

ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

Division of Labor Standards and Safety

Occupational Safety & Health

3301 Eagle Street, Suite 305

Anchorage, Alaska 99503

Phone: (907) 269-4940 Fax: (907) 269-4950

In the Matter of: Anchorage Hilton

AKOSH No.(s): 316900562

Date: January 5, 2014

INFORMAL SETTLEMENT AGREEMENT
& DISPOSITION OF CITATION(S)

The undersigned Employer and the undersigned Alaska Occupational Safety and Health (AKOSH), in settlement of the citation(s) and penalties which were issued on 12/12/14, hereby agree as follows:

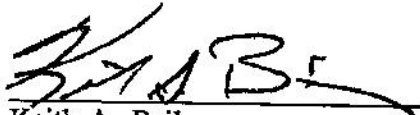
1. The Employer agrees to correct the violations as cited in the citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the citation(s), or, if amended by this agreement, as amended below.
3. The Employer and AKOSH agree that the following citations and penalties, if any, are not being amended.
4. AKOSH agrees that the following citations and penalties are being amended as shown below: Make Check payable to "State of Alaska - AKOSH" and reference the inspection number on the check. Employer has submitted documents that address the alleged violations. All are abated, along with the issues of record keeping. As for settlement purposes AKOSH agrees to alter and or, dismiss alleged violations where applicable. AKOSH shall also alter the example in those alleged violations to; "of potential". As a result of the employer's cooperation and quick response to the hazards, AKOSH agrees to reduce the monetary penalties by 40%. Complainant's counsel and Business Agent were present during the informal. During proceedings, the counsel for the CP became very argumentative with employer's representative and the focus of the alleged violations were not being addressed. The Chief of Enforcement, to maintain order, was forced to excuse the CP parties. The Business Agent remained, AKOSH explained a settlement offer would be made and all would receive a carbon copy by email. The following is fair and equitable offer, which should retain a safety culture within the workplace.

Cit 01 Item 001 a
Cit 01 Item 001 b Dismissed, addressed by c,d,e,&f.
Cit 01 Item 001 c
Cit 01 Item 001 d
Cit 01 Item 001 e
Cit 01 Item 001 f Changed to Medium / Lesser 1300

Cit 01 Item 002 a Dismissed, addressed by c
Cit 01 Item 002 b Dismissed, addressed by c
Cit 01 Item 002 c No Change 2275
Cit 02 Item 001 Changed to Other Than Serious, no penalty
Cit 02 Item 002 Changed to Other Than Serious, no penalty.
Cit 02 Item 003 Changed to Other Than Serious, no penalty.

Total penalties due = \$ 2,145.00

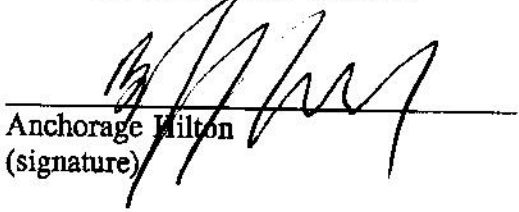
5. The employer, by signing this Informal Settlement Agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in the previous paragraph.
6. The employer agrees to immediately post a copy of this settlement agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement and Disposition of Citation(s) must remain posted until the violations cited have been corrected, or 3 working days (excluding weekends and State of Alaska holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of Alaska's Occupational Safety and Health laws (AS 18.60.010 - AS 18.60.105), Occupational Safety and Health Act of 1970, and the applicable safety and health standards.
8. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the occupational Safety and Health Act.
9. The employer agrees that any penalties reduced during the informal conference **must be paid within 30 days of receipt of this notice or any and all reductions will be forfeited and the original penalty amount will be due.** Failure to make timely payment is likely to result in additional fees if the inspection file is turned over for collections.



Keith A. Bailey
Chief of Enforcement, AKOSH

1-5-15

Date



Anchorage Hilton
(signature)

1-6-15

Date

PLEASE NOTE THAT THIS COPY OF THE INFORMAL SETTLEMENT AGREEMENT IS THE ONLY COPY OF A BILL/NOTICE YOU WILL RECEIVE FROM OUR OFFICE FOR FINES DUE.

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 Alaska, Department of Labor and Workforce Development, Labor Standards and Safety Division at 3301 Eagle Street, Suite 305, Anchorage, AK 99503, within 15 working days (excluding weekends and State of Alaska 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.