



INDIANA

DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR

David Redden, Commissioner

402 West Washington Street, Room W195

Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655

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Safety Order and Notification of Penalty

To:

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

Inspection Number: 1585862

CSHO ID: Q9916

Optional Report No.: 2337-22

Inspection Date(s): 03/22/2022 - 09/20/2022

Issuance Date: 09/21/2022

Inspection Site:

1001 W. Culver Road
Knox, IN 46534

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 workplace 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 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 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 issue decisions concerning disputed safety orders and notifications of penalties. 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.

PMA's - 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 follow-up 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.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the citation(s) issued on 09/21/2022.

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.

Safety Order and Notification of Penalty

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

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

22.8(1)(1)(sec2): Employer did not provide a workplace free from a recognized, correctable and serious hazard where a specific standard did not exist.

Pallet Rack Systems in Northeast Part of Facility - Employees were exposed to struck-by and crush hazards due to unbolted vertical anchor beams, bent structural beams, and unattached horizontal beams in multiple locations

Safely remove all the product from the pallet rack systems to repair vertical and horizontal beam damage, re-align and straighten the racks, properly anchor the base plates to the floor, etc. Follow recommendations in accordance with ANSI MH16.1: 2008 such as, but not limited to:

- **Rack Columns with Insufficient Support:** The clause stipulates that rack columns should be supported with column base plates and anchored to the floor with durable anchor bolts. These bolts should be capable of resisting the load. 1.4.7 Column Base Plates and Anchors – The bottom of all columns shall be furnished with column base plates, as specified in Section 7.2. All rack columns shall be anchored to the floor with anchor bolts capable of resisting the forces caused by the horizontal and vertical loads on the rack. 1.4.11.2 – Out-of-Straight Limit – The maximum out-of-straight ratio for a loaded rack column is 1/240 (0.05” per foot or 1/2” per 10 feet (12.5 mm per 3 m) of height). Columns whose out-of-straight ratio exceeds this limit should be unloaded and re-plumbed. Any damaged parts must be repaired or replaced. Out-of-straight ratio – maximum horizontal distance (in.) from the centerline at any point on the column to a plumb line from any other point on the column divided by the vertical distance (ft.) between the two points. 1.4.11.2 Out-of-straight Limit – The out-of-straight limit is new in this edition of the specification and is given to prevent excessive “bows” or “dogleg” conditions that may exist in a rack column. A column could be plumb from top to bottom but have an unacceptable bow at mid-height, see Figure 1.4.11(a), or a 20 ft. high column could be out 1” from top to bottom, which would be acceptable using a simple top-to-bottom out-of-plumb measurement, but the entire out-of-plumb could be between the floor and the 5 ft. level, see Figure 1.4.11(b). This dogleg condition would be very harmful. This condition could be caused by fork truck impact. The column could have a sine wave shape and be out-of-straight as shown in Courtesy copy provided by RMI in recognition of RMI's 50th anniversary Commentary to MH16.1- 2008 Commentary on the Specification for the Design, Testing And Utilization of Industrial Steel Storage Racks 7 Figure 1.4.11(c). The column could also be locally bent and exceed this limit, see Figure 1.4.11(d). As rewritten, the specification now prevents these situations from being acceptable if they exceed the 0.05” per foot out of straight limit.
- **Racks without Load Ratings:** This clause mandates employers to mention minimum and maximum permissible loads, and maximum uniform load distribution per level, or maximum total load at each bay. 1.4.2 Plaque – The owner is responsible for displaying in one or more conspicuous locations a permanent plaque(s) Each plaque shall have an area of not less than 50 square inches. Plaques shall show in clear, legible print (a) the maximum

Indiana Department of Labor
Occupational Safety and Health Administration

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permissible unit load and/or maximum uniformly distributed load per level, (b) the average unit load (PLAverage, see Section 2.6.2) if applicable and (c) maximum total load per bay. The unit load is usually a single pallet or container and its contents mechanically transported. Storage levels having multiple stacking of unit loads shall be so identified. It is the responsibility of the owner to ensure that the rack system is not altered so that the plaque information is invalidated.

