

FILE NAME: Ford (FD)

DATE: 1980

DOC#: FD181

DOCUMENT DESCRIPTION: OSHA Complaint with Cover Letter

U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
911 WALNUT STREET - ROOM 2105

Kansas City, Missouri 64119

Notice
Subpoena Citation

February 26, 1980
DL: MARFE

3-6-80
Kansas City

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. F. A. Scott
Industrial Relations Manager
Ford Motor Company
Assembly Plant
P.O. Box 11709
Antenn Station
Kansas City, Missouri 64119

Re: Marshall W. Ford Motor Company
Case No. 80-0723
File No. 10814

cc: W.A. Gray
P.E. Toth
T.C. Wiloch
O.E. Ziden
2/29/80
NP

Dear Mr. Scott:

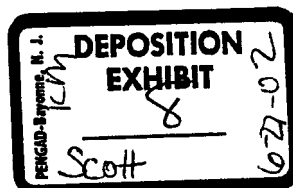
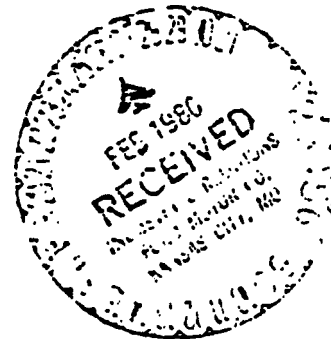
Enclosed is a copy of a complaint which we are mailing today to the Occupational Safety and Health Review Commission for filing in the above-styled case.

Sincerely,

Terence A. Housh, Jr.
Regional Solicitor

Rochelle G. Stern
Rochelle G. Stern
Attorney

Enclosure



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RAY MARSHALL,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Complainant,

OSHRC DOCKET

NO. 80-6126

FORD MOTOR COMPANY,

Respondent.

COMPLAINT

Inspection has disclosed that, at the times and in the manner hereinafter stated, the provisions of section 5(a)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), hereinafter referred to as the Act, and the Occupational Safety and Health standards and regulations promulgated thereunder (29 CFR 1910) have been violated. It is therefore charged that:

I

Respondent Ford Motor Company, a corporation with a principal office and place of business at P.O. Box 11009 Antioch Station, Kansas City, Missouri 64119, and, at all times hereinafter mentioned, a workplace at 14000 Marshall Drive, Claycomo, Missouri 64119, is, and at all times hereinafter mentioned, operating as an automobile assembly plant.

II

Respondent employs approximately 4800 employees in its various business activities, including, at all times hereinafter mentioned, approximately 2 employees at the aforesaid workplace at 14000 Marshall Drive. Respondent utilizes goods, equipment and materials shipped from outside the state of Missouri and is engaged in a business affecting commerce. Respondent is, therefore, an employer within the meaning of the Act.

III

As a result of an inspection by an authorized representative of the Secretary, respondent was issued a citation for serious violations, together with a proposed penalty, pursuant to section 9(a) of the Act. The citation and proposed penalty was received by respondent on January 18, 1980. On February 5, 1980, the Area Director received from respondent a notice of intent to contest items 1a-1c of the citation number 1 for serious violations, and the proposed penalty pursuant to section 10(c) of the Act. The notice was duly transmitted to the Occupational Safety and Health Review Commission. Jurisdiction of this proceeding is conferred upon the Occupational Safety and Health Review Commission by section 10(c) of the Act.

IV

During the period from December 13, 1979 through January 15, 1980, at respondent's aforesaid workplace located at 14000 Marshall Drive, Clay County, Missouri, conditions or practices occurred or existed in violation of the provisions of the Act, regulations and/or standards promulgated under the Act, which conditions or practices are described together with the provisions of the Act, regulations and/or standards violated, abatement date and proposed penalty, in citation number 1 for serious violations, attached as Appendix A hereto and incorporated by reference as if fully set out herein. At least one of respondent's employees was affected by each of the violations alleged.

V

The conditions, practices, means, methods, operations or processes referenced in paragraph IV above and described in Appendix A hereof, which were adopted or in use, created a substantial probability that death or serious physical harm could result from the aforesaid violations, and respondent did know, or with the exercise of reasonable diligence, could have known of the presence of these violations.

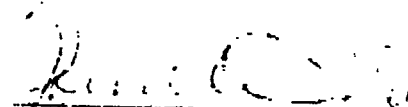
VI

In determining the amount of the penalty proposed, due consideration was given to the size of the business of respondent, the gravity of the violations, the good faith of respondent and the history of previous violations, as required by section 17(j) of the Act. The abatement period fixed was the shortest possible time in which it was believed abatement could be practicably accomplished.

WHEREFORE, it is submitted on behalf of the Secretary that some action of the Commission is necessary and the proposed penalty be affirmed.

Carm Ann Clauss
Solicitor of Labor

Tedrick A. Housh, Jr.
Regional Solicitor


Rochelle C. Stern
Attorney

Room 2106, 911 Walnut Street
Kansas City, Missouri 64106
(816) 374-6411

Attorneys for Ray Marshall,
Secretary of Labor, United
States Department of Labor

NOTICE TO RESPONDENT

You are hereby notified that you must plead or otherwise answer this complaint, either denying or admitting the allegations, within fifteen days of your receipt of this complaint. Failure to do so may result in dismissal of your notice of contest. See Rule 33(b), Rules of Procedure, Occupational Safety and Health Review Commission. All communications and pleadings should be addressed to and mailed to the Occupational Safety and Health Review Commission, 1825 K Street, N.W., Washington, D.C. 20006 and a copy to the above attorneys of record and any other parties of record.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing complaint was mailed to F.X. [redacted] Industrial Relations Manager, Ford Motor Company, Assembly Plant, Box 11009, Antioch Station, Kansas City, Missouri 64119 and United Auto Workers #249, 3480 N. Oak Trafficway, Kansas City, Missouri 64105 by certified mail, return receipt requested, this 25th day of February, 1980.


Dorothy B. Byrnes