

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

**NATIONAL DISTRIBUTION CENTER LP
DBA NFI**

11888 Mission Boulevard
Mira Loma, CA 91752

Employer

DOCKETS 13-R3D3-0049
through 0053

ORDER

Good cause having been shown, the stipulation of the parties quoted below is accepted and the matter is resolved as set forth in the attached summary table.

The parties herein agreed as follows:

IT IS STIPULATED by the parties herein that the terms and conditions set forth in the above-described agreement, and the contents of any and all of the parties' settlement, including all files, records, and documents pertaining to this action in the possession of the Division or Appellant, are not intended to be and shall not be construed by anyone or any proceeding as an admission of negligence, fault, or wrongdoing whatsoever by Appellant.

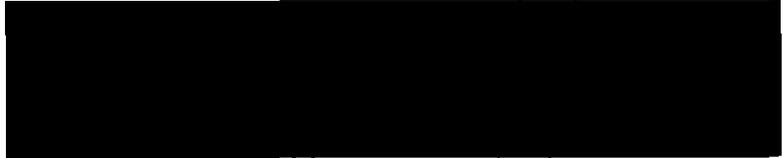
The parties further stipulate that neither Appellant's agreement to compromise this matter nor any statement contained in this agreement shall be admissible in any other proceeding, either legal, equitable, or administrative, except for purposes of administration and enforcement of Title 8 of the California Code of Regulations.

The parties further stipulate that Appellant has entered into this agreement in order to avoid protracted litigation and the costs associated therewith.

The parties further stipulate that no findings or conclusions have been made by any trier-of-fact regarding the citations and fine at issue herein.

IT IS SO ORDERED.

Dated: January 13, 2014



JACQUELINE JONES
Administrative Law Judge

JJ:ao

Pursuant to § 364.2(d) of Title 8 of the California Code of Regulations, Employer shall post for 15 working days a copy of this Order.

Pursuant to § 364.2(b) of Title 8 of the California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

SUMMARY TABLE ORDER

In the Matter of the Appeal of:

NATIONAL DISTRIBUTION CENTER LP DBA NFI
Dockets 13-R3D3-0049 through 0053

Abbreviation Key: Reg=Regulatory	
G=General	W=Willful
S=Serious	R=Repeat
Er=Employer	DOSH=Division
Ee=Employee	
A/R=Accident Related	

IMIS No. 316208636

Site: 11888 Mission Blvd., Mira Loma, CA 91752

Date of Inspection: 07/20/12-12/27/12

Date of Citation: 12/27/12

DOCKET	CITATION	ITEM	SECTION	TYPE	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL	AFFIRMED	VACATED	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE-HEARING or STATUS CONF.	FINAL PENALTY ASSESSED BY BOARD
13-R3D3-0049	1	1	3216(b)	G	Er failed to provide exit or directional signs along the length of the consolidation facility at intervals necessary to provide the employees with knowledge of the six emergency exits available. (ER WITHDREW ITS APPEAL)	X		\$560	\$560	\$560
		2	3272(b)	G	Er failed to ensure that employees loading product from hand carts inside trailers were provided with clear walkways of not less than 24 inches in width. (ER WITHDREW ITS APPEAL)	X		280	280	280
13-R3D3-0050	2		3272(c)	S	Failure to provide permanent walkways and aisles that were clearly defined by painted lines, or other method of marking. (DOSH RECLASSIFIED FROM SERIOUS TO GENERAL/NEW FOUND EVIDENCE SHOWING LACK OF REALISTIC POSSIBILITY OF SERIOUS PHYSICAL HARM GIVEN THE ACTUAL HARM/ER WITHDREW ITS APPEAL/THE PARTIES STIPULATED TO PENALTY AMOUNT)	X		8,435	7,000	7,000
13-R3D3-0051	3		3385(a)	S	Er failed to ensure that employees who operate and/or work in close proximity to forklifts and electric pallet jacks were provided with appropriate foot protection. (ER WITHDREW ITS APPEAL)	X		8,435	8,435	8,435

13-R3D3-0052	4	3339(a)	S	Er failed to immediately repair or prevent working at doors with broken dock plates. (DOSH RECLASSIFIED FROM SERIOUS TO GENERAL/NEW FOUND EVIDENCE SHOWING LACK OF REALISTIC POSSIBILITY OF SERIOUS PHYSICAL HARM GIVEN THE ACTUAL HARM/ER WITHDREW ITS APPEAL/THE PARTIES STIPULATED TO PENALTY AMOUNT)	X	5,060	7,000	7,000	
13-R3D3-0053	5	3203(a)(7)	S	Er failed to provide effective training to employees and supervisors of employees working inside trailers that are parked outside with temperatures inside the trailers measured at 105 degrees Fahrenheit. (DOSH RECLASSIFIED FROM SERIOUS TO GENERAL/NEW FOUND EVIDENCE SHOWING LACK OF REALISTIC POSSIBILITY OF SERIOUS PHYSICAL HARM GIVEN THE ACTUAL HARM/ER WITHDREW ITS APPEAL/THE PARTIES STIPULATED TO PENALTY AMOUNT)	X	5,060	7,000	7,000	
Sub-Total							\$27,830	\$30,275	\$30,275

Total Amount Due*

\$30,275

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Payment of final penalty amount should be made to:

Accounting Office (OSH)
 Department of Industrial Relations
 P.O. Box 420603
 San Francisco, CA 94142

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.

ALJ: JJ/ao
 POS: 01/13/2014

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is Occupational Safety and Health Appeals Board, 100 North Barranca Street, Suite 410, West Covina, California, 91791.

On January 13, 2014, I served the attached **Order** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at West Covina, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Ronald A. Peters, Attorney
LITTLER MENDELSON
50 West San Fernando St., 15th Flr.
San Jose, CA 95113

District Manager
DOSH – San Bernardino
464 W. Fourth Street, Suite 332
San Bernardino, CA 92408

Chief Counsel
DOSH - Legal Unit
1515 Clay Street, 19th Floor
Oakland, CA 94612

Kathryn Woods, Staff Counsel
DOSH – Legal Unit
320 W. Fourth Street, Suite 400
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2014, at West Covina, California.


Declarant

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**NATIONAL DISTRIBUTION CENTER LP
DBA NFI
11888 Mission Boulevard
Mira Loma, CA 91752**

Employer

**DOCKETS 13-R3D3-0049
through 0053**

TRANSMITTAL

The attached Order was issued on the date indicated therein. If you are dissatisfied with the Order, you have thirty (30) days from the date of service of the Order in which to petition for reconsideration. The petition for reconsideration must be sent to:

**Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, California 95833**

Your petition for reconsideration must fully comply with the requirements of Labor Code Sections 6616, 6617, 6618, and 6619 and with Title 8, California Code of Regulations, Section 390.1.

For further information, call: (916) 274-5751

OSHAB 20 (9/99)