

## SETTLEMENT AGREEMENT

The Commissioner of Labor (here in after referred to as "Commissioner") and the Greene Limited Partnership, herein after referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317025096 issued to the Employer on December 4, 2013 in the following manner.

### SAFETY ORDER 01:

Item 1a & b: Upheld; penalty reduced to \$ 292.50, **abatement has been modified until February 15, 2014.**

Item 2a, b & c: Upheld; penalty reduced to \$ 292.50, **abatement has been modified until January 15, 2014.**

Item 3: Upheld; penalty reduced to \$ 292.50.

Item 4: Upheld; **reclassified to NONSERIOUS** penalty reduced to \$ 0.00, **abatement verified on December 3, 2013. (Work completed)**

Item 5: Upheld; penalty reduced to \$ 975.00.

Item 6: Upheld; penalty reduced to \$ 975.00.

Item 7: Upheld; penalty reduced to \$ 975.00.

Item 8: Upheld; penalty reduced to \$ 975.00, **abatement verified on December 3, 2013. (Work completed)**

Item 9: Upheld; penalty reduced to \$ 975.00.

Item 10 and Item 11: Upheld; **GROUP**, penalty reduced to \$ 390.00.

Respondent understands that a request must be made in writing to IOSHA for a Petition for Modification of Abatement prior to the above abatement date if abatement cannot be met by the respective dates and an extension is required.

### **In exchange, The Employer agrees:**

- 1. Provide Limited scope Construction safety training in Fall Protection, Ladders, Demolition and Scaffold safety for all employees along with Competent Person training for Supervisor(s). This training shall be completed within thirty (30) days of signed Settlement Agreement. ( January 15, 2014)**
- 2. Develop Safety and Health programs to be completed within sixty (60) days of signed Settlement Agreement. ( February 15, 2014)**

3. The employer has will make a request to IDOL INSafe for an Onsite consultation for training and help developing their programs.
4. The Employer shall provided an agenda and the class sign in sheet to IDOL upon completion of the training and a copy of programs for IDOL review.

Except for the above specified amendments all other provisions of Safety Order Number 317025096 are retained intact.

**The TOTAL AGREED PENALTY is \$ 6,142.50**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable on within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

Greene Limited Partnership

By: Jack Greene

Title: Partner

Date: 12-4-13

COMMISSIONER OF LABOR

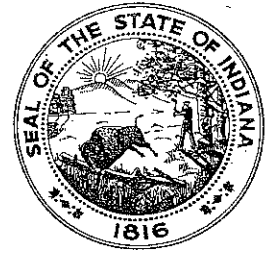
By: [Signature]

Title: [Signature]

Date: 12/9/13

Indiana Department of Labor

402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979; Fax: 317/233-3790



*Certified mail # 91 7190 0005 2720 0030 8419 11-5-13 JTO*

## Safety Order and Notification of Penalty

**To:**

Greene Limited Partnership,  
and its successors  
7076 East Landerdale Road  
Attn: Jack Greene  
Camby, IN 46113

**Inspection Number:** 317025096

**Inspection Date(s):** 06/20/2013 - 06/28/2013

**Issuance Date:** 11/05/2013

**Inspection Site:**

2602 West Minnesota Street  
RMDS Facility-Roof Replacement Project  
Indianapolis, IN 46241

*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 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 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. 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.

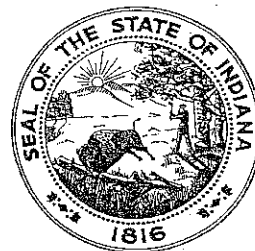
**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance 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, 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 11/05/2013. 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.

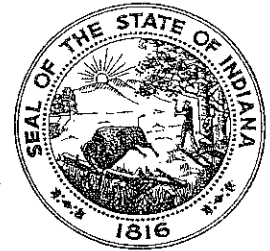
**Indiana Department of Labor**

Occupational Safety and Health Administration

Inspection Number: 317025096

Inspection Dates: 06/20/2013 - 06/28/2013

Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

**Company Name:** Greene Limited Partnership

**Inspection Site:** 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

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.

**Safety Order 1 Item 1a Type of Violation: **Serious****

29 CFR 1926.20(b)(1): The employer did not initiate and maintain programs as necessary to comply with this part:

Project job site- roof deck----- On June 20, 2013 The employer had not developed, implemented, and enforced an accident prevention safety and health program which included but was not limited to the following items:

- (1) a statement of management commitment toward the identification and evaluation of occupational hazards
- (2) establishment of employee participation in safety meetings and inspections
- (3) development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work conditions.

