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Request for City Council Committee Action From the Department of Public Works

Date January 24, 2002
To Transportation and Public Works
Referral to Ways & Means/Budget
Subject Resolution of a 1996⁵ Solid Waste OSHA Citation OSHRB Docket 5425

Recommendation

Authorize the City Attorney and/or the Director of Solid Waste and Recycling Division to sign the appropriate settlement documents in the matter of Chase vs the City of Minneapolis, Department of Labor and Industry OSHA Citation C980, 030-95, OSHRB Docket No. 5425 and authorize payment of \$700 pursuant to the agreement.

Previous Directives

NONE

Prepared or Submitted by James G. Dykes, PW Safety Manager, 673-3824
Approved by David J. Sonnenberg, City Engineer, Director of
Public Works by Richard H. Smith
Presenters in Committee James G. Dykes; Corey Conover

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: NONE

Neighborhood Notification
City Goals
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information Attached:

Solid Waste received an OSHA Citation in 1995. This OSHA inspection was initiated by an employee complaint. The inspection revealed several deficiencies most notably ergonomic and record-keeping issues. The City contested the items in the original citation and subsequently entered into settlement negotiations. All citations related to this inspection were dropped with the exception of the \$700 fine for the OSHA Logs (record-keeping). Attachment B chronicles the improvements in policies and procedures addressing many of the deficiencies of the original inspection.

Staff Recommendations:

Authorize the City Attorney and/or the Director of Solid Waste and Recycling Division to sign the appropriate settlement documents in the matter of Chase vs the City of Minneapolis, Department of Labor and Industry OSHA Citation C980, 030-95, OSHRB Docket No. 5425 and authorize payment of \$700 pursuant to the agreement.

Attachment A-The original citation
Attachment B- A memo to OSHA

~~EXHIBIT~~ Attachment A

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 126569071
Inspection Dates: 07/19/95 - 8/15/95
Issuance Date: 10/19/95



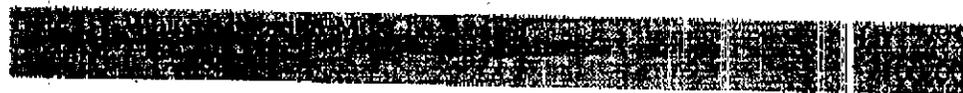
Citation and Notification of Penalty

Company Name: Minneapolis Dept of Public Works, Sanitation Div
Inspection Site: 710 Pacific St N, Minneapolis, MN 55411

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.141(d)(2)(iii): Hand washing capabilities were not provided with hand soap or similar cleansing agents in conjunction with clean cloth/paper towels or antiseptic towelettes.

Sanitation employees, exposed to infectious agent and/or bloodborne pathogen hazards, were not provided with appropriate hand cleanser on their vehicles. Employees may eat while on their routes and not have adequate access to hand washing facilities.

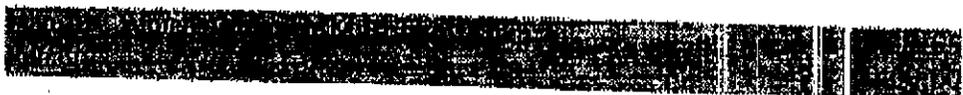


The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 2a Type of Violation: Serious

29 CFR 1910.1030(g)(2)(ii)(C): The employer did not ensure that training provided to employees with occupational exposure was conducted at least annually:

Bloodborne pathogen training for affected sanitation workers has not been conducted annually.



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

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 126569371
Inspection Dates: 07/19/95 -
Issuance Date: 10/19/95



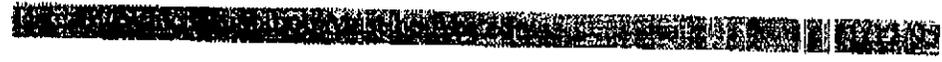
Citation and Notification of Penalty

Company Name: Minneapolis Dept of Public Works, Sanitation Div
Inspection Site: 710 Pacific St N, Minneapolis, MN 55411

Citation 1 Item 2b Type of Violation: Serious

29 CFR 1910.1030(f)(2)(i): Hepatitis B vaccination was not made available after the employee had received the training required in 29 CFR 1910.1030(g)(2)(vii)(I) or within 10 working days of initial assignment to employees who had occupational exposure to blood or other potentially infectious materials:

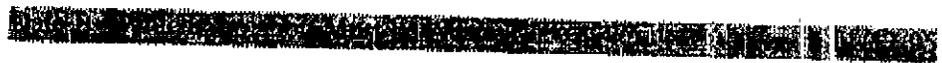
Hepatitis B vaccine was not made available to qualified employees or within 10 working days of initial assignment to employees who may have occupational exposure.



