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.

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 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.
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 techniques 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 form-work, masonry and carpentry. The company’s philosophy 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 their 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.
52nd Annual Craftsmanship Award Winners

CRANE-RIGGING AND HOISTING
Bob Giesler, General Crane USA

DEMOLITION
Trevor Holloway, G&F Equipment Rental, Inc.

LANDSCAPING
Peter Robau, Landscaping Associates

PAVERS
Sean Gray, Concrete Contractors of Boca Raton

CAST IN PLACE CONCRETE
Mike Mejia, M.C. Velar Construction

CONCRETE FORMWORK
Glen Grimes, Go-Tilt Construction

CONCRETE TILT-UP
Chris Rambarath, Builders Plus

PRECAST CONCRETE
Glenn Witzel, Gate Precast

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Sean Gray, Concrete Contractors of Boca Raton

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CONCRETE FORMWORK
Glen Grimes, Go-Tilt Construction

CONCRETE TILT-UP
Chris Rambarath, Builders Plus

PRECAST CONCRETE
Glenn Witzel, Gate Precast

STEEL FRAMING
Robert Ross, Lotspeich Co. of Florida, Inc.

MASONRY
Jorge Gurreonero, Central Broward Construction, Inc.

STONE
Rodney Canterbury, Italcem US

COLD FORMED METAL FRAMING
Robert Ross, Lotspeich Co. of Florida, Inc.

METAL FABRICATION
Eladio Lorenzo, Steel Fabricators

MICHELLEANS METALS
John Ralston, Steel Fabricators

ORNAMENTAL METAL
Dario Gallo, Matrix Metal

STEEL ERECTION
Felix Torres, Steel Fabricators

ARCHITECTURAL WOOD FURNITURE
Kaan Duru, Monarch Industries

ARCHITECTURAL WOODWORK
Uziel Santos, Designer's Specialty Millwork

FINISH CARPENTRY
Guy Desrosiers, Cayman National Manufacturing & Installation, Inc.

GLU-LAMINATED TIMBER
Michael Fentner, Structural Roof Systems, Inc.

HEAVY TIMBER
Robert Price, Structural Roof Systems

ROOFING
Greg Medina, Advanced Roofing

ROOFING-METAL
Vincent Thifault, Carpenter's Roofing & Sheet Metal

GLASS & GLAZING-EXTERIOR
Joel Caicedo, David Vigilante Associates Inc.

GLASS & GLAZING-INTERIOR
Sam Hicks, White Aluminum, Inc.

AIRCUTICAL DOORS
Tony Perez, Coastal Millworks, Inc.

ACOUTICAL CEILINGS
Luis Berolla, Bergolla

ACOUTICAL TREATMENT
Robert Ross, Lotspeich Co. of Florida, Inc.

DOWALL
Rosival Sobrinho, Powertech Interiors, Inc.

DOWALL FRAMING
Jaime A. Meza, Master Plaster

DOWALL FRAMING-RESIDENTIAL
Charles Hughes, Lotspeich Co. of Florida, Inc.

DOWALL FRAMING-RESIDENTIAL
Andras Illeanes, Powertech Interiors, Inc.

FLOORING-CARPET
Al Verdi, Paul's Carpet

FLOORING-RESILIENT
Dan Seeman, Infinity Performance, Inc.

FLOORING-TERAZZO
Miguel Paiz & Juan Paiz, Artistic Surfaces

FLOORING-VINYL
Jim Fairweather, Paul's Carpet

FLOORING-WOOD
Leo Alvarez, Designers Choice in Floors

PAINTS & COATINGS
Mark Gregory, Phoenix Painting

PLASTER-VENETIAN ELEMENTS
Jaime A. Meza, Master Plaster

STUCCO
Juan Salazar, Lotspeich Co. of Florida, Inc.

STUCCO-EIFS
James Manson, Lotspeich Co. of Florida, Inc.

TILE
Chris Vasile, Eurostone

WALL FINISHES
Jerry Soars, Phoenix Painting

SIGNAGE
Helen Witters, Intelligent Signage

SPECIALTIES-INTEGRAL ARTWORK
Jodi Lee Jacobvit, Jodi Lee

POOLS - FOUNTAINS
Joseph P. Testa, ES Unlimited

SPECIALTIES-OTHER
Kim Noble, Water Structures

TEMPORARY PROTECTION
Christopher Morley, Miller Construction Company

AIR DISTRIBUTION
Ben Guerrios, Thermal Concepts

BUILDING SERVICE PIPING
Todd Macklin, Southeast Mechanical Contractors

HVAC
Dwight Clarke, Brighton Air Conditioning, Inc.

MECHANICAL HVAC
Bob Birch, Sr., Hill York

PLUMBING
Anthony Valdes, Douglas Orr Plumbing, Inc.

ELECTRICAL
Pedro Hernandez, Meisner Electric, Inc.

ELEC/EMERGENCY GENERATOR
Homer Escamilla, Meisner Electric, Inc.

ELECTRICAL-LIGHTING
Joe Schauers, Edd Helms Electric, Inc.

LOW VOLTAGE DISTRIBUTION
Matthew Ray, Definitive Electronics, Inc.
Over 350 People Came Out to Support Craftsmen!