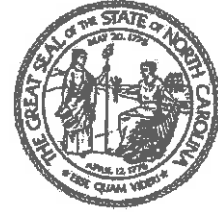


# North Carolina Department of Labor

Occupational Safety and Health Division  
901 Blairhill Road, Suite 200  
Charlotte, NC 28217  
Phone: 704-665-4341 FAX: 704-665-4342



## Citation and Notification of Penalty

**To:**  
Gilbane Building Company  
820 South Mint Street  
Charlotte, NC 28202

**Inspection Number:** 318138179  
**CSHO ID:** T8768  
**Activity ID No.:** 139072  
**Inspection Date(s):** 5/23/2018 - 11/16/2018  
**Issuance Date:** 11/20/2018

**Inspection Site:**  
620 South Tryon Street  
Charlotte, NC 28202

*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 describes violation(s) of the labor laws of Chapter 95 of the North Carolina General Statutes. The penalty(ies) listed herein is (are) based on these violations. You must correct the violation(s) referred to in this citation by the date(s) listed and pay the penalty proposed, unless within 15 working days (excluding weekends and holidays) from receipt of this Citation and Notification of Penalty, you mail a request for an informal conference or Notice of Contestment to the North Carolina Department of Labor district office at the address shown above.

**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 State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - You may request an informal conference. To request an informal conference, you must return the enclosed form marking the block requesting an informal conference or provide other written notice to the district supervisor within 15 working days of receipt of the citation. **Do not mark more than one block on the enclosed form if you want an informal conference.** The informal conference must be held no longer than 20 working days from the date you receive the Citation and Notification of Penalty, so your immediate response is necessary if you choose this option.

If you make a timely request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you preserve your right to contest. The time for contestment does not begin until

**North Carolina Department of Labor**  
Occupational Safety and Health Division

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**Issuance Date:** 11/20/2018

**Citation and Notification of Penalty**

**Company Name:** Gilbane Building Company  
**Inspection Site:** 620 South Tryon Street, Charlotte, NC 28202

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**Citation 01 Item 001**      **Type of Violation:    Serious**

NCGS 95-129(1): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious injury or serious physical harm to his employees in that employees were exposed to struck by hazards:

a) jobsite, USA Hoist model 8000 serial #76, where the employer provided a bridging device for use by employees to facilitate moving heavy loads over the two inch gap between the floor of the buck hoist and the floor level of the building and the bridging device was not secured to the hoist, exposing employees to struck by hazards from the falling bridging device.

Note: Among other methods, feasible and acceptable methods to abate this hazard would be to attach the device to the hoist as required by the American Society of Safety Engineers (ASSE) and the American National Standards Institute (ANSI) 10.4-2016 section 11.3.1.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$6,300.00**

**North Carolina Department of Labor**  
Occupational Safety and Health Division

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**Citation and Notification of Penalty**

**Company Name:** Gilbane Building Company  
**Inspection Site:** 620 South Tryon Street, Charlotte, NC 28202

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**Citation 01 Item 002**      **Type of Violation: Serious**

NCGS 95-129(1): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious injury or serious physical harm to his employees in that employees were exposed to caught in, crushed by and fall hazards:

a) jobsite, where the USA Hoist-8000 serial #76 experienced various mechanical issues, including faults with the gate switches and reports of the hoist moving on its own, that were not tracked and documented in a hoist operations log to ensure proper maintenance and corrective action for trouble calls were completed. On May 23, 2018, a subcontractor's employee fell out of the hoist when the hoist moved with the gates (doors) opened and the safety mechanisms were not functional.

Note: One feasible means of abatement would be to maintain a Hoist Operations Log to record all trouble calls or incidences to include corrective actions, daily, periodic inspections, maintenance activities, a list of component replacements and associated test results as required by the American Society of Safety Engineers (ASSE) and the American National Standards Institute (ANSI) 10.4-2016 section 26.8.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Immediately Upon Receipt**  
**\$7,000.00**

**North Carolina Department of Labor**  
Occupational Safety and Health Division

**Inspection Number:** 318138179  
**Inspection Date(s):** 5/23/2018 - 11/16/2018  
**Issuance Date:** 11/20/2018

**Citation and Notification of Penalty**

**Company Name:** Gilbane Building Company  
**Inspection Site:** 620 South Tryon Street, Charlotte, NC 28202

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 01 Item 003a**      Type of Violation:      **Serious**

29 CFR 1926.20(b)(2): The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by competent persons designated by the employer:

a) jobsite, the employer did not initiate and maintain programs to ensure that frequent and regular safety inspections were conducted on the USA Hoist model 8000 serial #76 on the jobsite to ensure the safety mechanisms on the hoist were fully operational. On May 23, 2018, a subcontractor's employee fell out of the hoist when the hoist moved with the gates (doors) opened and the safety mechanisms were not functional.

<b>Date By Which Violation Must Be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$7,000.00</b>

**North Carolina Department of Labor**  
Occupational Safety and Health Division

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**Citation 01 Item 003b**      Type of Violation:      **Serious**

29 CFR 1926.552(c)(8): Personnel hoist doors or gates were not provided with electrical contacts which do not allow movement of the hoist when door or gate was open:

a) jobsite, USA Hoist model 8000 serial #76, the electrical contacts and gate switches installed on the hoist doors did not prevent movement of the hoist when the doors were raised and opened. On May 23, 2018, a subcontractor's employee fell out of the hoist when the hoist moved with the gates (doors) opened and the safety mechanisms were not functional.

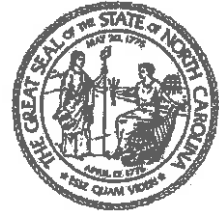
**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$0.00**

  
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District Supervisor  
for the Director

# North Carolina Department of Labor

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Phone: 704-665-4341 FAX: 704-665-4342



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Gilbane Building Company  
**Inspection Site:** 620 South Tryon Street, Charlotte, NC 28202  
**Issuance Date:** 11/20/2018

**Summary of Penalties for Inspection Number: 318138179**

<b>Citation 1, Serious</b>	<b>= \$20,300.00</b>
<b>TOTAL PENALTIES</b>	<b>= \$20,300.00</b>

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Please remit payment promptly to Attn: Financial Services Division - Collections, NC Department of Labor at 1101 Mail Service Center, Raleigh, NC 27699-1101, for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: NC Department of Labor, OSHA Division. For payment by credit card, complete the form provided. Please indicate OSHA's Inspection Number (indicated above) on the remittance. Pay online at [www.nclabor.com](http://www.nclabor.com). We accept VISA, MasterCard, and E-Checks. You may also fax your payment to (919) 715-9094, or mail to: N.C. Department of Labor, Financial Services Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.

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.