



Occupational Safety and Health Administration  
1301 N. Green Valley Pkwy., Suite 200  
Henderson, Nevada 89074

## Citation and Notification of Penalty

**Company Name:** Perini Building Company  
**Inspection Site:** 2000 N Fashion Show Drive, Las Vegas, NV 89109

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This amended citation must be posted with the original citation until the amended violation(s) has been abated, or for 3 working days, whichever is longer. The following item(s), as described in the attached citation, is (are) amended as follows:

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

Nevada Revised Statute 618.375(2): The employer failed to furnish and use such safety devices and safeguards, and adopt and use such practices, means, methods, operations and processes as were reasonably adequate to render such employment and places of employment safe and comply with all orders issued by the Division:

The employer failed to ensure that a personnel and burden carrier was properly maintained and used as follows:

Trump International Hotel and Tower, level G5 of a parking garage under construction. Employee #1 was backing a Miller Scoot-Crete MB-16 Stand On Power Buggy (Georgia Buggy) when he struck a portion of a manlift shaft guarded by a plywood wall. The plywood swung up, the buggy went half way into the shaft and Employee #1 fell 70 feet into the pit. As a result, the employee was fatally injured from multiple injuries/fractures to his body:

- a. Accidents involving personnel and equipment were not reported to management. Two employees were injured prior to the fatal accident by the same Georgia Buggy involved in the fatality and their injuries had not been reported. If management had been notified, corrections/maintenance could have been done to the defective unit. Abated During Inspection 12/11/06.

References: ASME B56.8-1993, Safety Standard for Personnel and Burden Carriers, para. 5.4.7, "Report all accidents involving personnel, building structures, and equipment."

One feasible and acceptable abatement method would be to ensure that employees, who operator Georgia Buggies, report all accidents involving personnel, building structures and equipment.

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See pages 1 through 8 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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- b. The employer failed to replace the instructional and safety decals on the Miller Scoot-Crete MB-16 Stand On Power Buggy (Georgia Buggy) when they had become destroyed, faded and illegible. Missing or illegible Decals / Labels included: 1) Dash operation label: Approximately 3/4 of the label was missing that included engine starting instruction, operating instruction, directional control lever instructions, dump control lever instructions and the following safety statement "Before operating this equipment -- read all machine decals. See decals on the rear of bucket/platform -- Read the operational manual -- receive training on the safe operation of this vehicle".; and 2) Bucket safety label: Was partly covered in concrete that included inspection requirements before operating the buggy.

References: Miller Scoot-Crete MB-16/MB-21 Stand On Power Buggy Operation, Maintenance and Safety Manual, Part #32107, page 1, second CAUTION - "This machine is equipped with instructional and safety decals. Should any of these decals become destroyed, faded, or otherwise illegible, replace them at once."

One feasible and acceptable abatement method would be to ensure that the instructional and safety decals are replaced.

- c. A weekly chassis lubrication on the Miller Scoot-Crete MB-16 Stand On Power Buggy (Georgia Buggy) had not been accomplished to ensure that the Lower Steering Column Bearing Tube, Speed Control Lever, All Brake Pivot Points, All Bucket Dump Lever Pivot points, and Directional Control Valve Spool were properly lubricated.

References: Miller Scoot-Crete MB-16/MB-21 Stand On Power Buggy, Operation, Maintenance and Safety Manual, Part #32107, page 20, para. D., Weekly Chassis Lubrication, Lubricate all machine points per the following: "Lower Steering Column Bearing Tube; Speed Control Lever; All Brake Pivot Points; All Bucket Dump Lever Pivot points; and Directional Control Valve Spool." AND ASME B56.8-1993, revised 8a-1994, paragraph 6.2.1(a) - "A scheduled preventive maintenance, lubrication, and inspection system shall be followed."

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- d. A training program was not conducted for employees utilizing a Miller Scoot-Crete MB-16 Stand On Power Buggy. Employees learned how to operate the buggy from other employees while working on the job. This Operators Training Program did not include: Qualifying operators as to visual, auditory, physical and mental ability; a program in its entirety to all new operators and not condensed for those claiming previous experience; General Requirements; Traveling; Loading; and Operator Care of Personnel and Burden Carriers to include daily and weekly inspections and maintenances of the carrier.

References: ASME B56.8-1993, Safety Standard for Personnel and Burden Carriers and the Miller Scoot-Crete MB-16, Stand On Power Buggy Operation, Maintenance and Safety Manual.

One feasible and acceptable abatement method would be to ensure a weekly chassis lubrication be conducted.

