U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106
Phone: 605-361-9566

Citation and Notification of Penalty

To:
Command Center, Inc.
409 S. Second Avenue
Sioux Falls, SD 57104

Inspection Number: 1199985
Inspection Date(s): 12/13/2016 – 4/21/2017
Issuance Date: 04/21/2017

Inspection Site:
132 - 136 S. Phillips Ave.
Sioux Falls, SD 57104

The violations described in this Citation and Notification of Penalty 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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalties listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

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 violations 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 violations cited herein have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citations and/or penalties.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citations issued on 04/21/2017. The conference will be held by telephone or at the OSHA office located at 4404 South Technology Drive, Sioux Falls, SD 57106 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1199985

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104
Issuance Date: 04/21/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4404 South Technology Drive, Sioux Falls, SD 57106**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.1200(e)(1): Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure that a written hazard communication program which at least described how the criteria specified for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also included a hazardous chemicals list and methods used to inform employees of the hazards of non-routine tasks, had been developed for employee exposures, such as but not limited, to the following:

(1) Brick Sealant;

(2) Muriatic Acid Wash;

(3) Metal fumes related to plasma torch use;

(4) Silica

Note: The requirements applicable to construction work under this section are identical to those set forth at 1910.1200 of this chapter.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$7243.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by a competent person (i.e., a person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them):

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure a safety program was developed and implemented for the work environment to include regular inspections of the jobsite, materials, and equipment; conducted by a competent person. Employees were exposed to fall hazards, scaffolding hazards, respiratory hazards to include silica and asbestos, and struck-by hazards. This condition exposed employees to hazards related to the demolition of a load bearing wall.

Abatement Note: OSHA defines a "competent" person as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$12675.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 3 Type of Violation: **Serious**

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/her environment to control or eliminate any hazards or other exposure to illness or injury:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer had not instructed employees that were exposed to such hazards as falls from elevation, falls from scaffolding, ladder hazards, respiratory hazards to include silica and asbestos, and struck-by hazards related to the demolition activity being conducted at the Lewis Drug Downtown project to recognize and avoid these hazards.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$9054.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1926.96: The employer did not ensure employees wore proper footwear which met the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1-1967:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016 , the exposing employer did not ensure employees engaged in the demolition of a 32 - 38 inch wide load bearing wall were wearing the proper foot protection which met the requirements under ANSI Z41.1-1967. Employees were allowed to wear tennis shoes while removing a masonry brick wall. Employees were exposed to falling bricks and larger sections of masonry brick falling in close proximity to employees. This condition exposed employees to crushing hazards related to being struck-by falling masonry bricks.

Abatement Note: Abatement certification is required for this item (see enclosed Abatement-Certification Worksheet").

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$10864.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure that employees wore protective helmets when exposed to overhead hazards such as, but not limited to, falling tools, materials, and debris. The condition exposed employees to serious head injuries.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$12675.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1926.102(a)(1): Eye and face protective equipment were not provided when machines or operations presented potential eye or face injury:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure the employees were provided and used eye protection when pneumatic nail guns were used during framing operations as well as power tools during the demolition of a masonry wall and during the use of corrosive materials. These conditions exposed employees to potential eye injuries.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$10864.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

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

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1926.451(b)(1): Each platform on all working levels of scaffolds was not fully planked or decked between the front uprights and the guardrail supports:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure the working platform on the fabricated frame scaffold utilized on the Skelly's roof was fully planked, in that only one plank was placed on the scaffold for employees to work from. This condition exposed the employee to a fall of approximately 18 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$12675.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1926.451(g)(1): Each employee on a scaffold more than 10 feet above a lower level was not protected from falling to the lower level:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure that employees were protected from a fall from elevation, in that guardrails or other suitable fall protection were not properly installed on the working platform of the scaffolding. The scaffold used on top of the Skelly's roof lacked a top rail. This condition exposed employees to a fall of approximately 18 feet.

(b) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure that employees were protected from a fall from elevation, in that guardrails or other suitable fall protection were not properly installed on the working platform of the scaffolding. The scaffold used within Skelly's and the Copper Lounge lacked guardrails. This condition exposed employees to a fall of approximately 11 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/17/2017

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 7 c Type of Violation: **Serious**

29 CFR 1926.454(a): The employer did not have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize those hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize those hazards associated with the type of scaffolding being used and to understand the procedures to control or minimize those hazards. Employees were working on two types of scaffolding systems and exposed to fall hazards, working off levels that were not fully decked, and not utilizing base plates. This condition exposed the employees to falls of approximately 11 feet and 18 feet due to not recognizing the hazards of working on the scaffold.