Citation 1 Item 2c Type of Violation: Serious

29 CFR 1910.1030(f)(2)(iv): The employer did not ensure that employees who declined to accept the hepatitis B vaccination offered by the employer signed the statement in appendix A:

The employer did not ensure that sanitation employees who qualified for the hepatitis B vaccine but did not receive the vaccine, sign a declination statement.



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

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 126569979
Inspection Dates: 07/19/95 -
Issuance Date: 10/19/95



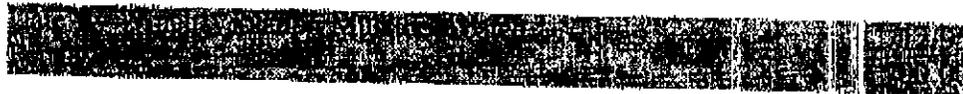
Citation and Notification of Penalty

Company Name: Minneapolis Dept of Public Works, Sanitation Div
Inspection Site: 710 Pacific St N. Minneapolis, MN 55411

Citation 2 Item 1 Type of Violation: Nonserious

Minn. Rules 5210.0630 subp. 1: The log and summary of occupational injuries and illnesses (OSHA form #200 or its equivalent) was not completed in the detail provided in the form and the instructions contained therein:

The OSHA 200 log description of injury or illness was inadequate. The description should include a brief description of the injury or illness and indicate the part or parts of body affected. Some typical entries from the recycling employee 200 log (1994/1995) includes: right hand; back; middle finger; right shoulder; lower back; left knee; etc. These entries do not describe the injury or illness and does always identify the exact body part (such as middle finger on which hand). The 1994 OSHA 200 log for solid waste employees did contain some descriptions but also had some entries such as: knee cap, sprain wrist, groin strain.



Gary W Bastian
Commissioner of the Department of Labor and Industry

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

TO: Alden L. Hoffman
FROM: James G. Dykes
RE: OSHA Citation C980, 030-95, OSHRB Docket No. 5425
DATE: October 24, 2001

I am writing to address and resolve the above-mentioned citation. As you well know this matter has been lingering for a long time. We feel it is in the best interest of all involved that this matter is brought to a conclusion as quickly as possible. Here is a review of our actions as to each of the citation items.

Citation 1 Item 1 Solid Waste has instructed all employees to wear work gloves, with latex gloves available on the truck to be utilized under the work gloves. Employees have also been instructed not to eat or drink before washing their hands at a public bathroom on or near their route. In their annual infectious agent training washing of the hands is stressed to eliminate entry into the body.

Citation 1 Item 2a Solid Waste has a written infectious agent program that includes policies and procedures. All employees are trained annually. This training consist of HIV & HBV awareness; routes of entry; Hep. B vaccinations; clean-up procedures; mode of infections; and emergency procedures.

Citation 1 Item 2b All Solid Waste employees are offered Hep. B vaccinations at all annual training. Arrangements for vaccinations are made by the supr. at the occupational clinic contracted by the City.

Citation 1 Item 2c All employees declining the Hep. B vaccinations sign a document indicating not wanting the shot. This is stored with all the safety records at a central location.

Citation 1 Item 3 Solid Waste hazard communication program is complete with annual training & conspicuously placed MSDS catalogues. Training includes all the mandated components of the regulations.

Citation 1 Item 4 Many of the recommended administrative and engineering controls were adopted and implemented including preventive maintenance programs for trucks, enforcing sanitation rules on residents, providing dollies or other mechanical means on trucks and hydraulic lifts on yard waste trucks. In addition ergonomics training is provided annually; a work hardening program has been instituted for new and return to work employees; and a stretching program developed. The other recommendations were considered but not implemented because of economic hardship and collective bargaining.

Citation 2 Item 1 Regular training with the person maintaining the OSHA 200 logs is conducted covering all relevant aspects of the log.

Solid Waste Department was placed in the Minnesota First Program in January 2000. An inspection was conducted May 1st - 15th 2000 with Solid Waste safety training records, policy review, employee interviews and operations were thoroughly inspected (OSHI.D. /Report No. L9843 004-00) through this program. The resulting settlement agreement **did not** indicate problems with the safety training records or mandated safety programs.

Please consider the response to each item of the citations as a gauge to measure progress and commitment to ensure a safe and secure work environment.

Thank you for your patience and consideration. Feel free to contact me at 612-673-3824 with questions or concerns.

cc: Susan Young
Cory Conover
Craig Cooper
Ron Bjork