

U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, IL 60542
Phone: 630-896-8700 Fax: 630-892-2160



Citation and Notification of Penalty

To:
Manuel Gallardo,
dba Gallardo's Construction Services
1736 Rose Ave 2C
Palatine, IL 60074

Inspection Number: 1270984
Inspection Date(s): 10/18/2017 - 10/18/2017
Issuance Date: 02/20/2018

Inspection Site:
2300 Main St
Batavia, IL 60510

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 365 Smoke Tree Plaza, North Aurora, IL 60542 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 2300 Main St, Batavia, IL 60510
Issuance Date: 02/20/2018

Inspection Number: 1270984

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 365 Smoke Tree Plaza, North Aurora, IL 60542**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1270984
Inspection Date(s): 10/18/2017 - 10/18/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 2300 Main St, Batavia, IL 60510

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

On or about October 18, 2017 employees were exposed to an 8.1- 12.1 foot fall hazard while installing roofing material at a commercial property. The employees were not trained to recognize or minimize the hazards associated with a fall.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

Date By Which Violation Must be Abated:
Proposed Penalty:

03/20/2018
\$4065.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1270984
Inspection Date(s): 10/18/2017 - 10/18/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 2300 Main St, Batavia, IL 60510

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.501(b)(11): Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels was not protected from falling by guardrail systems with toe boards, safety net systems, or personal fall arrest systems:

The employer does not protect employees engaged in roofing operations 6 feet(1.8m) or more above lower levels. The lack of fall protection was most recently observed on October 18, 2017, at a commercial building located at 2300 Main St. Batavia, IL 60510. The employees conducting roofing operations are exposed to the hazard of falling 8.1- 12.1 feet.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Manuel Gallardo dba Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1229176, citation number 1, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Ave. Orland Park, IL 60462.

Manuel Gallardo dba Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1224578, citation number 1, item number 1 and was affirmed as a final order on July 6, 2017, with respect to a workplace located at 8557 Hollybrook Ln. Tinley Park, IL 60487

Manuel Gallardo dba Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1143752, citation number 1, item number 1 and was affirmed as a final order on June 28, 2016, with respect to a workplace located at 1094 Sunderland Ct Wheaton, IL 60187.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1270984
Inspection Date(s): 10/18/2017 - 10/18/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 2300 Main St, Batavia, IL 60510

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2018
\$28455.00

A handwritten signature in black ink, appearing to read "J. Scott", written over a horizontal line.

Jacob Scott
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, IL 60542
Phone: 630-896-8700 Fax: 630-892-2160



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 2300 Main St, Batavia, IL 60510
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number	1270984
Citation 1, Serious	\$4065.00
Citation 2, Repeat	\$28455.00
TOTAL PROPOSED PENALTIES	\$32520.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed


account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Jacob Scott
Area Director


Date

U.S. Department of Labor

*Occupational Safety and Health Administration
Aurora Area Office
365 Smoke Tree Plaza
North Aurora, IL 60542
(630) 896-8700
(630) 892-2160 facsimile*



Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established an SBA Ombudsman and SBA Regional Fairness Board to investigate small business complaints about federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA) you may file a written, signed complaint with the SBA Ombudsman at:

SBA Ombudsman
300 S Riverside Plaza
Suite 1975 South
Chicago, IL 60606-6617

Or, call toll -free 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with OSHA citation or enforcement action. Nor does it mean you need not take other available legal steps to protect your interests.

Your support in worker occupational health and safety is appreciated.

Sincerely,

Jacob Scott
Area Director

OSHA

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.

U.S. Department of Labor Occupational Safety and Health Administration
8505 W. 183rd Street Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840 Fax: (708) 444-0042



February 20, 2018

Dear Manuel Gallardo,

On 08/22/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 19700 Silverside Drive Tinley Park, IL 60487. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Kathy Webb
Kathy Webb, Area Director

Your Citation Summary
Manuel Gallardo
Inspection Number: 1257385

Total Amount Due: \$53655.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 3
Your First Correction Deadline is:
03/02/2018

Step 1 – Choose a Response
Option and
Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Kathy Webb, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐

___ / ___



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

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___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐

___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

☐

___ / ___

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



Citation and Notification of Penalty

To:

Manuel Gallardo, dba Gallardo's Construction Services
and its successors
1736 Rose Street - Apt 2C
Palatine, IL 60074

Inspection Number: 1257385

Inspection Date(s): 08/22/2017 - 10/26/2017

Issuance Date: 02/20/2018

Inspection Site:

19700 Silverside Drive
Tinley Park, IL 60487

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

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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 U.S. Department of Labor Area Office at the address shown above.

