

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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>

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**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

DIVISION OF INDUSTRY SERVICES  
4822 MADISON YARDS WAY  
MADISON WI 53705  
Contact Through Relay  
<http://dsps.wi.gov/programs/industry-services>  
[www.wisconsin.gov](http://www.wisconsin.gov)



**Tony Evers, Governor**

**Dan Hereth, Secretary**

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## NOTICE OF VIOLATIONS AND ORDERS

November 14, 2022

Francis Manka, Executive Director,  
PO Box 295  
Whitehall, WI 54773

Trempealeau County Housing Authority

**ORDER0008252**

### Regulated Objects:

Nature of Complaint: Reported public employee death and injury

Object Type: Complaint (22 COM 111)

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**NOTE: Due to the uncertainty caused by COVID-19 the Department will extend compliance dates so long as work is being made on gaining compliance with orders or if the site is not being used due to restrictions.**

**INVESTIGATION NOTES:** DSPS conducted an investigation pursuant to Wis. Stat. § 101.055 following the reporting of a public employee death and a separate report of a public employee injury. Both individuals were performing maintenance on tractors/lawn maintenance vehicles in an enclosed space (separate locations) and both suffered carbon monoxide poisoning. **You are required to post this order at or near the site of violation for 3 days, or until the violation is abated, whichever is longer.**

The following violations were revealed:

1 VIOLATION: No implemented health and safety procedures in place for employees.

**SPS 332.203 Safety and health program.** This is a department rule in addition to the requirements in 29 CFR 1910, 1915, 1917, 1926 and 1928: Each employer shall develop and implement a safety and health program that describes the procedures, methods, processes and practices used to manage workplace safety and health. The program shall include elements for hazard identification and assessment, hazard prevention and control, and information and training.

**VIOLATION:** Performing tractor winter/summer mower conversion/maintenance work on a 739 John Deer tractor in an enclosed space.

**SPS 332.33 General requirements for all machines [29 CFR 1910.212 (5) MAINTENANCE.** All equipment, machine tools, guards and power-driven machinery shall be operated and maintained in safe condition.

No type of training programs and procedure were in place at the time of inspection

**Wis. Stat. § 101.055(6)(a) Enforcement.**

**(a) Orders.**

1. 'Issuance.' If, as a result of inspection, the department finds a violation of a safety and health standard or variance or a condition which poses a recognized hazard likely to cause death or serious physical harm to a public employee, the department shall issue an order to the employer. A public employer who is in compliance with any standards or variances is deemed to be in compliance to the extent of the condition, practice, means, method, operation or process covered by that standard. The order shall describe the nature of the violation and the period of time within which the employer shall correct the violation. The department shall send a copy of the order to the top elected official of the political subdivision of which the public employer is a part and to the appropriate collective bargaining agent for the employees affected by the violation cited in the order, if a collective bargaining agent exists. If the order is issued as a result of an inspection requested by an employee or public employee representative, the department shall also send a copy of the order to that employee or public employee representative. Upon receipt of an order, the employer shall post the order at or near the site of violation for 3 days, or until the violation is abated, whichever is longer. The order shall be posted regardless of whether there has been a petition for a variance under sub. (4) or for a hearing under subd. 3. The employer shall ensure that the order is not altered, defaced or covered by other materials.

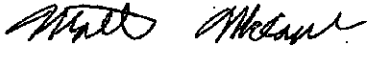
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You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes pursuant to Wis. Stat. § 101.11. This installation shall be corrected by the compliance 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 at the number listed below.

**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		
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 11/14/2022	INVESTIGATION SOURCE: Other	
	COMPLIANCE DATE: 12/5/2022	

cc: Lucas Dederich

Rhonda Kocijan-Klecz