

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



Amended Notice of Failure to Correct Violation

To:
Selected Furniture, LLC
and its successors
1001 W. Culver Road
Knox, IN 46534

Original Inspection Number: 318011301
Original Inspection Date(s): 1/25/2016 - 4/22/2016
Inspection Number: 318131463
Inspection Date(s): 06/02/2021 - 09/08/2021
Issuance Date: 12/3/2021

Inspection Site:
1001 West Culver Road
Knox, IN 46534

The violations described in this Notice of Failure to Correct Violations are alleged to have occurred on or about the days the inspection was made unless

After the original inspection, a Safety Order and Notification of Penalty was issued to you in accordance with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1) or the standards or rules adopted thereunder (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violations listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty for each violation cited is computed by multiplying a daily penalty times the number of days the violations remained unabated. You are to notify the Director in writing of the date and nature of the corrective action taken. If you do not abate the violations or pay the penalties, further penalties may be proposed and other enforcement action to compel abatement may be taken under Indiana Code § 22-8-1.1.

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a Petition for Review, you may request an Informal Conference concerning any of the results of the inspection (Notice of Failure to Correction Violation, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an Informal Conference cannot extend the fifteen (15) working day period for filing a Petition for Review. Informal Conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an Informal Conference shall be made promptly upon your receipt of the Notice of Failure to Correct Violation.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the Notice of Failure to Correct Violation and penalties, or both by filing a written petition for review at the above address **postmarked within fifteen (15) working days** of your receipt of the Notice of Failure to Correct Violation. "Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours. **If you do not file such a Petition for Review (Petition), the Notice of Failure to Correct Violation and penalties shall be deemed Final Orders and are not subject to review by any court or agency.** The issuance of a Notice of Failure to Correct Violation does not constitute a finding that a violation has occurred unless no Petition is filed, or if a Petition is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of a Petition, IOSHA will affirm, amend, or dismiss the Notice of Failure to Correct Violation and penalties. If IOSHA affirms, the Petition will be granted (unless it was not timely) and the dispute will be certified to the Indiana Board of Safety Review for further proceedings. The Indiana Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issued decisions concerning disputed Notice of Failure to Correct Violation. If IOSHA amends the Notice of Failure to Correct Violation or penalties, the Petition shall be deemed moot. However, the employer will then be given an opportunity to file a Petition concerning the amended Notice of Failure to Correct Violation and penalties.

Posting - Upon receipt of any Notice of Failure to Correct Violation, you are required to post such Notice of Failure to Correct Violation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the Notice of Failure to Correct Violation occurred. However, if your operations are such that it is not practicable to post the Notice of Failure to Correct Violation at or near each place of alleged violation, such Notice of Failure to Correct Violation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the Notice of Failure to Correct Violation may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the Notice of Failure to Correct Violation is not altered, defaced, or covered by other material. Posting shall be until the violations are abated, or for three working days, whichever is longer.

Penalties - Penalties are due within **fifteen (15) working days** of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Checks or money orders must be payable to "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number of the remittance.

Abatement - The conditions cited in the Notice of Failure to Correct Violation must be corrected (abated) immediately and proof of abatement must be sent by email to AbatementGI@dol.in.gov unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Indiana Board of Safety Review or the courts which requires compliance with the Notice of Failure to Correct Violation; or

(2) The abatement period is extended by IOSHA by the granting of a written Petition for Modification of Abatement Date (see section for **Petition for Modification of Abatement Date** below).

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to IOSHA. The certification must be sent by you within 10 calendar days of receiving the Notice of Failure to Correct Violation. For **Knowing** and **Repeat** violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Notice of Failure to Correct Violation is classified as Serious and the Notice of Failure to Correct Violation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate.

For each Notice of Failure to Correct Violation where you contest the abatement of the hazards cited, your obligation to submit abatement certification and any documents is delayed until the contest and the ten-day (10 day) period after the abatement date have expired. See 29 CFR 1903.19 and the IOSHA Closing Conference Guide for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the Notice of Failure to Correct Violation and Notice of Failure to Correct Violation item numbers to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared, and the corrective action took place.

Petition for Modification of Abatement Date - The Petition for Modification of Abatement Date (PMA) is a manner in which you may seek additional time to correct (abate) a violation without having to file a Petition for Review concerning the Notice of Failure to Correct Violation, or after the expiration of the time period to file such a Petition for Review when it becomes apparent that you need extra time to abate the violation. A PMA shall be in writing, submitted by email to AbatementGI@dol.in.gov, and shall include the following information:

(1) All steps you have taken, and the dates of such actions, to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the PMA has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting, and service was made.

A PMA shall be filed in writing with the Indiana Department of Labor/IOSHA no later than the close of

the next working day following the date on which abatement was originally required. A later-filed PMA shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such PMA shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The PMA shall remain posted until the time for filing a Petition for Review of the Commissioner's granting or denying the Petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such PMA.