**Date By Which Violation Must be Abated:** 12/24/2013

**Proposed Penalty:** \$600.00

**Safety Order 1 Item 1b Type of Violation: **Serious****

29 CFR 1926.20(b)(2): Inspections of the job site, materials, and equipment were not made by a competent person designated by the employer:

Project job site- roof deck----- On June 20, 2013, The employers competent person on the job site, failed to identify existing and predictable hazards and/or take the necessary measures to correct hazards, where employees were exposed to a fall hazards from the buildings low sloped roof and scaffold work platform, where employees were exposed to a lack of training in hazard recognition, in fall protection training, in ladder/stairway training, with no proper access to the roof level, and who were exposed to other hazards..

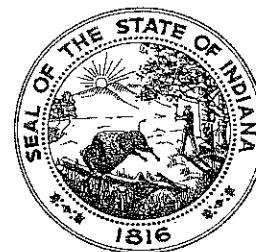
**Date By Which Violation Must be Abated:** 12/24/2013



**Indiana Department of Labor**

Occupational Safety and Health Administration

Inspection Number: 317025096  
Inspection Dates: 06/20/2013 - 06/28/2013  
Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

**Company Name:** Greene Limited Partnership  
**Inspection Site:** 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

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.

**Safety Order 1 Item 2a Type of Violation: **Serious****

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

Project job site-roof deck ----- On June 20, 2013 Employee(e) were not instructed in the recognition and avoidance of unsafe conditions applicable to their environment such as but not limited to those connected with falling and ladders/stairways safety..

**Date By Which Violation Must be Abated:** 12/24/2013  
**Proposed Penalty:** \$600.00

**Safety Order 1 Item 2b Type of Violation: **Serious****

29 CFR 1926.503(a)(2): The employer did not assure that each employee who might be exposed to falls had been trained as necessary by a competent person qualified in items listed in 503(a)(2)(i) thru 503(a)(2)(viii) of this section:

Project job site-roof deck ----- On June 20, 2013, The employees completing roofing activities from the building low sloped roof from 14 feet to 17 feet above lower levels were exposed to fall hazards and had not been trained on the nature of fall hazards in the area, the use and operation of fall protection systems and procedures, and on the fall protection regulations.

**Date By Which Violation Must be Abated:** 12/24/2013

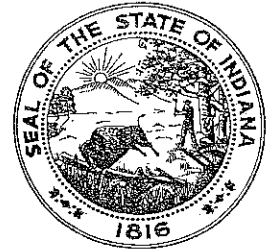
**Indiana Department of Labor**

Occupational Safety and Health Administration

Inspection Number: 317025096

Inspection Dates: 06/20/2013 - 06/28/2013

Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

Company Name: Greene Limited Partnership  
Inspection Site: 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

**Safety Order 1 Item 2c Type of Violation: **Serious****

29.CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

Project job site-roof deck access ladder ----- On June 20, 2013, The employer did not provide such a program and train each employee in the use of and hazards related to ladders.

**Date By Which Violation Must be Abated: 12/24/2013**

**Safety Order 1 Item 3 Type of Violation: **Serious****

29 CFR 1926.34(c): Means of egress were not continually maintained free of obstructions or impediments:

Project job site-second floor exit and roof deck access ----- On June 20, 2013, The door and stairway from the second floor meeting/training area was blocked or obstructed on the exterior landing by the access ladder to the roof.

**Date By Which Violation Must be Abated: Corrected During Inspection**

**Proposed Penalty: \$600.00**

**Safety Order 1 Item 4 Type of Violation: **Serious****

29 CFR 1926.150(a)(4): Firefighting equipment was not periodically inspected:

Project job site-GMC dump truck ----- On June 20, 2013, The inspection tag was missing on the Kidde portable fire extinguisher and did not show the last periodical inspection.

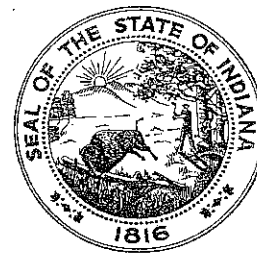
**Date By Which Violation Must be Abated: 12/03/2013**

**Proposed Penalty: \$450.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

Inspection Number: 317025096  
Inspection Dates: 06/20/2013 - 06/28/2013  
Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

Company Name: Greene Limited Partnership  
Inspection Site: 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

**Safety Order 1 Item 5 Type of Violation: **Serious****

29 CFR 1926.501(a) 2): The employer did not determine if the walking/working surface on which employees were to work on had the strength and structural integrity to support employees safely:

Project job site-roof deck ----- On June 20, 2013, The fiberglass panels in the walking/working surface on which employees were to work did not have the strength and structural integrity to support employees safely when completing roofing activities.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,500.00**

**Safety Order 1 Item 6 Type of Violation: **Serious****

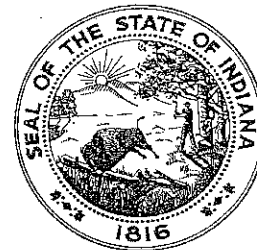
29 CFR 1926.501(b)(4)(i): Each employee on a walking/working surfaces was not protected from falling through holes (including skylights) more than 6 feet above a lower levels by personal fall arrest systems, covers, or guardrail systems erected around such holes:

