

SOL:SBJ
(15)00291

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor, :
United States Department of Labor, :
 : OSHRC Docket No.
Complainant, : 15-0044
v. :
ANHEUSER-BUSCH SALES OF NEW JERSEY, LLC, :
a wholly-owned subsidiary of ANHEUSER-BUSCH :
INBEV SA/NV :
Respondent. :

STIPULATED SETTLEMENT

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STIPULATED SETTLEMENT

Based upon the following recital, the Complainant and the Respondent herein agree to the following as a conclusion of this matter:

1. The Secretary hereby amends the classification of Citation 2, Items 1 and 2 from “Willful” to “Repeat.”
2. The Secretary hereby amends the classification of Citation 1, Items 4, 5, 6, and 7 from “Serious” to “Other than Serious.”
3. The Secretary hereby withdraws Citation 1, Item 2.
4. The Secretary hereby withdraws Instance (a) for Citation 1, Item 4.
5. The Secretary hereby amends the total penalty to reflect an amended proposed penalty of **\$150,000** for the above-captioned matter to be apportioned as set forth below:

<u>CITATION NO.</u>	<u>ITEM NO.</u>	<u>PROPOSED PENALTY</u>	<u>AMENDED PROPOSED PENALTY</u>
1	1	\$ 5,500	\$ 5,500
1	2	\$ 7,000	\$ 0 (withdrawn)
1	3	\$ 7,000	\$ 7,000
1	4	\$ 3,300	\$ 2,267
1	5	\$ 3,300	\$ 2,267
1	6	\$ 5,500	\$ 3,783
1	7	\$ 5,500	\$ 3,783
1	8	\$ 4,400	\$ 4,400
2	1	\$60,500	\$60,500
2	2	\$60,500	\$60,500
TOTAL		\$162,500	\$150,000

6. Based upon the above, the Respondent herein withdraws its notice of contest as to the citations and proposed penalties as modified.

7. Respondent affirmatively states that:

- a. All violations alleged in the citations have been abated.
- b. It will comply in the future with the Occupational Safety and Health Act.

8. Respondent agrees to evaluate and enhance the quality of the safety and health at all of its distributorships in New York and New Jersey. Respondent shall commence this process within 30 days of signing this Stipulated Settlement and complete it within one year of the signing of this Stipulated Settlement. Respondent shall take the following actions:

- a. Conduct a comprehensive safety and health self-audit including, but not limited to, powered industrial truck safety and training, material handling, aisles and passageways, means of egress, and hazard communication;
 - b. Establish a Safety and Health Committee comprised of management, employees, union, if any, and individuals responsible for safety at the distributorships. The Safety and Health Committee shall be given the authority and resources to recommend changes based on the findings of the self-audit to be reviewed by local management and Respondent's Regional Safety Manager;
 - c. Management responsible for safety shall implement the Committee's recommended changes or document why the changes were not made;
 - d. The findings, recommendations and analyses of the Committee's recommendations shall be made available to OSHA upon request;
 - e. Ensure that all temporary, leased and/or subcontractor's employees are adequately trained commensurate with their job duties; and
 - f. Consent to interim monitoring inspections by OSHA to be scheduled and conducted in accordance with the OSHA Field Operations Manual.
9. The citations, as amended in ¶¶ 1-4 of this Stipulated Settlement, are further amended to include the terms of ¶ 8 as required abatement of the underlying conditions referred to in the amended citations. Failure to comply with ¶ 8 above shall be deemed a failure to abate the amended citations, but before any action is taken, the Secretary will notify the Respondent in writing of any alleged failures to comply with ¶ 8 and give the Respondent 10 days to correct any alleged failures or provide written response on same.

10. Respondent certifies that on January 11, 2016, this stipulation will be posted where affected employees may see it for a period of not less than 10 days.

11. Respondent will pay the amended proposed penalty of \$150,000 on or before January 31, 2016 by forwarding a check made payable to “**Occupational Safety and Health-Labor**” to the Occupational Safety and Health Administration Office located at 299 Cherry Hill Road, Suite 103, Parsippany, New Jersey 07054 or by credit card, debit card, or bank account transfer using www.pay.gov (www.pay.gov/public/form/start/53090334).

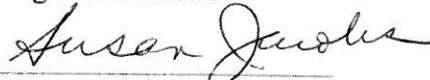
12. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

13. None of the foregoing agreements, statements, stipulations and actions taken by Respondent shall be deemed an admission by Respondent of the allegations contained within the citations and notification of penalty. The agreements, statements, and stipulations, findings and actions taken herein are made for the purpose of settling this matter amicably and they shall not be used for any purpose, or be admissible as evidence of any violation of OSHA regulations in any action or proceeding, except for proceedings and matters arising under the Occupational Safety and Health Act.

DATED: January 8, 2016
New York, New York

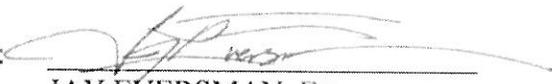
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BY: 
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THOMAS E. PEREZ, Secretary of Labor

BY: 
JAY BREWER
Anheuser-Busch

BY: 
JAY EVERSMAN, Esq.
Anheuser-Busch

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served a copy of the attached Stipulated Settlement on _____, the authorized employee representative at the following address:

This service was accomplished by mailing the Stipulated Settlement to the representative at this last known address by postage pre-paid first class mail.

NAME: _____

TITLE: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____, I personally delivered a copy of the attached Stipulated Settlement to _____, the authorized employee representative at the following address:

NAME: _____

TITLE: _____

CERTIFICATION OF NONREPRESENTATION

I hereby certify that there is no authorized employee representative for the employees affected by the action which is the subject of the attached Stipulated Settlement.

NAME: _____

TITLE: _____