Follow-up Inspections - Please be advised that a follow-up inspection may be made for the purpose of ascertaining that you have posted the Notice of Failure to Correct Violation and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits an employer from discriminating against an employee for filing a complaint for exercising any rights under the Indiana Occupational Safety and Health Act (Indiana Code § 22-8-1.1). An employee who believes that he or she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An Informal Conference has been scheduled with IOSHA to discuss the Notice of Failure to Correct Violation issued on _____.

The Informal Conference will be held:

_____ Virtually/Telephonically via Microsoft Teams

Call-in Number: _____

Conference ID: _____

_____ In-person at the Indiana Department of Labor, located at the following address:

402 West Washington Street, Room W195

Indianapolis, Indiana 46204

Meeting/Conference Room: _____

Employees and/or representatives of employees have a right to attend an Informal Conference.

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Amended Notification of Failure to Correct Violation

Original Inspection:	318011301	Inspection Number:	318131463
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 09/08/2021
		Issuance Date:	12/3/2021
		CSHO ID:	K9073
		Optional Report No.:	28-21

Company Name: Selected Furniture, LLC

Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 006

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

Facility wide - Maintenance employees were performing repairs to machinery with electric, pneumatic, and hydraulic energy sources, such as, but not limited to the 5-axis CNC. There were no written lockout procedures, employee training, or periodic inspections being performed.

FAILURE TO CORRECT VIOLATION

On June 2, 2021, a follow-up inspection determined that deficiencies with the energy control (lockout) program were present which included authorized employees not identified, machine specific procedures not developed, and no training provided. For a period of thirty (30) or more days, including (30) days from August 25, 2016, the employer failed to develop and implement an energy control (lockout) program as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011301, part of the citations issued to the employer on July 25, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 006, INSPECTION NO. 318011301, ISSUED ON July 25, 2016.

Additional Penalty:

\$120,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Amended Notification of Failure to Correct Violation

Original Inspection:	318011301	Inspection Number:	318131463
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 09/08/2021
		Issuance Date:	12/3/2021
		CSHO ID:	K9073
		Optional Report No.:	28-21

Company Name: Selected Furniture, LLC
Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 007

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting:

Facility wide - The production employees had not received any information on what to do in the event of a fire or education on how to use the fire extinguishers.

FAILURE TO CORRECT VIOLATION

On June 2, 2021, a follow-up inspection determined that an emergency action plan was not developed or implemented nor were employees trained on fire extinguishers. For a period of thirty (30) or more days, including (30) days from August 25, 2016, the employer failed to develop and implement emergency action plan as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011301, part of the citations issued to the employer on July 25, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 007, INSPECTION NO. 318011301, ISSUED ON July 25, 2016.

Additional Penalty: \$120,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Amended Notification of Failure to Correct Violation

Original Inspection:	318011301	Inspection Number:	318131463
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 09/08/2021
		Issuance Date:	12/3/2021
		CSHO ID:	K9073
		Optional Report No.:	28-21

Company Name: Selected Furniture, LLC
Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 008

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

Facility wide - The racks used for storing raw materials did not have all legs secured to the floor, had bent uprights from being damaged, and had wooden cross beams which were showing deflection (bowing).

FAILURE TO CORRECT VIOLATION

On June 2, 2021, a follow-up inspection determined that storage of materials was not secured. For a period of thirty (30) or more days, including (30) days from August 25, 2016, the employer failed to repair damaged storage racks as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011301, part of the citations issued to the employer on July 25, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 008, INSPECTION NO. 318011301, ISSUED ON July 25, 2016.

Additional Penalty: \$120,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Amended Notification of Failure to Correct Violation

Original Inspection:	318011301	Inspection Number:	318131463
Original Inspection Date(s):	1/25/2016 - 4/22/2016	Inspection Date(s):	06/02/2021 - 09/08/2021
		Issuance Date:	12/3/2021
		CSHO ID:	K9073
		Optional Report No.:	28-21

Company Name: Selected Furniture, LLC
Inspection Site: 1001 West Culver Road, Knox, IN 46534

Safety Order 01 Item 012

29 CFR 1910.213(i)(1): Non-working portion(s) of the blade of bandsaw(s) were not enclosed or guarded. Bandsaw wheels were not fully encased:

Carpentry - The bandsaw identified with Chinese writing and MJ436 on the top had 18 inches of the 1/2 inch wide and 217 inch long blade exposed. The guard in place was raised and turned so that it provided no protection from the blade. The bandsaw wheel inside the cabinet was exposed and accessible. The access to the bandsaw wheel was 22 1/2 inches wide by 23 1/2 inches tall. The saw was used to cut both wood and bolts of material.

FAILURE TO CORRECT VIOLATION

On June 2, 2021, a follow-up inspection determined that unused portions of the bandsaw blade were not effectively guarded. For a period of thirty (30) or more days, including (30) days from August 25, 2016, the employer failed to guard the bandsaw as required by the terms of the Safety Order and Notification of Penalty issued In Re Inspection of Selected Furniture and its Successors, Inspection No. 318011301, part of the citations issued to the employer on July 25, 2016, and the Final Order resulting therefrom.

FAILURE TO CORRECT Safety Order 01 Item 012, INSPECTION NO. 318011301, ISSUED ON July 25, 2016.

Additional Penalty:

\$120,000.00



Jameson Berry
Director of General Industry