Project job site-roof deck ----- On June 20, 2013, The employees working on the distribution facility roof were not protected from falling through 32 inch by 60 inch fiberglass skylights to a lower level concrete floor 15 feet below the roof deck.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,500.00**

Indiana Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 317025096  
Inspection Dates: 06/20/2013 - 06/28/2013  
Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

Company Name: Greene Limited Partnership  
Inspection Site: 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

**Safety Order 1 Item 7** Type of Violation: **Serious**

29 CFR 1926.501(b)(10): Each employee engaged in roofing activities on low sloped roofs with unprotected sides and edges 6 feet or more above lower levels was not protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, warning line system and personal fall arrest system, or a warning line system and safety monitor system:

Project job site-roof deck ----- On June 20, 2013, The employees engaged in roofing activities on the existing low sloped roof, with unprotected sides and edges 14 feet to 17 feet above lower levels, were not protected from falling by any means.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$1,500.00

**Safety Order 1 Item 8** Type of Violation: **Serious**

29 CFR 1926.850(a): Evidence in writing was not available that an engineering survey performed by a competent person had been performed prior to permitting employee(s) to start demolition operations:

Project job site-roof deck ----- On June 20, 2013, Evidence in writing were not available that an engineering survey performed by a competent person had been performed prior to permitting employees to start demolition operations of removing the roof deck metal/fiberglass panels of the building roof.

**Date By Which Violation Must be Abated:** 12/24/2013  
**Proposed Penalty:** \$1,500.00

**Safety Order 1 Item 9** Type of Violation: **Serious**

29 CFR 1926.852(a): Material was dropped to points lying outside the exterior walls of the structure which had not been effectively protected:

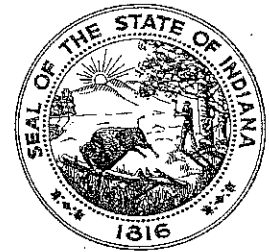
Project job site-roof deck ----- On June 20, 2013, The employees were removing roofing demolition debris and material from a 14 feet to 17 feet high roof and dumping the material to the GMC Dump Truck below and were not utilizing a chute or did not have the area protected to effectively contain the demolition debris.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

Inspection Number: 317025096  
Inspection Dates: 06/20/2013 - 06/28/2013  
Issuance Date: 11/05/2013



**Safety Order and Notification of Penalty**

Company Name: Greene Limited Partnership  
Inspection Site: 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241

**Safety Order 1 Item 10 Type of Violation: **Serious****

29 CFR 1926.1053(b)(1): Because of the portable ladder's length, the ladder side rails did not extend to at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access and the ladder was not secured at its top to a rigid support, and a grasping device, such as a grab rail, was not provided to assist the employees in mounting and dismounting the ladder:

Project job site-roof deck access ladder ----- On June 20, 2013, A 3 feet Tricam step ladder, were being used to access the building roof deck, the side rails of the ladder did not extend above the building roof deck, the ladder was secured, but did not have a grab rail available for use, or other device to assist employees when mounting or dismounting the ladder.

**Date By Which Violation Must be Abated: Corrected During Inspection**  
**Proposed Penalty: \$600.00**

**Safety Order 1 Item 11 Type of Violation: **Serious****

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed:

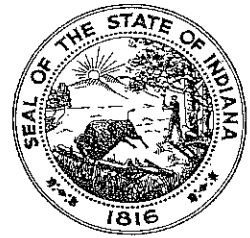
Project job site-roof deck access ladder ----- On June 20, 2013, A 3 feet Tricam step stool/ladder, was being used improperly to access the building roof deck, and was not properly set up or utilized as designed/required by the manufacturer.

**Date By Which Violation Must be Abated: Corrected During Inspection**  
**Proposed Penalty: \$600.00**

Jerry W. Lander  
Director of Construction Safety Compliance

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979; Fax: 317/233-3790



**INVOICE/DEBT COLLECTION NOTICE**

**Company Name:** Greene Limited Partnership  
**Inspection Site:** 2602 West Minnesota Street, RMDS Facility-Roof Replacement Project, Indianapolis, IN 46241  
**Issuance Date:** 11/05/2013

**Summary of Penalties for Inspection Number** 317025096

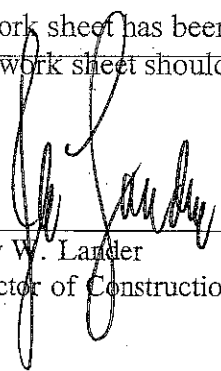
|                                 |   |             |
|---------------------------------|---|-------------|
| <b>Safety Order 01, Serious</b> | = | \$10,950.00 |
| <b>Total Proposed Penalties</b> |   | \$10,950.00 |

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).

  
Jerry W. Lander  
Director of Construction Safety Compliance

Date

11/5/13