

State of Nevada
Occupational Safety and Health Administration

CAO POST CONTEST WORKSHEET

NAME OF COMPANY: Perini Building Co.
INSPECTION #: 310426713
DATE OF POST CONTEST: 3-26-07 TIME: 2:00 pm
PENALTY AMOUNT: \$ 18,900

ATTENDEES:

1. NSA KANE - Reg. S.D. Ferini
2. CHAD CORET - Safety Eng
3. NORMAN JONES - VP. Safety
4. SCOTT RYAN - Gen'l
5. Richard D. Wayne - outside
Counsel
6. L. Tom Gehowski - CAO
7. _____
8. _____
9. _____
10. _____

COMMENTS REGARDING CITATION(S):

Cit 1 Item 1 Serious \$6300 NRS 618.375(2)
The employees failed to maintain Concrete Buggy
(personnel and burden carrier)

Cit 1 Item 2 Serious \$6300 CFR 1926.21(b)(2)
The employees failed to ensure proper training

Cit 1 Item 3 Serious \$6300 CFR 1926.601(b)(14)
The employees failed to ensure vehicle was checked
daily before use.

*Send to
Scott Ryan*

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COMMENTS REGARDING CITATION(S) (Continued...):

Employer feel employee misconduct.
Training requirement not applicable and thought
union hall trained members.
Does not believe vehicle std. applies.

Employer wants 2 & 3 dismissed
w/ formal agreement to train
employees on concrete buggy.

Caucus - 3:05 pm. ~

CAO discussed ownership, employer
responsibility, proper training and maintenance
of equipment.
Employees set safety cutters to fail by
allowing unsafe equipment use and
not enforcing training. Foreman (Deceased)
was a member of management and placed
production before safety just as the employer
has.

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CAO'S OFFER TO SETTLE CASE:

\$ 6300 w/ training agreement
6
OT's 10000
7500

Cit 1 Item 1 stands Series 6300
Cit 1 Item 2 Scraped with 1
Cit 1 Item 3 - change to other than Series
\$2000 penalty.

plus employer to have language in
settlement agreement, agreeing to
train employees on equip.

amended citations and settlement
agreement to be sent to Scott C Ryan.

Perini has until the end of business Tuesday
3/28/07 to accept and fax withdrawal the or
case goes to board.

Employer to include non-admit clause

FINAL PENALTY AMOUNT AFTER ADJUSTMENT: \$ 8300


CAO Signature

RECEIVED

APR 10 2007

Occupational Safety and Health
Administration
Henderson Office

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Perini Building Company

Date: 3/28/07

OSHA No.(s): 310426713

Log No.(s): S-666

POST CONTEST SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Division of Industrial Relations, Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 02/09/07, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1 Item 1 will remain a Serious violation with a penalty of \$6,300.00

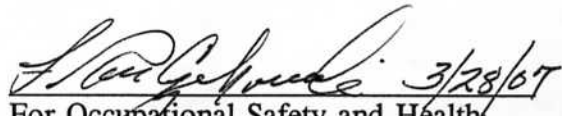
Citation 1 Item 2 will be grouped with Citation 1 Item 1, AS A VIOLATION OF N.R.S. 618.375(2).

Citation 1 Item 3 will be reclassified to an Other with a penalty of \$2,000.00.


(Mail this signed agreement to OSHA by the date mentioned in the cover letter. After receipt of the signed agreement, an amended citation will be mailed to your company at which time the amended penalty and/or abatement certification will be due.)

4. The employer agrees that if it fails to pay the amended penalties in full within 30 days of the date of this agreement or make timely payment(s) of any penalties pursuant to the terms of this agreement, the employer shall be responsible for the entire original unamended penalty, less any penalty amount already remitted.
5. The employer, by signing this post contest settlement agreement, hereby waives its rights to further contest the above citation(s) and penalties, as amended in paragraph 3 of this agreement or the original (unamended) penalty in the event the amended penalties are not paid as provided by this agreement.

6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in the Citation and Notification of Penalty. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and State Holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of the Nevada Occupational Safety and Health Act, and the applicable safety and health standards promulgated pursuant to the Act.
8. By entering into this agreement, none of the foregoing agreements, statements, stipulations, or actions taken by Respondent shall be deemed an admission by Respondent of the allegations contained within the Citations, Notifications of Penalties, and the Complaint herein. The agreements, statements stipulations, findings and actions taken herein are made for the purposes of settling this matter economically and amicably and they shall not be used for any litigation or purpose other than a subsequent proceeding under the Nevada Occupational Safety and Health Act.


For Occupational Safety and Health
Administration

L. Tom Czehowski
(signature and date)


For The Employer
(signature and date)

SCOTT C. BANG, GENERAL COUNSEL 4/6/07
For The Employer
(Print name, title, and date)

86-0083406
Federal Tax Payer Identification Number

* MODIFIED PER CONVERSATION
W/ TOM CZEHOWSKI ON 4/6/07

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 4 of this Settlement Agreement must be mailed to the State of Nevada, Division of Industrial Relations, Occupational Safety and Health Administration, 1301 North Green Valley Pkwy, Henderson, NV 89074, within 15 working days (excluding weekends and State Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.