



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
P.O. BOX 386
TRENTON, NEW JERSEY 08625-0386

PHILIP D. MURPHY
Governor

ROBERT ASARO-ANGELO
Commissioner

SHEILA Y. OLIVER
Lieutenant Governor

March 28, 2019

To:

Gerrit DeVos, Director of Public Works
Borough of Neptune City
106 West Sylvania Ave.
Neptune City, NJ 07753

Re: Inspection Number: G 67-35-018
Inspection Date: 1/9/2019
Inspection Site: Department of Public Works

Dear Mr. DeVos:

This is to confirm that a follow up inspection was conducted regarding the violations on the above referenced Order to Comply.

Please be advised that as a result of the inspection conducted on 3/28/2019, the hazards and/or violations identified on 1/9/2019 were abated.

Thank you for your cooperation and continuing concern regarding the safety of your employees.

Sincerely,

Thomas Wilson, Assistant Chief
Office of Public Employees' Occupational Safety & Health
Phone (609) 984.1389
Fax (609) 292.3749

TL: stc

New Jersey Is An Equal Opportunity Employer



OFFICE OF PUBLIC EMPLOYEES' OCCUPATIONAL SAFETY & HEALTH
(609) 984-1389 • (609) 292-3749

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AD-18G

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
1 John Fitch Way – 3rd Floor
P.O. Box 386
Trenton, NJ 08625
Phone: (800) 624-1644 Fax: (609) 292-3749



NOTICE OF ORDER TO COMPLY

To:

Gerrit DeVos, Director of Public Works
Borough of Neptune City
106 West Sylvania Ave.
Neptune City NJ 07753

Inspection Number: 1370185
PEOSH Number: G 67-35-018
Inspection Date (s): 01/09/2019
Issuance Date: 01/11/2019
CSHO: S. Cobb
Reason: General Inspection

Inspection Site:

Department of Public Works
41 Flexcraft Dr.
Neptune City NJ 07753

The violation(s) described in this Citation 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.

The enclosed Order to Comply describes violations of the Public Employees' Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor and Workforce Development at the address shown above. Please refer to the enclosed Public Employees' Occupational Safety and Health Act which outlines your rights and responsibilities and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Office of Public Employees' Occupational Safety and Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, a written letter of intent to contest must be submitted to the Office of Public Employees' Occupational Safety and Health within 15 working days of issuance of the Order. The contest period is not interrupted by a request for an informal conference.

If you decide to request an informal conference, the Office of Public Employees' Occupational Safety and Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or employee representatives will be notified of their right to attend the conference. The Office of Public Employees' Occupational Safety and Health will arrange for representatives of the Department of Health to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health that an employer violation has been determined to exist within the Department of Health jurisdiction under the Act.

Any and all supporting documentation of existing conditions as well as any abatement steps taken thus far must be brought to the conference. If conditions warrant, an informal settlement agreement, which amicably resolves this matter without litigation or contest may be entered into.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. **Unless you inform the Office of Public Employees' Occupational Safety and Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.**

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employer has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the Judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Request to Delay Issuance of Penalty Order to Comply – When an employer submits a request to delay the issuance of an Order to Comply establishing penalties, the employer shall submit such written request 10 calendar days prior to the abatement date(s) established in the original Order to Comply.

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 the New Jersey Department of Health, PEOSH Program. This certification **must** be sent by you prior to the abatement date indicated on the citation. For **Willful and Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

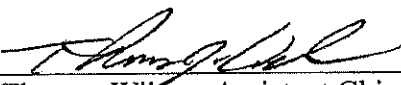
Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint, no later than 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees' Occupational Safety and Health at the address shown above.

Employer Rights and Responsibilities - The enclosed copy of the Public Employees' Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or an employee 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 Office of Public Employees' Occupational Safety and Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Howard Black, Assistant Commissioner
Division of Public Safety and Occupational Safety and Health

Through Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health

BY: 
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

**New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
(OPEOSH)**

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OPEOSH to discuss the Notice of Unsafe or Unhealthy Working Conditions (Notice) issued on 01/11/2019. The conference will be held at the OPEOSH office located at: 1 John Fitch Way, 3rd Floor, P.O. Box 386, Trenton, NJ 08625 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Citation 1 Item 1 Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

LOC: Personal Protective Equipment (PPE) Hazard Assessment, Electrical Tasks

A hazard assessment of required PPE for performing electrical tasks was not performed.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 01, 2019

Per Diem Penalty if not Abated:

\$4900.00

Citation 1 Item 2 Violation: **Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertain to their respective job assignments.

LOC: Electrical Safety Training

Employees performing electrical work, such as changing outlets and ballasts, were not trained in safe electrical work practices.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 22, 2019

Per Diem Penalty if not Abated:

\$4900.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Citation 1 Item 3 Violation: **Serious**

29 CFR 1910.333(b)(2)(i): The employer did not maintain a written copy of the energy control procedures outlined in paragraph (b)(2) and did not make it available for inspection by employees. Note: The written procedures may be in the form of a copy of paragraph (b) of this section.

LOC: Lock Out Tag Out Program, Electrical Procedures

There were no specific written electrical Lock Out Tag Out procedures in the Lock Out Tag Out Program on the day of inspection.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 01, 2019

Per Diem Penalty if not Abated:

\$4900.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Citation 1 Item 4 Violation: **Serious**

N.J.S.A. 34:6A-33(a): The employer did not provide each of his employees with employment and a place of employment which are free from recognized hazards which may cause serious injury, physical harm or death to his employees.

