

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

MARTIN J. WALSH, Secretary of Labor, :
United States Department of Labor, : OSHRC DOCKET NO. 21-0848

Complainant, :
v. :

LAKEWOOD RESOURCE AND REFERRAL :
CENTER INC., :
DBA CENTER FOR EDUCATION :
MEDICINE AND DENTISTRY (CHEMED) :

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 citation to reclassify Citation 1, Items 1 and 2 to repeated violations. The total proposed penalty of \$273,064.00, and the apportionment thereof, is unchanged, as set forth below:

| CITATION | ITEM | SETTLEMENT DISPOSITION | ORIGINAL PROPOSED PENALTY |
|-----------------|-------------|-------------------------------|----------------------------------|
| 1 | 1 | Repeated | \$136,532.00 |
| 1 | 2 | Repeated | \$136,532.00 |
| TOTAL | | | \$273,064.00 |

3. Respondent affirmatively states and Complainant acknowledges that:

a) The violations alleged in the Complaint have been abated, or will be abated pursuant to paragraph 4 below.

b) Respondent will continue to comply with the Occupational Safety and Health Act and the regulations promulgated thereunder.

4. Citation 1, Item 1 is hereby amended to include the following provisions as mandatory abatement. Failure to comply with this paragraph shall be a failure to abate Citation 1, Item 1:

a) On or before August 1, 2022, Respondent shall develop and implement a Safety and Health Management System. This system shall include the core elements of management leadership, employee participation, hazard identification and assessment, hazard prevention and control, education and training, and system evaluation and improvement. Respondent's Safety and Health Management System shall apply to temporary employees as well as direct employees. Respondent shall send documentation, including _____ of its Safety and Health Management System via email to dixon.roderick.paula@dol.gov or via U.S. mail to the address in Paragraph 6 below.

b) Respondent shall continue to comply with the provisions of the Healthcare Emergency Temporary Standard, 29 C.F.R. §§ 1910.502 and 1910.504, as published at 86 FR 32376, which have not been withdrawn, until and unless those provisions are superseded by other OSHA or Center for Disease Control guidance or by a permanent OSHA standard.

5. Respondent certifies that on May 16, 2022 this stipulation will be posted where affected employees may see it.

6. Respondent will pay the amended proposed penalty of \$273,064.00 pursuant to the following schedule:

| | |
|-------------------------|-------------|
| June 1, 2022 | \$22,759.00 |
| September 1, 2022 | \$22,755.00 |
| December 1, 2022 | \$22,755.00 |
| March 1, 2023 | \$22,755.00 |

| | |
|-------------------------|---------------------|
| June 1, 2023 | \$22,755.00 |
| September 1, 2023 | \$22,755.00 |
| December 1, 2023 | \$22,755.00 |
| March 1, 2024 | \$22,755.00 |
| June 1, 2024 | \$22,755.00 |
| September 1, 2024..... | \$22,755.00 |
| December 1, 2024 | \$22,755.00 |
| March 1, 2025 | \$22,755.00 |
| TOTAL..... | \$273,064.00 |

Payment shall be made via www.pay.gov, or by forwarding checks made payable to “Occupational Safety and Health Administration – Labor” to the following address:

Marlton OSHA Area Office
701 Route 73 South
Building 2 Suite 120
Marlton, NJ 08053

The memorandum fields of the checks shall indicate Inspection No. 1510653. A ten-day grace period shall be allowed for receipt of each payment. In the event that the Area Office does not receive any check within ten days after it is due, the Area Office will notify Respondent of such fact by regular mail. If the Area Office does not receive payment within ten days of such notification, the entire unpaid balance shall become due immediately. No action or non-action by the Area Office shall constitute a waiver of this paragraph.

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

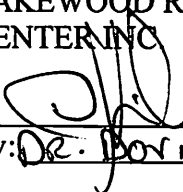
8. None of the foregoing agreements, statements, stipulations and actions taken by respondent shall be deemed an admission by respondent of the allegations contained within the citations, notifications of penalty and the complaint herein. The agreements, statements, stipulations, findings and actions taken herein are made for the purpose of settling this matter amicably and

they shall not be used for any purpose, except for proceedings and matters arising under the Occupational Safety and Health Act.

9. Respondent withdraws its notice of contest in this matter, and agrees that the citations, penalties, and abatement measures (as set forth and amended herein by this Stipulated Settlement) shall become a final order of the Commission on the same date that the Order Terminating Proceeding becomes a final order, as set forth in the Notice of Docketing issued by the Executive Secretary of the Commission.

Dated: May 16, 2022
New York, New York

LAKWOOD RESOURCE AND REFERRAL
CENTER INC


By: DR. DONIO FRIEDMAN, CEO

_____/S/
SALVATORE PUCCIO, ESQ.
Garfunkel Wild, P.C.

SEEMA NANDA
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_____/S/
SUZANNE DEMITRIO CAMPBELL
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