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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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1257385

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487
Issuance Date: 02/20/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a) On or about August 22, 2017 - at the above addressed jobsite - employees were performing roofing operations using pneumatic nail guns and did not wear safety glasses, thereby exposing the employees to the hazards associated with eye injuries.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/02/2018
\$2439.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

a) On or about August 22, 2017 - at the above addressed jobsite - employee exposed to fall hazards were not provided a training program which allows them to recognize the hazards and procedures to minimize fall hazards, thereby exposing employees to fall hazards.

Gallardo Construction Services, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1229176, citation number 2, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Avenue, Orland Park, IL 60462.

Gallardo Construction Services, Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1224578, citation number 2, item number 1 and was affirmed as a final order on July 6, 2017, with respect to a workplace located at 8557 Hollybrook Lane, Tinley Park, IL 60487.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/02/2018
Proposed Penalty:	\$2439.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer does not protect employees engaged in residential roofing operations 6 feet (1.8 m) or more above lower levels. The lack of fall protection was most recently observed on August 22, 2017 at the jobsite of a residential home located at 19700 Silverside Drive, Tinley Park, IL 60487. The employees conducting roofing operations are exposed to the hazard of falling eight (8) nine feet and (9) inches to ten (10) feet and two (2) inches.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1229176, citation 2, item 1, issued on April 25, 2017 and was affirmed as final order on July 14, 2017 with respect to the worksite located at 15126 S. 82nd Avenue, Orland Park, IL.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1224578, citation 2, item 1, issued on April 25, 2017 and was affirmed as final order on June 13, 2017 with respect to the worksite located at 8557 Hollybrook Lane, Tinley Park, IL.



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1143752, citation 1, item 1, issued on June 2, 2016 and was affirmed as final order on June 28, 2016 with respect to the worksite located at 1094 Sunderland Ct., Wheaton IL, 60187.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/02/2018
\$48777.00

A handwritten signature in black ink, reading "Kathy Webb", written over a horizontal line.

Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 19700 Silverside Drive, Tinley Park, IL 60487
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number	1257385
Citation 1, Serious	\$4878.00
Citation 2, Willful	\$48777.00
TOTAL PROPOSED PENALTIES	\$53655.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

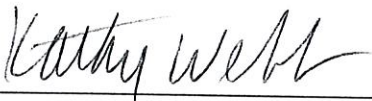
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Kathy Webb

Area Director



Date

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.**

U.S. Department of Labor Occupational Safety and Health Administration
8505 W. 183rd Street Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840 Fax: (708) 444-0042



February 20, 2018

Dear Manuel Gallardo,

On 09/06/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 9018 Basswood Dr. Tinley Park, IL 60487. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Kathy Webb, Area Director

Your Citation Summary

Manuel Gallardo

Inspection Number: 1261444

Total Amount Due: \$53655.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 3

**Your First Correction Deadline is:
03/02/2018**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Kathy Webb, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐ ____ / ____

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐ ____ / ____

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐ ____ / ____

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐ ____ / ____

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

☐ ____ / ____

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



Citation and Notification of Penalty

To:

Manuel Gallardo, dba Gallardo's Construction Services
and its successors
1736 Rose Street - Apt 2C
Palatine, IL 60074

Inspection Number: 1261444

Inspection Date(s): 09/06/2017 - 10/27/2017

Issuance Date: 02/20/2018

Inspection Site:

9018 Basswood Dr.
Tinley Park, IL 60487

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487
Issuance Date: 02/20/2018

Inspection Number: 1261444

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1261444
Inspection Date(s): 09/06/2017 - 10/27/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a) On or about September 6, 2017 - at the above addressed jobsite - employees were performing roofing operations on a roof using a pneumatic nail gun and did not wear safety glasses, thereby exposing the employees to the hazards associated with eye injuries.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/02/2018
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

a) On or about September 6, 2017 at the above addressed jobsite - certification of training on fall protection was not provided for employees conducting roofing operations and exposed to falls.