o Improper Rack Maintenance: Improper rack maintenance leads to damage, and OSHA requires employers to develop an efficient maintenance program. This program should clearly define clearance, alignment, level, and plum, as per the manufacturer’s instructions, and educating employees to identify the damage, and report them.
1.4.9 Rack Damage – Preventing damage to rack is beyond the scope of this specification. See the Commentary for a broader discussion of this topic. Upon any visible damage, the pertinent portions of the rack shall be unloaded immediately by the user until the damaged portion is repaired or replaced.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: November 07, 2022
Proposed Penalty: \$4,900.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1585862
CSHO ID: Q9916
Optional Report No.: 2337-22
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Company Name: Selected Furniture LLC
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Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.303(b)(1): Examination. Electric equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

R-1 Electrical Panel - Employees were exposed to shock and electrocution hazards due to the electrical panel having damage to the bottom portion causing an opening in the panel box and exposing the live internal parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	November 07, 2022
Proposed Penalty:	\$2,800.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1585862
CSHO ID: Q9916
Optional Report No.: 2337-22
Inspection Date(s): 03/22/2022 - 09/20/2022
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Safety Order and Notification of Penalty

Company Name: Selected Furniture LLC
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Safety Order 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.303(g)(1)(i)(A): The depth of the working space in the direction of access to live parts may not be less than indicated in Table S-1. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed;

R-1 Electrical Panel - Employees were exposed to hazardous energy hazards due to pallets of product being stored within 3ft of the live electrical panel.

Apply a visual marking on the ground or install barriers around the electrical panel to maintain 3ft of clearance per Table S-1—Minimum Depth of Clear Working Space at Electric Equipment, 600 V or Less.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	November 07, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1585862
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Company Name: Selected Furniture LLC
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Safety Order 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.304(b)(3)(i): All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms or on rooftops shall have ground-fault circuit-interrupter protection for personnel.

Employee Bathroom - Employees were exposed to shock hazards due to the live electrical receptacle not being G.F.C.I. protected.

Install a receptacle outlet with G.F.C.I. protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

November 07, 2022

Proposed Penalty:

\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Company Name: Selected Furniture LLC
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Safety Order 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

R-1 Electrical Panel - Employees were exposed to shock and electrocution hazards due to 4 missing knockouts on the bottom of the electrical panel exposing the live internal parts.

Replace the bottom of the electrical box and close the missing knockouts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	November 07, 2022
Proposed Penalty:	\$2,800.00

Indiana Department of Labor
Occupational Safety and Health Administration

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

Aisle 2 Pallet Rack System/Right Side of Loading Dock - Employees were exposed to shock hazards due to the drop pendent receptacle box not being provided with strain relief on both sides.

Provide proper strain relief on the flexible cord on both ends.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	November 07, 2022
Proposed Penalty:	\$2,100.00

Indiana Department of Labor
Occupational Safety and Health Administration

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

29 CFR 1910.178(l)(6): Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (l). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.

Facility - Employer did not provide a certification that forklift operators had been trained and evaluated.

Provide copies of training records to show forklift operators have been trained.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

November 07, 2022

Proposed Penalty:

\$0.00



Jameson Berry
Director of General Industry

JB: lr-h



INDIANA

DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR
David Redden, Commissioner
402 West Washington Street, Room W195
Indianapolis, Indiana 46204-2751
Phone: (317) 232-2655
Fax: (317) 233-3790

INVOICE/DEBT COLLECTION NOTICE

Company Name: Selected Furniture LLC
Inspection Site: 1001 W. Culver Road, Knox, IN 46534
Issuance Date: 09/21/2022
Summary of Penalties for Inspection Number: 1585862

Citation 1 Item 1, Serious	\$4,900.00
Citation 1 Item 2, Serious	\$4,900.00
Citation 1 Item 3, Serious	\$2,800.00
Citation 1 Item 4, Serious	\$2,100.00
Citation 1 Item 5, Serious	\$2,100.00
Citation 1 Item 6, Serious	\$2,800.00
Citation 1 Item 7, Serious	\$2,100.00
Citation 2 Item 1, Non Serious	\$0.00


TOTAL PROPOSED PENALTIES: \$21,700.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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 worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.



Jameson Berry
Director of General Industry
JB: lr-h

9.21.2022

Date