DECISION AND ORDER

This matter involves occupational safety and health inspections conducted in April 1995 at fourteen separate Youth Corrections offices under the control of the Department of Health and Social Services, Division of Family and Youth Services (DFYS). The inspections were performed following a complaint lodged by the Alaska State Employees Association (ASEA), an authorized employee representative.

As a result of the inspections, the Department of Labor (OSHA) issued citations to DFYS alleging violations of Alaska Occupational Safety and Health Standards and proposing total
penalties in the amount of $64,750. DFYS contested all of the alleged violations and proposed penalties.

ASEA requested and was granted permission to participate as a party in these proceedings. The fourteen individual cases were consolidated into a single proceeding. Upon ASEA’s request for an expedited hearing, a hearing was scheduled in this matter on January 23-24, 1996, in Anchorage. OSHA was represented by Dennis Smythe, Chief of Enforcement. DFYS was represented by Bob Bacolas, Labor Relations Specialist; Brent Allison, Safety Officer; and Phil Snyder, Regional Administrator. ASEA was represented by Charles O’Connell, Business Manager.

At the outset of the hearing, the parties stipulated that all of the contested violations had been settled except for an alleged violation concerning personal protective equipment (PPE) which was cited in twelve of the fourteen cases. The hearing then proceeded with respect to only the PPE violation (General Safety Code 01.0401(b)(1)). On the second day of hearing, the parties informed the Board that they had reached a tentative settlement regarding the PPE violation and that a separate written settlement agreement would be submitted regarding that item. Accordingly, the scope of this decision and order includes all of the cited violations except for the alleged PPE violation.

In their prehearing agreement, the parties agreed that each of the alleged violations would be affirmed as cited, with extended abatement dates for certain items. Based on the agreement of the parties, the abatement status of each alleged violation is summarized as follows:

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<th>Anchorage, 550 West 8th Avenue</th>
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<td>Cit. 1, Item 1</td>
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<td>O&amp;IS 02.320(a)(1), Emergency Plans</td>
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<td>GSC 01.0401(B)(1), Personal Protective Equipment</td>
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<td>Item 5</td>
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<td>Item 7</td>
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Docket No. 95-2033  Anchorage, 2600 Providence Drive

Cit. 1, Item 1 GSC 01.0105(a)(1), Accident Prevention Program 6/30/96
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Item 3 GSC 01.0401(b)(1), Personal Protective Equipment Contested
Item 4 O&IS 02.320(a)(3)(A), Alarm System 6/30/96
Cit. 2, Item 1 O&IS 02.320(a)(4), Emergency Evacuation Abated

Docket No. 95-2034  Bethel

Cit. 1, Item 1 GSC 01.0105(a)(1), Accident Prevention Program Abated
Item 2 EC 03.002(g)(2)(A), Unguarded Electrical Abated
Item 3 O&IS 02.104(a)(6), Walking & Working Surfaces Abated
Item 4 EC 03.004(a)(2)(C)(vi), Fluorescent Bulb Guarding Abated

Docket No. 95-2035  Dillingham

Cit. 1, Item 1 GSC 01.1303(c)(1), Fire Extinguishers Abated
Item 2 O&IS 02.315(q)(2), Exit Marking Abated
Item 3 O&IS 02.315(q)(5), Exit Marking Abated
Item 4 O&IS 02.320(a)(1), Emergency Plans Abated

Docket No. 95-2036  Fairbanks

Cit. 1, Item 1 GSC 01.0105(a)(1), Accident Prevention Program 6/30/96
Item 2 GSC 01.0401(b)(1), Personal Protective Equipment Contested

Docket No. 95-2037  Homer

Cit. 1, Item 1a GSC 01.0105(a)(1), Accident Prevention Program 6/30/96
Item 1b GSC 01.0105(a)(2), Code of Safe Practices 12/31/96
Item 2 GSC 01.0401(b)(1), Personal Protective Equipment Contested

Docket No. 95-2038  Juneau

Cit. 1, Item 1 GSC 01.0105(a)(1), Accident Prevention Program 4/30/96
Item 2 GSC 01.0401(b)(1), Personal Protective Equipment Contested

Docket No. 95-2039  Kenai

Cit. 1, Item 1a GSC 01.0105(a)(1), Accident Prevention Program 6/30/96
Item 1b GSC 01.0105(a)(2), Code of Safe Practices 12/31/96
Item 2 GSC 01.0401(b)(1), Personal Protective Equipment Contested

Docket No. 95-2040  Ketchikan
With regard to monetary penalties, the parties agreed that in recognition of DFYS' good faith commitment to abate each of the alleged violations by the specified abatement date, the proposed monetary penalties could be reduced or eliminated subject to the Board's discretion. Upon review, the Board concludes that it would be appropriate to eliminate the proposed monetary penalties.

ORDER

Based on the agreement of the parties, the Board orders as follows:
1. Each of the alleged violations cited in Docket Nos. 95-2032 through 95-2045, except for the alleged violation concerning Personal Protective Equipment, is affirmed as cited.

2. The alleged violation concerning Personal Protective Equipment will be addressed in a separate settlement agreement.

3. DFYS shall comply with the abatement dates agreed to by the parties and, if necessary, may apply for an extension of abatement dates pursuant to 8 AAC 61.135.

4. The proposed monetary penalties for Docket Nos. 95-2032 through 95-2045, except for the alleged violation concerning Personal Protective Equipment, are eliminated.

5. OSHA shall conduct such follow-up inspection activity as it deems necessary to verify compliance with this decision and order, and shall report the results of the follow-up inspection to the Board.

DATED this 23rd day of May, 1996.

ALASKA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

________________________
NOT PARTICIPATING
Donald F. Hoff, Chairman

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James J. Ginnaty, Member

________________________
Timothy O. Sharp, Member