LOC: Bay 1, Red Mohawk Lift

At the time of inspection, the last documentation that the vehicle lift was inspected was May 2017 which is not at least on an annual basis as required by American National Standards Institute/Automobile Lift Institute ANSI/ALI ALOIM 2000 5.5.

COMMENT: In accordance with ANSI-ALI ALOIM-2000 5.5 Qualified Inspection Frequency: Inspections by the owner or employer shall follow the recommendations of the lift manufacturer as to frequency. Without regard to the frequency of inspection specified by the lift manufacturer, whether it be weekly, monthly, semi-annually, annually or on some other basis, the owner or employer shall ensure that all points presented in 5.6 are inspected by a qualified lift inspector as a minimum annual requirement.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 01, 2019

Per Diem Penalty if not Abated:

\$4900:00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Citation 2 Item 1 Violation: **Other-than-Serious**

29 CFR 1904.29(a): A log of all Work-Related Injuries and Illnesses (OSHA Form 300), and/or the Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A) and/or the Injury and Illness Incident Report (OSHA Form 301) or equivalent forms were not kept by the establishment.

LOC: Record Keeping, 2016 Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A)

The 2016 summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A), was not provided on the day of inspection.

Note: Each 300 Log and 300A Summary must be specific to each separate establishment.

COMMENT:

12:100-5.1 (b) New Jersey adopted 29CFR 1904 by reference at N.J.A.C. 12:100-4.2, in the New Jersey Register on September 4, 2001 (33NJR2994 (a)). All requirements for the recording and reporting of work related deaths, injuries, and illnesses are contained in 29CFR 1904 with the following exceptions:

- (1) All references to the Secretary of Labor shall be deemed to mean the Commissioner of Labor of the New Jersey Department of Labor and Workforce Development.
- (2) All references to OSHA shall be deemed to mean the New Jersey Department of Labor and Workforce Development, Division of Public Safety and Occupational Safety and Health, Office of Public Employees Occupational Safety and Health (PEOSH).
- (3) All references to OSHA forms 300, 300A, and 301 shall be deemed to mean New Jersey Occupational Safety and Health (NJOSH) forms 300, 300A and 301.
- (4) 29CFR 1904 Subpart B-Scope: New Jersey requires all public employers to record and report work related deaths, injuries or illnesses as contained in this chapter.
- (5) 29CFR 1904.1 Partial exemption for employers with (10) or fewer employees does not apply to New Jersey Public Employer as identified in NJSA 34:6A-7 (c).
- (6) 29CFR 1904.2 Partial exemption for establishments in certain industries, does not apply to any New Jersey Public Employer as defined in NJAC 12:110-2.

STATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 01, 2019

Per Diem Penalty if not Abated:

\$700.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Citation 2 Item 2 Violation: **Other-than-Serious**

29 CFR 1904.29(a): A log of all Work-Related Injuries and Illnesses (OSHA Form 300), and/or the Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A) and/or the Injury and Illness Incident Report (OSHA Form 301) or equivalent forms were not kept by the establishment.

LOC: Record Keeping, 2017 Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A)

The 2017 summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A), was not provided on the day of inspection.

Note: Each 300 Log and 300A Summary must be specific to each separate establishment.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

March 01, 2019

Per Diem Penalty if not Abated:

\$700.00

Citation 2 Item 3 Violation: **Other-than-Serious**

29 CFR 1904.29(a): A log of all Work-Related Injuries and Illnesses (OSHA Form 300), and/or the Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A) and/or the Injury and Illness Incident Report (OSHA Form 301) or equivalent forms were not kept by the establishment.

LOC: Record Keeping, 2018 Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A)

The 2018 summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A), was not provided on the day of inspection.

Note: Each 300 Log and 300A Summary must be specific to each separate establishment.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

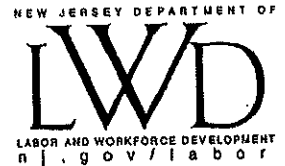
March 01, 2019

Per Diem Penalty if not Abated:

\$700.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Neptune City Department of Public Works
Inspection Site: 41 Flexcraft Dr.
Neptune City NJ 07753

Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 2 Item 4 a Violation: **Other-than-Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

LOC: Lock Out Tag Out Program, Annual Inspection

The last documentation available on the day of inspection was May 6, 2015.

ABATEMENT DOCUMENTATION REQUIRED
Date By Which Violation Must be Abated:

March 01, 2019

Citation 2 Item 4 b Violation: **Other-than-Serious**

29 CFR 1910.147(c)(6)(ii): The employer did not certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

LOC: Lock Out Tag Out Program, Periodic Inspection

The last documentation available on the day of inspection was May 27, 2015.

ABATEMENT DOCUMENTATION REQUIRED
Date By Which Violation Must be Abated:
Per Diem Penalty per Violation if not Abated:

February 07, 2019

\$700.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

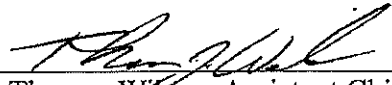
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Inspection Site: 41 Flexcraft Dr.
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Inspection Number: 1370185
Inspection Date: 01/09/2019
Issuance Date: 01/11/2019
PEOSH Number: G 67-35-018
CSHO: S. Cobb
Reason: General Inspection

Signed on 01/11/2019 pursuant to the authority vested by law
in the New Jersey Department of Labor and Workforce Development.

Howard Black, Assistant Commissioner
Division of Public Safety and Occupational Safety and Health

Through Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health

BY: 

Thomas Wilson, Assistant Chief

Office of Public Employees Occupational Safety and Health

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL – N.J.S.A. 34:6A-45 – No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor and Workforce Development alleging that discrimination.

c: Howard Black, Assistant Commissioner
Employee Representative(s)

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.