

FILE NAME: Westinghouse (WH)

DATE: 1980 Nov 21

DOC#: WH058

DOCUMENT DESCRIPTION: Certified Letter to OSHA with Respondent's Answer to Complaint with Legal Doc- Answer to Complaint Attached

Whose appeal to
OSHRC contests
citation #2
claiming that
compliance with
all parts impossible

Westinghouse
Electric Corporation

Westinghouse Building
Gateway Center
Pittsburgh Pennsylvania 15222

November 21, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Executive Secretary
OCCUPATIONAL SAFETY & HEALTH
REVIEW COMMISSION
1815 K Street, N.W.
Washington, DC 20006

Re: Secretary of Labor v. Westinghouse
OSHR DOCKET NO. 806779

Dear Sir:

Enclosed please find the original and one (1) copy of Respondent's Answer to Complaint in the above-referenced matter. I would appreciate your accepting the same for filing.

Copies of the same have been served on all parties in accordance with the Certificate of Service.

Thank you for your cooperation in this matter.

Very truly yours,

James E. Ford

James E. Ford
Attorney
(412) 255-3772

JEF:mjm

Enclosures

cc United Electrical, Radio and
Machine Workers of America, Local 107
Westinghouse Salaried Employees Assoc.
South Philadelphia Westinghouse Guards,
Local No. 1
Marshall H. Harris, Regional Solicitor
Howard K. Agran, Esq.



INT. BUREAU
ADMIN. DIV.
NOV 23 1980

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1) ECHMIBIR 113802

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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

Complainant,

v.

WESTINGHOUSE ELECTRIC CORPORATION,

Respondent.

OSHRC DOCKET
NO. 806779
REGION III

ANSWER TO COMPLAINT

A

COMES NOW Respondent, WESTINGHOUSE ELECTRIC CORPORATION,
and for answer to the Complaint, admits, denies and alleges as
follows:

I

Answering Paragraph I of the Complaint, Respondent admits
the same.

II

Answering Paragraph II of the Complaint, Respondent
admits the same.

III

Answering Paragraph III of the Complaint, Respondent
admits the same.

THE BLUE ALBION
THE GEMMIBER 1899

V

VI

VII

VIII

-2-

CONFIDENTIAL: ALBIRAIMS

DECEMBER 1992

IX

Answering Paragraph IX of the Complaint, Respondent admits the same.

X

Answering Paragraph X of the Complaint, Respondent admits the same.

XI

Answering Paragraph XI of the Complaint, Respondent denies each and every allegation contained therein.

XII

Answering Paragraph XII of the Complaint, Respondent denies each and every allegation contained therein.

B

In further answer to the Complaint, Respondent raises the following affirmative defenses:

I

That the allegedly hazardous conditions specified in Items 1 through 18 of Serious Citation No. 1 were undetectable.

II

That the allegedly hazardous conditions specified in Items 1 through 18 of Serious Citation No. 1 were the result of unpreventable employee actions.

111

that compliance with the standard specified in items 1 through 10 of Section Citation No. 1 is impossible;

At

that compliance with the standard specified in items 1 through 10 of Section Citation No. 1 would create a greater hazard to employees;

A.

that the conditions specified in items 1 through 4 and that conditions are not prohibited as hazardous by the 1992

that employees with the standard schedule for items 1 through 4 of Willing's schedule No. 2 is impossible;

iii

that the conditions specified in item 1 of Schedule Willing's No. 1 were the result of management's arbitrary actions;

iii

that the allegedly improper conduct specified in Schedule Willing's No. 1 was intentional;

iv

that the allegedly hostile work environment specified in item 1 of Schedule Willing's No. 1 was the result of management's arbitrary actions;

X

That compliance with the standards specified for Items 1 through 4 of Other Citation No. 4 is impossible.

XI

That Citations 1 through 4 are invalid in that they lack sufficient particularity and were filed more than six months after the alleged violations.

WHEREFORE, having fully answered, Respondent prays that the aforesaid Citation and proposed penalty be vacated.

James E. Ford
James E. Ford
Attorney
1212 Westinghouse Building
Six Gateway Center
Pittsburgh, PA 15222
(412) 255-3342

IN RE: ALBRAMS

DECEMBER 1992

IN RE:

ABRAHAM S

DECEMBER 1982

CERTIFICATE OF SERVICE

JAMES B. FORD hereby certifies that he is the attorney for Respondent, Westinghouse Electric Corporation, and that on the 21st day of November, 1980, he deposited in the United States Mail a copy of the Answer to Complaint and a copy of this certificate of service to the addresses noted below, in a sealed, stamped envelope via certified mail, return receipt requested, and that all affected employees are represented by an authorized employees' representative as contemplated by Section 8(e) of the Act:

United Electrical, Radio and Machine
Workers of America, Local 107
710 East Third Street
Easington, Pennsylvania 19029

Westinghouse Salaried Employees Assoc.
813 Eleventh Avenue
Prospect Park, Pennsylvania 19074

South Philadelphia Westinghouse Guards,
Local No. 1
Easington, Pennsylvania 19029

Marshall R. Harris, Regional Solicitor
Howard R. Agan, Esq.
U.S. Department of Labor
14480 Gateway Building
3435 Market Street
Philadelphia, Pennsylvania 19101

James B. Ford
James B. Ford