Gallardo Construction Services, Inc. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1229176, citation number 2, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Avenue, Orland Park, IL 60462.

Gallardo Construction Services, Inc. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1224578, citation number 2, item number 1 and was affirmed as a final order on July 6 2017, with respect to a workplace located at 8557 Hollybrook Lane, Tinley Park, IL 60487.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/02/2018
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501

The employer does not ensure the fall protection equipment is used when employees are exposed to fall hazards while working above six (6') feet. The lack of fall protection was most recently observed on September 6, 2017, at the jobsite located at 9018 Basswood Dr., Tinley Park, IL.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Gallardo Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1229176, citation number 1, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Avenue, Orland Park, IL 60462.

Gallardo Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1224578, citation number 1, item number 1 and was affirmed as a final order on July 6 2017, with respect to a workplace located at 8557 Hollybrook Lane, Tinley Park, IL 60487.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1261444
Inspection Date(s): 09/06/2017 - 10/27/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487

Gallardo Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1143752, citation number 1, item number 1 and was affirmed as a final order on June 28, 2016, with respect to a workplace located at 1094 Sunderland Court, Wheaton, IL 60187.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$48777.00


Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba Gallardo's Construction Services
Inspection Site: 9018 Basswood Dr., Tinley Park, IL 60487
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number

Citation 1, Serious	1261444
Citation 2, Willful	\$4878.00
TOTAL PROPOSED PENALTIES	\$48777.00
	\$53655.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

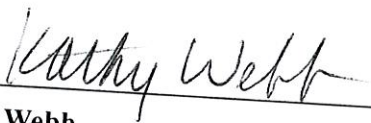
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

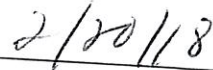
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Kathy Webb

Area Director



Date

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.**

U.S. Department of Labor Occupational Safety and Health Administration
8505 W. 183rd Street Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840 Fax: (708) 444-0042



February 20, 2018

Dear Manuel Gallardo,

On 09/11/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 19498 Gray Ln. Frankfort, IL 60423. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Kathy Webb
Kathy Webb, Area Director

Your Citation Summary
Manuel Gallardo
Inspection Number: 1262666

Total Amount Due: \$53655.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 3

Your First Correction Deadline is:
03/02/2018

Step 1 – Choose a Response
Option and
Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Kathy Webb, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐

___ / ___



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐

___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐

___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

☐

___ / ___

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



Citation and Notification of Penalty

To:

Manuel Gallardo, dba GALLARDO'S
CONSTRUCTION SERVICES
and its successors
1736 N Rose St
Apt 2C
Palatine, IL 60074

Inspection Number: 1262666**Inspection Date(s):** 09/11/2017 - 10/30/2017**Issuance Date:** 02/20/2018**Inspection Site:**

19498 Gray Ln.
Frankfort, IL 60423

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such

an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1262666

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES

Inspection Site: 19498 Gray Ln., Frankfort, IL 60423

Issuance Date: 02/20/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487**

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 19498 Gray Ln., Frankfort, IL 60423

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

a. On or about September 11, 2017, at the above addressed jobsite, employees using pneumatic nail guns did not wear safety glasses, thereby exposing employees to the hazards associated with eye injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 19498 Gray Ln., Frankfort, IL 60423

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

- a. On or about September 11, 2017, at the above addressed jobsite, employees conducting roofing operations were not provided training on how to minimize fall protection hazards, thereby exposing employees to the hazards associated with falls.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/02/2018
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 19498 Gray Ln., Frankfort, IL 60423

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b).

The employer does not protect employees engaged in residential roofing operations 6 feet (1.8 m) or more above lower levels. The lack of fall protection was most recently observed on September 11, 2017 at the jobsite of a residential home located at 19498 Gray Ln., Frankfort, IL 60423. The employees conducting roofing operations are exposed to the hazard of falling nine (9) feet and zero (0) inches.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Gallardo's Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1229176, citation number 1, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Avenue, Orland Park, IL 60462.

