the parties’ arguments overlap in all five cases, but evidence common to all five cases was heard by the judge at a single hearing. *Id.* at 2-3.

the Secretary specifically argued before the judge in support of the same means of abatement raised and addressed in *USPS*: work/rest cycles, emergency response plans and monitoring, analyzing Postal Service data on employee heat-related illnesses, reducing time outdoors, using air-conditioned vehicles, acclimatizing employees, and training employees on heat safety.² With the exception of this last measure—training employees—we find that the Secretary has failed to show these proposed measures were feasible and/or effective for the same reasons set forth in *USPS*. *USPS*, slip op. at 13-30.

With regard to training, there is no dispute that the Postal Service provided heat safety training at the Des Moines station. The Secretary argued below that this training was deficient for many of the same reasons we found lacked merit in *USPS*—based on our analysis in that decision, we find these arguments lacking here as well. *Id.* at 30-33. But the Secretary also specifically alleged that a supervisor in the Des Moines station had been given no heat safety training, despite having been a supervisor for more than six months, and that safety talks at the Des Moines station were held at a time when employees known as “City Carrier Assistants” (CCAs) were not present.³ The Postal Service has not specifically addressed either of these claims below or on review.

The judge agreed with the Secretary that the Postal Service failed to provide “effective training” to its Des Moines supervisors on the recognition of heat-related illnesses and the proper response to employees reporting symptoms of such illnesses. Specifically, the judge pointed to three incidents in which carriers from the Des Moines station had followed the Postal Service’s practice of informing their supervisors that they were experiencing symptoms of a possible heat-related illness. Apart from one supervisor providing water to a carrier and then leaving, the judge found that these supervisors took no action to assist the carriers, including the one who the Secretary alleged was never trained on heat safety.

That supervisor, who assumed that role at the Des Moines station in December 2015, was at the station on June 9, 2016, when one of the citation incidents occurred. The affected carrier notified this supervisor that she was not feeling well in the following text message exchange:

² For the reasons stated in *USPS*, we find that these measures were not proposed by the Secretary as alternatives but were alleged in terms of a comprehensive heat stress safety program. *USPS*, slip op. at 14-16.

³ The station employs both “City Letter Carriers,” which are “career employees,” and “City Carrier Assistants,” which are “non-career employees.”

12:45 p.m., Carrier: "I'm not feeling so well. Definately [sic] to do with the heat. I've been trying to hurry but i am still a little behind. Just letting you know."

1:14 p.m., Carrier: "Feeling very weathered by the heat.... as of right now i have 9 swings left."

1:17 p.m., Supervisor: "[D]o the best you can I know it really hot out right now do you need any water or anything like that."

1:34 p.m., Carrier: "Ice would be great. Did they tell you that they want me to have an 8 hr day?"

The supervisor testified that she did not respond to the carrier's last message requesting ice because she was busy and did not see it.

At around 3 p.m., the carrier felt too ill to continue working and drove back to the Des Moines station without having finished her route. On the way, she vomited out the window of her vehicle. Three carriers who were at the station when she arrived described her appearance as "extremely red," "dazed," and "shaking"; one said she looked "like she was going to die." The supervisor similarly acknowledged that the carrier looked "flushed," and said her collar was wet with sweat and that she indicated she was not feeling well. The supervisor told the carrier to sit down, asked why she did not inform her first before returning to the station, and then called the station manager. According to the supervisor, the station manager said to instruct the carrier to finish her route, which she did; the carrier then "stormed out" to go speak to a union representative. After speaking with the union representative, the carrier went to an urgent care clinic.

The supervisor testified that she had never been trained by the Postal Service on heat-related illnesses prior to this incident, apart from sometimes receiving emails with heat safety information and seeing a heat safety poster in the breakroom. She said that "[a]ll the safety talks were performed in the morning before [she] reported to work." According to the supervisor, her lack of training directly affected the way she responded to the carrier's complaints: "Due to not being correctly educated on heat exposure, I wasn't aware of how it was affecting her." None of this testimony was rebutted by the Postal Service.

