

Expedited Informal Settlement Agreement

Indiana Department of Labor
Occupational Safety and Health Administration
402 W. Washington Street, Room W195
Indianapolis, IN 46204

RECEIVED

APR 22 2019

INDIANA DEPT. OF LABOR
I.O.S.H.A.

In the Matter of: Aurora Parts and Accessories LLC; Inspection Number: 318108586

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Indiana Occupational Safety and Health Administration (IOSHA), in settlement of the above referenced Safety Order(s) and Notification(s) of Penalty which were issued on April 3, 2019, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced safety order(s).
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to IOSHA that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three (3) working days in the same location where the safety orders were posted as described in paragraph 6 of this AGREEMENT.
4. IOSHA agrees that the total penalty is amended to **\$6,825.00**. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initial proposed penalty.
5. In consideration of the foregoing amendment(s) and/or modification(s) to the safety order(s), the EMPLOYER hereby waives its right to contest said safety order(s). It is understood and agreed by the Indiana Occupational Safety and Health Administration and the EMPLOYER that the citation(s) as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Safety Orders (Safety Orders are required by law to be posted in a prominent place at or near the location of the violation(s)). **Safety Orders must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and federal holidays), whichever is longer.**
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Aurora Parts and Accessories LLC

By: _____

Title: _____

Date: _____

Rick J. Ruble,
COMMISSIONER OF LABOR

By: _____

Title: _____

Date: _____

V.P. Safety and Operations

4-18-19

Director of General Industry

4-3-19

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-2691 FAX: (317)233-3790



Safety Order and Notification of Penalty

To:
Aurora Parts and Accessories LLC
500 S Enterprise Blvd
Lebanon, IN 46058

Inspection Number: 318108586
CSHO ID: N1141
Optional Report No.: 2267-19
Inspection Date(s): 2/14/2019
Issuance Date: 4/3/2019

Inspection Site:
500 S Enterprise Blvd
Lebanon, IN 46058

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

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 (safety orders, 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 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 should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("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 (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) 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 safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is 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.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty and proof of abatement must be sent to the email address: 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 Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date 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 safety order, 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 petition for modification of abatement date shall be in writing and shall be sent to the email address: AbatementGI@dol.in.gov shall include the following information:

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

(2) The specific additional abatement time necessary in order 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 petition 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 petition for modification of abatement date shall be filed 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 sending the Petition to AbatementGI@dol.in.gov. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of 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 petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction and sent to the email address AbatementGI@dol.in.gov. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted via email at AbatementGI@dol.in.gov, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) 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 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 Indiana Department of Labor/IOSHA at the address shown above.

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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 4/3/2019. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318108586
Inspection Date(s): 2/14/2019
Issuance Date: 4/3/2019
CSHO ID: N1141
Optional Report No.: 2267-19

Safety Order and Notification of Penalty

Company Name: Aurora Parts and Accessories LLC
Inspection Site: 500 S Enterprise Blvd, Lebanon, IN 46058

Safety Order 01 Item 001

Type of Violation: **Serious**

IC 22-8-1.1 Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to caught-in hazards due to ineffective training on the Piqua HP 2200 baler.

Distribution Center - Employees were exposed to crushing/struck by hazards of Piqua HP 2200 Baler due to not being effectively trained on the safe operating procedures of the baler.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Follow ANSI Z245.5 Baling Equipment safety requirements.

Section 7.1 Employer Responsibility (3) "Setting up and following a program of training and instructing employees in safe methods of work before assigning them to operate or maintain a baler. The employer shall maintain records of this training to include the date(s) of the training and the content of training received. The employer shall ensure, by adequate supervision, that correct operating and maintenance procedures are understood and followed. The employer should refer to the manufactures and installers instructions for this purpose."

Date By Which Violation Must Be Abated: 5/8/2019
Proposed Penalty: \$3,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318108586
Inspection Date(s): 2/14/2019
Issuance Date: 4/3/2019
CSHO ID: N1141
Optional Report No.: 2267-19

Safety Order and Notification of Penalty

Company Name: Aurora Parts and Accessories LLC
Inspection Site: 500 S Enterprise Blvd, Lebanon, IN 46058

Safety Order 01 Item 002

Type of Violation: **Serious**

The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to caught-in hazards of the Piqua HP 2200 baler due to a lack of inspections:

Distribution Center - Employees were exposed to caught-in hazards of Piqua HP 2200 Baler due to not performing inspections of equipment to include items such as, but not limited to, verifying safe working order of interlocks, guards and condition of the discharge door locking mechanism on bailing equipment.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Follow ANSI Z245.5 Bailing Equipment safety requirements

Sec 6.5 Inspection and Maintenance- "The employer shall establish and follow a program of periodic and regular inspections of all balers to insure that all parts, auxiliary equipment, and safe guards are in a safe operating condition. The employer shall maintain records of these inspections and the maintenance work performed."

Sec 7 "specifically inspecting safety interlocks, switches, and other protective devices, to ensure that these devices are not disabled or bypassed, and to no permit the baler to be operated unless these devices are fully functional. These inspections will be in accordance with 6.5"

Date By Which Violation Must Be Abated: **5/8/2019**
Proposed Penalty: **\$3,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318108586
Inspection Date(s): 2/14/2019
Issuance Date: 4/3/2019
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Safety Order and Notification of Penalty

Company Name: Aurora Parts and Accessories LLC
Inspection Site: 500 S Enterprise Blvd, Lebanon, IN 46058

Safety Order 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposed an employee to injury, was not guarded:

Distribution Center - Employees were exposed to caught-in hazards due to ineffective machine guarding of the Piqua HP 2200 baler as it was operated with the safety door not in the proper position during operation.

Date By Which Violation Must Be Abated: 5/8/2019
Proposed Penalty: \$3,500.00

Julie C. Alexander, JD
Director of General Industry

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-2691 FAX: (317)233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Aurora Parts and Accessories LLC
Inspection Site: 500 S Enterprise Blvd, Lebanon, IN 46058
Issuance Date: 4/3/2019

Summary of Penalties for Inspection Number: 318108586

Safety Order 1, Serious = \$10,500.00
TOTAL PENALTIES = \$10,500.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Julie C. Alexander, J.D.
Director of General Industry

Date