Gallardo's Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1224578, citation number 1, item number 1 and was affirmed as a final order on July 6 2017, with respect to a workplace located at 8557 Hollybrook Lane, Tinley Park, IL 60487.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1262666
Inspection Date(s): 09/11/2017 - 10/30/2017
Issuance Date: 02/20/2018




Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 19498 Gray Ln., Frankfort, IL 60423

Gallardo's Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1143752, citation number 1, item number 1 and was affirmed as a final order on June 28, 2016, with respect to a workplace located at 1094 Sunderland Court, Wheaton, IL 60187.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$48777.00


Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 19498 Gray Ln., Frankfort, IL 60423
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number	1262666
Citation 1, Serious	\$4878.00
Citation 2, Willful	\$48777.00
TOTAL PROPOSED PENALTIES	\$53655.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

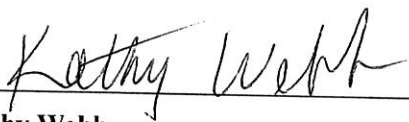
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Kathy Webb
Area Director



Date

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.**

U.S. Department of Labor Occupational Safety and Health Administration
8505 W. 183rd Street Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840 Fax: (708) 444-0042



February 20, 2018

Dear Manuel Gallardo,

On 10/05/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 11301 Steeplechase Parkway Orland Park, IL 60462. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Kathy Webb, Area Director

Your Citation Summary
Manuel Gallardo
Inspection Number: 1268516

Total Amount Due: \$58534.00
**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 2

**Your First Correction Deadline is:
03/16/2018**

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Kathy Webb, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐ ____ / ____



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐ ____ / ____

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐ ____ / ____



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐ ____ / ____

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

☐ ____ / ____

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



Citation and Notification of Penalty

To:

Manuel Gallardo, dba GALLARDO'S
CONSTRUCTION SERVICES
and its successors
1736 N Rose St
Apt 2C
Palatine, IL 60074

Inspection Number: 1268516**Inspection Date(s):** 10/05/2017 - 10/05/2017**Issuance Date:** 02/20/2018**Inspection Site:**

11301 Steeplechase Parkway
Orland Park, IL 60462

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such

an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 11301 Steeplechase Parkway, Orland Park, IL 60462
Issuance Date: 02/20/2018

Inspection Number: 1268516

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 11301 Steeplechase Parkway, Orland Park, IL 60462

Citation 1 Item 1 Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b).

The employer does not protect employees engaged in residential roofing operations 6 feet (1.8 m) or more above lower levels. The lack of fall protection was most recently observed on October 5, 2017 at the jobsite of a residential home located at 11301 Steeplechase Parkway, Orland Park, IL 60462. The employees conducting roofing operations are exposed to the hazard of falling eighteen (18) feet two (2) inches.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1229176, citation 2, item 1, issued on April 25, 2017 and was affirmed as final order on July 14, 2017 with respect to the worksite located at 15126 S. 82nd Avenue, Orland Park, IL.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1224578, citation 2, item 1, issued on April 25, 2017 and was affirmed as final order on June 13, 2017 with respect to the worksite located at 8557 Hollybrook Lane, Tinley Park, IL.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1268516
Inspection Date(s): 10/05/2017 - 10/05/2017
Issuance Date: 02/20/2018



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 11301 Steeplechase Parkway, Orland Park, IL 60462

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard [1926.501(b)(13)], which was contained in OSHA inspection number 1143752, citation 1, item 1, issued on June 2, 2016 and was affirmed as final order on June 28, 2016 with respect to the worksite located at 1094 Sunderland Ct., Wheaton IL, 60187.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$56908.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 11301 Steeplechase Parkway, Orland Park, IL 60462

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.503(b)(1): The employer did not verify fall protection training by preparing a written certification record.

a) On or about October 5, 2017 - at the above addressed jobsite - certification of training on fall protection was not provided for employees conducting roofing operations and exposed to falls.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 1926.503(b)(1) which was contained in OSHA inspection number 1224578, citation number 2, item number 1 and was affirmed as a final order on July 6, 2017 with respect to a workplace located at 8557 Hollybrook Lane, Tinley Park, IL.