We agree with the judge that this evidence supports the Secretary's argument that the Postal Service's training at the Des Moines station was deficient and that adequately training supervisors on heat safety would have materially reduced the risk posed by excessive heat to the carriers at the station. An expert on heat stress who testified for the Secretary, Dr. Thomas Bernard, stated that if employees are not trained on heat safety, including how to recognize and respond to symptoms of heat-related illness, they are unlikely to understand the significant risks involved and to respond

appropriately. Given that the Postal Service instructs carriers to contact their supervisors whenever they experience heat stress symptoms, providing this training to supervisors is critical to ensuring that they can identify when a carrier is in crisis and respond appropriately. And the feasibility of providing such training is demonstrated by the fact that a heat-related safety talk was given to Des Moines employees in May 2016, and the supervisor who lacked training was required to attend a mandatory heat safety training shortly after the incident in early July 2016.

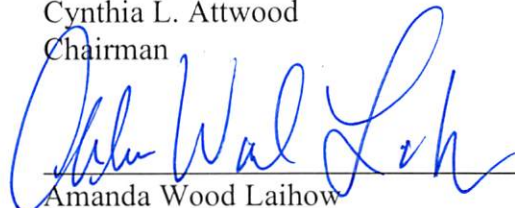
We find that the record also supports the Secretary's claim that CCAs in the Des Moines station missed heat safety talks because they were given in the morning when CCAs are usually not present. The supervisor responsible for conducting these talks acknowledged that they were usually given at around 8:00 a.m., even though CCAs normally do not arrive until around 9:30 a.m. He said that if a carrier was absent on the day of a talk, he would later "pull them aside and go over what we talked about." But he did not say he would do that for the CCAs, apart from posting written copies of the talks on two bulletin boards above the time clocks so that any employee could read them.

In sum, the evidence shows that an excessive heat hazard was present at the worksite and that the Postal Service could have feasibly and materially reduced that hazard by ensuring that all employees, including supervisors and CCAs, were trained on heat safety. We therefore vacate the judge's decision and remand for the judge to address the remaining issues in this case, including the other elements of the alleged general duty clause violation.

SO ORDERED.



Cynthia L. Attwood
Chairman



Amanda Wood Laihow
Commissioner

Dated: FEB 17 2023



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 2323 FOREST AVE, Des Moines, IA 50311

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

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 were exposed to recognized hazards related to working outside during periods of high heat levels while delivering the U.S. mail:

- (a) On or about June 9, 2016, Central Iowa was under the first high heat levels with temperatures in the 90s. On June 6, 2016, the National Weather Service of Central Iowa began to warn of high heat levels to arrive June 9, 2016 where heat indices would be 93-95 degrees Fahrenheit. Additionally, on June 8, 2016 Polk County Public Health via WHO-TV warned of dangerous heat levels for June 9, 2016 and the weekend. At approximately 09:54 am, the temperature was approximately 84.9 degrees Fahrenheit with a humidity level about 51%, creating a heat index of 86.6 degrees Fahrenheit. The seasonal elevated ambient outdoor temperatures were increasing throughout the day and the afternoon temperatures at about 1:54 pm reached 93.0 degrees Fahrenheit with humidity level of 35% creating a heat index of 93.0 degrees Fahrenheit. Employees of United States Postal Service (USPS) Des Moines, IA were exposed to these high levels of ambient heat during the performance of their mail delivery duties to customers in and around Des Moines, IA.

A city carrier had not become acclimatized to walking and delivering mail in high heat levels. At times, the carrier worked from a USPS vehicle without air-conditioning that was sitting in the sun. Heat indices obtained under similar conditions inside the vehicle reached approximately 132 degrees Fahrenheit. The carrier was exposed to high heat for approximately four and one-half hours while delivering mail on Route #1213 that was a hilly and sunny route. The carrier utilized a mail bag weighing up to 15 pounds. The carrier developed and suffered a heat related illness.

- (b) On or about July 21, 2016, Central Iowa was under an Excessive Heat Warning from the National Weather Service. At approximately 8:54 am, the temperature was about 84.9 degrees Fahrenheit with 69% humidity, creating a heat index of 92.1 degrees Fahrenheit. The seasonal elevated ambient outdoor temperatures were increasing throughout the day. At 1:54pm, the temperature increased to 95 degrees Fahrenheit with humidity level of 58% creating a heat index of 111.4 degrees Fahrenheit. Employees of USPS Des Moines, IA were exposed to these excessive levels of ambient heat during the performance of their mail delivery duties to customers in and around Des Moines, IA.