Abatement Note: The training shall include the following elements at a minimum:

(1) The nature of any electrical hazards, fall hazards, and falling object hazards in the work area;

(2) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used:

(3) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(4) The maximum intended load and the load-carrying capacities of the scaffold used; and

(5) Any other pertinent requirements of this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Date By Which Violation Must be Abated: 05/17/2017

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

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

Citation 1 Item 8 a Type of Violation: **Serious**

29 CFR 1926.501(b)(1): Each employee on a walking/working surface having an unprotected side or edge which was six feet (1.8m) or more above a lower level was not protected from falling by the use of a guardrail system, a safety net system, or personal fall arrest system.

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure employees engaged in the removal of plaster from the exterior brick walls on the roof without fall protection. Employees were removing plaster from the walls and using a wheelbarrow to transport the material to the edge of the roof for removal. This condition exposed the employees to a fall hazard of approximately 18 feet.

(b) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure employees engaged in the demolition of a second floor office space creating an elevated mezzanine area were protected from fall hazards. This condition exposed the employees to a fall hazard of approximately 9 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$12675.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1926.503(a)(2): The employer did not assure that each employee had been trained by a competent person qualified in the standards contained in subpart M:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure that each employee who was exposed to fall hazards, had been trained by a competent person, in that employees were working on the roof removing debris as well as removing a mezzanine without the use of a fall protection system. This condition exposed the employees to a fall hazard in excess of 6 feet.

Abatement Note: 1926.503(b)(1) provides that the employer shall verify compliance with paragraph 1926.503(a) by preparing a written certification record, which shall contain the name of the person being trained, the dates of training, and the signature of the person who conducted the training, or the signature of the employer. If the employer relies on training conducted by another employer, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of the actual training.

Abatement Note: The competent person shall be qualified in the following areas:

(1) The nature of fall hazards in the work area;

(2) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;

(3) The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;

(4) The role of each employee in the safety monitoring system when this system is used;

(5) The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

(6) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection;

(7) The role of employees in fall protection plans;

(8) The standards contained in this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/17/2017

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.851(b): All stairs, passageways, ladders and incidental equipment thereto, which are covered by this section, shall be periodically inspected and maintained in a clean safe condition.

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure work areas and passageways were maintained and kept clear from debris that had accumulated as a result of demolition activities within the Lewis Drug Downtown project. The demolition of a 32 - 38 inch wide load bearing wall created a significant amount of brick and brick debris that was piled around the work area and in passageways. This condition exposed the employees to trip, slip and fall hazards.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$10864.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.1052(c)(1): Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, were not equipped with one handrail and one stair rail system along each unprotected side or edge:

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not ensure that the east stairway allowing access to the Copper Lounge and Skelly's basements were equipped with an adequate stair rail system. This condition exposed employees to a fall hazard of approximately 6 feet.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Worksheet").

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$7243.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

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

Citation 1 Item 11 a Type of Violation: **Serious**

29 CFR 1926.1053(b)(4): Ladders shall be used only for the purpose for which they were designed.

(a) **Command Center, Inc. at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 1, 2016, the exposing employer did not ensure a ladder within the Lewis Drug Downtown project was used for the purpose in which it was designed. Employees were using a ladder that was originally designed to travel on a rail system above the bar of the Copper Lounge to retrieve alcohol bottles from behind the bar. Employees removed the ladder from the track system and leaned it against a wall to allow access to the mezzanine during demolition activities. This hazard exposed the employees to fall hazards from heights of approximately 7 feet.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/17/2017
Proposed Penalty:	$7243.00

Citation and Notification of Penalty

Company Name: Command Center, Inc.
Inspection Site: 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

(a) **Command Center, Inc. at 132 -136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 1, 2016, the exposing employer did not provide a training program for each employee using ladders in the procedures to be followed to minimize hazards related to ladders. This condition exposed the employees to a fall hazard of up to approximately 7 feet.

Abatement Note: The employer shall ensure that each employee has been trained by a competent person in the following areas, as applicable:
(a) The nature of fall hazards in the work area;
(b) The correct procedures for erecting, maintaining, and disassembling the fall protection systems to be used;
(c) The proper construction, use, placement, and care in handling of all stairways and ladders;
(d) The maximum intended load-carrying capacities of ladders; and
(e) The standards contained in this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/17/2017

Sheila Stanley
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106
Phone: 605-361-9566

INVOICE / DEBT COLLECTION NOTICE

Company Name: **Command Center, Inc.**
Inspection Site: **132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**
Issuance Date: **04/21/2017**

Summary of Penalties for Inspection Number	**1199985**
Citation 1, Serious	**$114075.00**
TOTAL PROPOSED PENALTIES	**$114075.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Sheila D. Stanley

Sheila Stanley
Area Director

4/21/2017
Date