Gallardo's Construction Services Inc. was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 1926.503(b)(1) which was contained in OSHA inspection number 1229176, citation number 2, item number 1 and was affirmed as a final order on July 14, 2017 with respect to a workplace located at 15126 S. 82nd Ave. , Orland Park, IL.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/16/2018

Proposed Penalty:

\$1626.00

A handwritten signature in black ink, reading "Kathy Webb".

Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 11301 Steeplechase Parkway, Orland Park, IL 60462
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number	1268516
Citation 1, Willful	\$56908.00
Citation 2, Repeat	\$1626.00
TOTAL PROPOSED PENALTIES	\$58534.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Kathy Webb

Area Director


Date

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.

U.S. Department of Labor Occupational Safety and Health Administration
8505 W. 183rd Street Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840 Fax: (708) 444-0042



February 20, 2018

Dear Manuel Gallardo,

On 11/08/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 1200 E. Lincoln Hwy. New Lenox, IL 60451. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Kathy Webb, Area Director

Your Citation Summary

Manuel Gallardo
Inspection Number: 1279312

Total Amount Due: \$29267.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 3
Your First Correction Deadline is:
03/16/2018

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Kathy Webb, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐ ____ / ____



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐ ____ / ____

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐ ____ / ____



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐ ____ / ____

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

☐ ____ / ____

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



Citation and Notification of Penalty

To:

Manuel Gallardo, dba GALLARDO'S
CONSTRUCTION SERVICES
and its successors
1736 N Rose St
Apt 2C
Palatine, IL 60074

Inspection Number: 1279312

Inspection Date(s): 11/08/2017 - 11/08/2017

Issuance Date: 02/20/2018

Inspection Site:

1200 E. Lincoln Hwy.
New Lenox, IL 60451

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such

an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/20/2018. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 1200 E. Lincoln Hwy., New Lenox, IL 60451
Issuance Date: 02/20/2018

Inspection Number: 1279312

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature _____

Date _____

Typed or Printed Name _____

Title _____

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 1200 E. Lincoln Hwy., New Lenox, IL 60451

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by a competent person (i.e., a person who is capable of identifying exists:

- a. On or about November 8, 2017, at the above addressed jobsite, jobsite inspections were not conducted by a competent person capable of correcting hazards such as falls, which could result in employee injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/16/2018
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 1200 E. Lincoln Hwy., New Lenox, IL 60451

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

- a. On or about November 8, 2017, at the above addressed jobsite, employees conducting roofing operations were not provided training on how to minimize fall protection hazards, thereby exposing the employees to the hazards associated with falls.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/16/2018
\$2439.00



Citation and Notification of Penalty

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 1200 E. Lincoln Hwy., New Lenox, IL 60451

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.501(b)(11): Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels was not protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

a. On or about November 8, 2017, at the above addressed jobsite, employees performing roofing operations were exposed to falls of nine (9) feet created by the presence of unprotected sides and no employees wearing PFAS.

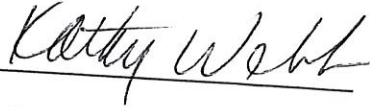
Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1229176, citation number 1, item number 1 and was affirmed as a final order on July 14, 2017, with respect to a workplace located at 15126 S. 82nd Ave., Orland Park, IL 60462.

Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1224578, citation number 1, item number 1 and was affirmed as a final order on July 6, 2017, with respect to a workplace located at 8557 Hollybrook Ln., Tinley Park, IL 60487

Gallardo's Construction Services Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1143752, citation number 1, item number 1 and was affirmed as a final order on June 28, 2016, with respect to a workplace located at 1094 Sunderland Ct., Wheaton, IL 60187

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$24389.00


Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8505 W. 183rd Street
Suite C
Tinley Park, IL 60487
Phone: 708-342-2840 Fax: 708-444-0042



INVOICE / DEBT COLLECTION NOTICE

Company Name: Manuel Gallardo, dba GALLARDO'S CONSTRUCTION SERVICES
Inspection Site: 1200 E. Lincoln Hwy., New Lenox, IL 60451
Issuance Date: 02/20/2018

Summary of Penalties for Inspection Number	1279312
Citation 1, Serious	\$4878.00
Citation 2, Repeat	\$24389.00
TOTAL PROPOSED PENALTIES	\$29267.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed


account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Kathy Webb
Area Director


Date