At approximately 9:00 am, a city carrier assistant (CCA) began to deliver mail on a walking route to approximately 400 customers. This walking route was in the direct sun and the CCA carried a mail bag weighing up to 10 pounds. At times, the CCA worked from a USPS vehicle without air-conditioning that was sitting in the sun. Heat indices obtained under similar conditions inside the vehicle reached

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: U.S. POSTAL SERVICE
Inspection Site: 2323 FOREST AVE, Des Moines, IA 50311

approximately 132 degrees Fahrenheit. At approximately 10:54 am, the heat index was about 101.6 degrees Fahrenheit; the CCA began experiencing disorientation and memory loss. At approximately, 12:54 pm, the temperature was 93.9 degrees Fahrenheit with a humidity level of 56% creating a heat index of 106.9 degrees Fahrenheit. The CCA was more disoriented and nauseous. At approximately 1:30 pm, the CCA called 911 and at approximately 2:00 pm was taken to the emergency room for treatment of heat exhaustion and dehydration from exposure to extremely high levels of ambient heat.

The U.S. Postal Service was previously cited for a violation of the OSH ACT of 1970 Section (5)(a)(1), which was contained in OSHA inspection number 917092, citation number 1, item number 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 the OSH ACT of 1970 Section (5)(a)(1), which was contained in OSHA inspection number 538158, citation number 1, item number 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.

Among other methods, feasible and acceptable means of hazard abatement include:

- (i) Acclimatizing employees returning to work after an extended absence to working in the heat;
- (ii) Training supervisors and other employees in the proper response to employees reporting heat induced illness symptoms, which includes stopping work, getting to a cool place, and providing help, evaluation and medical assistance,
- (iii) Requiring trained supervisors to go into the field and conduct in-person evaluations of employees complaining of heat induced symptoms, arranging for medical attention or other assistance as necessary;
- (iv) Establishing work rules and practices that encourage employees to seek assistance and evaluation when experiencing heat stress symptoms; and,
- (v) Establishing a heat-related illness prevention program which incorporates guidelines from the National Institute for Occupational Safety and Health (NIOSH) document 2013-143 Workplace Solutions: Preventing Heat-related Illness or Death of Outdoor Workers that includes the following measures:
 - 1. Training for supervisors and workers to prevent, recognize, and treat heat-related illness
 - 2. Implementing a heat acclimatization program for workers
 - 3. Providing for and encouraging proper hydration with proper amounts and types of fluids
 - 4. Establishing work/rest schedules appropriate for the current heat stress conditions
 - 5. Ensuring access to shade or cool areas
 - 6. Monitoring workers during hot conditions

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: 1158653
Inspection Date(s): 06/29/2016 -
Issuance Date: 09/30/2016



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 2323 FOREST AVE, Des Moines, IA 50311

7. Providing prompt medical attention to workers who show signs of heat-related illness
8. Evaluating work practices continually to reduce exertion and environmental heat stress
9. Monitoring weather reports daily and rescheduling jobs with high heat exposure to cooler times of the day

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/03/2016
Proposed Penalty: \$68,591.00

A handwritten signature in blue ink, appearing to read "L. Davidson", written over a horizontal line.

Larry O. Davidson, Sr.
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
210 Walnut Street
Room 815
Des Moines, IA 50309
Phone: 515-284-4794 Fax: 515-284-4058



INVOICE / DEBT COLLECTION NOTICE

Company Name: U.S. POSTAL SERVICE
Inspection Site: 2323 FOREST AVE, Des Moines, IA 50311
Issuance Date: 09/30/2016

Summary of Penalties for Inspection Number	1158653
Citation 1, Repeat	\$68591.00
TOTAL PROPOSED PENALTIES	\$68591.00

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.

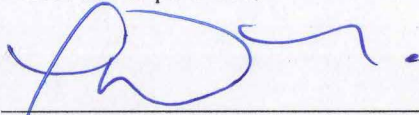
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Larry O. Davidson, Sr.

Area Director

9/30/2016

Date