**ABATEMENT DOCUMENTATION IS REQUIRED**

Date By Which Violation Must be Abated:	03/14/2007
Amended Penalty:	\$ 6300.00

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Citation 1 Item 2 Type of Violation: **Withdrawn** (Incorporated into Citation 1 Item 1)

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury:

The employer failed to ensure that employees were properly trained on a personnel and burden carrier as follows:

Trump International Hotel and Tower, level G5 of a parking garage under construction. Employee #1 was backing a carrier (Georgia Buggy) when he struck a portion of a manlift shaft guarded by a plywood wall. The plywood swung up, the buggy went half way into the shaft and Employee #1 fell 70 feet into the pit. As a result, the employee was fatally injured from multiple injuries/fractures to his body:

- a. A training program was not conducted for employees utilizing a Miller Scoot-Crete MB-16 Stand On Power Buggy. Employees learned how to operate the buggy from other employees while working on the job. This Operators Training Program did not include: Qualifying operators as to visual, auditory, physical and mental ability; a program in its entirety to all new operators and not condensed for those claiming previous experience; General Requirements; Traveling; Loading; and Operator Care of Personnel and Burden Carriers to include daily and weekly inspections and maintenances of the carrier in accordance with ASME B56.8-1993, Safety Standard for Personnel and Burden Carriers and the Miller Scoot-Crete MB-16, Stand On Power Buggy Operation, Maintenance and Safety Manual.

Date By Which Violation Must be Abated:	Abatement Complete
Amended Penalty:	\$ 0.00

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Citation 1 Item 3 Type of Violation: **Other** (was Serious)

29 CFR 1926.601(b)(14): All vehicles in use were not checked at the beginning of each shift to assure that the following parts, equipment, and accessories were in safe operating condition and free of apparent damage that could cause failure while in use: service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects were not corrected before the vehicle was placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, etc., where such equipment was necessary:

The employer failed to ensure that a vehicle was checked before use as follows:

Trump International Hotel and Tower, level G5 of a parking garage under construction. Employee #1 was backing a Georgia Buggy when he struck a portion of a manlift shaft guarded by a plywood wall. The plywood swung up, the buggy went half way into the shaft and Employee #1 fell 70 feet into the pit. As a result the employee was fatally injured from multiple injuries/fractures to his body. Investigation revealed that:

- a. The service brake would not stop the buggy unless the vehicle was being driven slowly.
- b. The Hydraulic Fluid Cap could not be opened unless a wrench was used.
- c. A return (extension) spring to the Travel Speed Control (accelerator) Assembly was broken.
- d. The parking brake was not operational.
- e. The transmission fan blades were missing or severely damaged.

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Employees, who utilize the Georgia buggy had been instructed to only check the buggy for fuel and oil. Just before the fatal accident two employees had complained that the Georgia buggy would not stop and wasn't working right, and two employees were also injured as a further result.

<b>Date By Which Violation Must be Abated:</b>	03/14/2007
<b>Proposed Penalty:</b>	\$ 2000.00

**(BASED ON THE POST CONTEST SETTLEMENT AGREEMENT MEETING HELD ON 3/26/07)**

  
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Jimmie Garrett  
Safety Manager II

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**STATE OF NEVADA**

Department of Business and Industry  
Division of Industrial Relations  
Occupational Safety and Health Administration  
1301 N. Green Valley Pkwy. Suite 200  
Henderson, NV 89074  
Phone: (702)486-9020 FAX: (702)990-0358



**INVOICE/  
ABATEMENT NOTICE REMINDER**

**Company Name:** Perini Building Company  
**Inspection Site:** 2000 N Fashion Show Drive, Las Vegas, NV 89109  
**Issuance Date:** 03/26/2007

**Summary of Penalties for Inspection Number 310426713**

**Citation 1, Other** = \$ **8300.00**  
**TOTAL AMENDED PENALTIES** = \$ **8300.00**

To avoid additional charges, please remit payment promptly to this District Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DIR-OSHA". Please indicate the Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist. If, however, payment is for portions uncontested, please note which items are being paid directly on this invoice and return it with your remittance.

In extraordinary cases where payment of a penalty places an extreme burden on the employer, the Program Assistant III should be contacted regarding an alternate method of payment. Otherwise, if payment is not received once your time to contest has lapsed and the assessed penalties are deemed a final order of the Occupational Safety and Health Review Board, OSHA will have no alternative but to refer this matter to our legal counsel.

Promptly notify the Safety Manager on or before 4/20/07, using the Abatement Certification form, page 9 of the citation, how you have corrected the cited conditions by the abatement date set forth in the citation.

Jimmie Garrett, Safety Manager II

4-12-07

Date