

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov



Tony Evers, Governor
Dawn Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

November 14, 2019

CUST ID No.: 1310142 TRANSACTION No.: 3196944
Phone: (608) 263-6667

UNIVERSITY OF WISCONSIN - MADISON
610 WALNUT STREET ROOM 124 WARF
MADISON WI 53726

Site ID No.: 502515 Wisconsin Alumni Research Foundation
SITE ADDRESS: 610 N Walnut St RM 124
Dane County, City of Madison
Site Contact: Troy Ruland
Contact Phone: 608/265-6108
Contact E-mail: Troy.ruland@wisc.edu

Regulated Objects:
Facility: 789539 WARF - TRANSPORTATION SERVICES RM124
610 N WALNUT ST
MADISON 53705

ORDER 0006526

Nature of Complaint Summary: EMPLOYER LACKS PROPER SAFETY TRAINING
Object Type: Complaint Regulated Object ID No.: 1808453 (18 COM 52)
Last Inspection Date: April 25, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site.

The following violations were revealed:

1. Code Section Violated: Wis. Admin. Code § SPS 332.15, OSHA Safety and health standards. Except as provided in s. SPS 332.16 and subch. IV, all places of employment and public buildings of a public employer shall comply with the federal Occupational Safety and Health Administration (OSHA) requirements adopted under s. SPS 332.50.

29 CFR § 1910.147(c)(1) Energy control program. The employer shall establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative.

29 CFR § 1910.147(c)(4)(i) Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

Note: *Exception:* The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist: (1) The machine or equipment has no potential for stored or residual energy or re-accumulation of stored energy after shut down which could endanger employees; (2) the machine or equipment has a single energy source which can be readily identified and isolated; (3) the isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment; (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance; (5) a single lockout device will achieve a locked-out condition; (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance; (7) the servicing or maintenance does not create hazards for other employees; and (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

29 CFR § 1910.147(c)(4)(ii) The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following: (A) A specific statement of the intended use of the procedure; (B) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy; (C) Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and (D) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

29 CFR § 1910.147(c)(6)(i) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

Condition Found: The Transportation Services Department had not completed an assessment or inspection of equipment that employees work on or near to evaluate and implement appropriate or needed energy control procedures.

Suggested Action: The employer must complete an assessment and inspection to determine what energy control procedures are necessary for the equipment employees are required to work on or near and then implement an appropriate energy control program and procedures.

2. Code Section Violated: Wis. Admin. Code § SPS 332.15, OSHA Safety and health standards. Except as provided in s. SPS 332.16 and subch. IV, all places of employment and public buildings of a public employer shall comply with the federal Occupational Safety and Health Administration (OSHA) requirements adopted under s. SPS 332.50.

29 CFR § 1910.132(d)(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall: (i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment; (ii) Communicate selection decisions to each affected employee; and, (iii) Select PPE that properly fits each affected employee.

29 CFR § 1910.132(d)(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

29 CFR § 1910.132(f)(1) The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following: (i) When PPE is necessary; (ii) What PPE is necessary; (iii) How to properly don, doff, adjust, and wear PPE; (iv) The limitations of the PPE; and, (v) The proper care, maintenance, useful life and disposal of the PPE.

29 CFR § 1910.132(f)(4) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of the training, and that identifies the subject of the certification.

Wis. Admin. Code § SPS 332.21(1) Any employee who works on highways, roads, streets or their easements, including any of these workplaces that are not permanent places of employment, shall be provided with and wear an approved traffic-safety vest, or other clothing or equipment that provides equivalent high visibility of the employee.

Condition Found: The Transportation Services Department and other UW departments, had not completed Personal Protective Equipment Hazard assessments for employees required to wear personal protective equipment for specific job duties, specifically identifying the need and requirement to don a traffic safety vest when working in or near traffic.

Suggested Action: The employer must complete personal protective equipment hazard assessments to determine what equipment is necessary for what duty and task and ensure that employees are appropriately trained on personal protective equipment requirements, specifically addressing any requirements when working near traffic.


You are hereby ordered to make the following corrections to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. Compliance shall be gained by the date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation.

If you have any questions regarding this matter, please feel free to contact me or the inspector assigned to this case.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the

manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 4/25/2018
PHONE/WORK HOURS: (608)266-9814, 7:45-4:30 Monday -friday	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 11/14/19	INVESTIGATION SOURCE: Other
	COMPLIANCE DATE: 1/31/2020

cc: April A Hammond, Safety Inspector, (608) 225-6593