

OSHA Penalty Information

OSHA is implementing several changes to its administrative penalty calculation system. Many of the agency's current penalty adjustment factors have been in place since the early 1970's, resulting in penalties which are often too low to have an adequate deterrent effect.

A brief description of each penalty adjustment factor and planned changes follows:

1. History Reduction

The time frame for considering an employer's history of violations will expand from three years to five. An employer who has been inspected by OSHA within the previous five years and has not been issued any serious, willful, repeat, or failure-to-abate citations will receive a 10 % reduction for history.

2. History Increase

An employer that has been cited by OSHA for any high gravity serious, willful, repeat, or failure-to-abate violation within the previous five years will receive a 10 % increase in their penalty, up to the statutory maximum. Employers who have not been inspected and those who have received citations for serious violations that were not high gravity will receive neither a reduction nor an increase for history.

3. Repeat Violations

The time period for considering the classification of repeated violations will be increased from three to five years.

4. Severe Violator Enforcement Program

Where circumstances warrant, at the discretion of the Area Director, high gravity serious violations related to standards and hazards identified in the SVEP will not normally be grouped or combined, and may be cited as separate violations, with individual proposed penalties.

5. Gravity-Based Penalty

The gravity of a violation is the primary consideration in calculating penalties and is established by assessing the severity of the injury/illness which could result from a hazard and the probability that an injury or illness could occur.

6. Size Reduction

OSHA will be amending its penalty reduction structure based on the size of employers, allowing for a penalty reduction between 10 and 40 % for those with less than 250 employees. No size reduction will be applied for employers with 251 or more employees.

7. Good Faith

The current good faith procedures in the Field Operations Manual will be retained. A penalty reduction is permitted in recognition of an employer's effort to implement an effective workplace safety and health program. Employers must have a safety and health program in place to get any good faith reduction. Good faith reductions are not allowed in the cases of high gravity serious, willful, repeat, or failure-to-abate violations.

8. The 15% Quick-Fix reduction, which is currently allowed as an abatement incentive program to encourage employers to immediately abate hazards identified during inspections, remains unchanged. However, the 10% reduction for employers with a strategic partnership agreement will be eliminated.

9. Minimum Penalties

The minimum proposed penalty for a serious violation will be increased to \$500. When the proposed penalty for a serious violation would amount to less than \$500, a \$500 penalty will be proposed for that violation. The proposed minimum penalty for a posting violation will increase to \$250 if the company was previously provided a poster by OSHA.

10. Additional Modifications to the Penalty Calculation Policy

Final penalties will be calculated serially, unlike the current practice where all penalty reductions are added and the total percentage of reductions is then multiplied by the gravity-based penalty to arrive at the proposed penalty. All penalty adjustment factors will be applied serially.

These changes will establish general agency policy and do not preclude the agency from assessing a different penalty, where appropriate under the Act, in light of all circumstances in a particular case.

Member News

Kaufman Lynn strengthens its private market presence with the addition of Tom Benz to its business development team.

In his role, Benz will be responsible for pursuing business development opportunities with private development clients. Specifically, he will be responsible for developing relationships with owners and industry partners in the club and corporate commercial markets.

Benz has been actively involved in South Florida's commercial real estate development for nearly 20 years, most recently as president for Jebco Properties. Prior to that, he held senior level positions at Rendina Companies and the Trammel Crow Company.

Kristiana Cobb, an experienced marketing and sales professional, has joined Fort Lauderdale-based **Miller Construction Company** as marketing coordinator.

Most recently Cobb was project and affiliate manager for Wellness Research and Consulting in Royal Palm Beach, Fla. She also worked as a marketing associate for Investor's Daily Edge in Delray Beach, Fla. and as a sales counselor for Pulte Homes in Royal Oak, Michigan.

She earned a bachelor's degree from Ferris State University in Big Rapids, Mich., and a master's degree in integrated marketing communications from Eastern Michigan University in Ypsilanti.

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Tom Benz



Kristiana Cobb



Commitment to a High Standard of Excellence

Each month Construction FOCUS features a CASF member company, selected by drawing a business card from among those attending the monthly networking breakfast. The next breakfast, sponsored by Facchina Construction, will be held on Thursday, December 9, 7:30 a.m. at the Courtyard by Marriott-Cypress Creek in Ft. Lauderdale.

Throughout Atlantic Bay Builders history, their guaranteed maximum prices, on-time completion, within budget and to specification have been the hallmarks of their record as a Structural Shell Contractor. Their numerous accomplishments and capabilities have given financial lenders and clients the confidence that their project will be successfully completed. They focus on effective collaboration with all their clients for win-win solutions. Atlantic Bay Builders welcome a wide range of projects in all sizes and are committed to delivering the highest level of value and service to every single customer.

They continue to earn trust through computerized cost

control, value engineering, the right equipment, good workmanship, on-site supervision and evaluation. They also offer a steady commitment to a high standard of excellence. They combine traditional hands-on experience with the latest technology and inventive tech-



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niques to meet the ever-changing needs of clients.

Atlantic Bay Builders has built various commercial shell projects throughout the East coast of the USA and specializes in all aspects of structural concrete formwork, masonry and carpentry. The company's philoso-

phy of building quality projects and guaranteeing complete customer service and satisfaction has propelled the privately held Coral Springs based company to one of the most highly respected shell contractors among top rated Florida contractors.

Atlantic Bay Builders strives to build teams by matching expertise with specific project requirements and finding the right people for the job. Early planning and communication with team members streamlines the process to ensure a seamless project. Their participation in both the public and private sectors and its diverse mix of project types and

sizes has contributed to their growth, skills and profitability.

Their thorough understanding of various methods of Structural Erection and all aspects of Concrete Construction makes them qualified to act as the Shell Contractor. They self perform every aspect of the project scope. With over forty years of construction knowledge shared between the company's principles within the South Florida market place, they are confident that the client's high standards of quality can be maintained throughout the course of construction.

Atlantic Bay Builders is located at 11555 Heron Bay Blvd. - Suite 200 - Coral Springs, FL 33076. They can be reached by phone at 877-782-6124. For more information, please visit their website at www.atlanticbay-builders.com.

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