

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor, :
United States Department of Labor, :
Complainant, : OSHRC DOCKET NOS. 14-1046,
: 14-1047, and 14-0870
: :
GARDA CASH LOGISTICS ATLANTIC, INC. :
Respondent. :

STIPULATED SETTLEMENT

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STIPULATED SETTLEMENT

Based upon the following recital, the complainant and the Respondent herein agree to the following as a conclusion of this matter:

1. The Secretary hereby amends all five (5) citations, specifically Inspection Nos. 955413, 955408, and 955641, which were issued to "Garda Cash Logistics", to "Garda Cash Logistics Atlantic, Inc.", which is the correct legal name of the respondent. This amendment is made in order to conform the citations to the facts now known to the Secretary concerning the correct legal name of the respondent. The caption of the complaint and all documents filed with this court, including this Stipulated Settlement, are amended *nunc pro tunc* to refer to the respondent as Garda Cash Logistics Atlantic, Inc.

2. As to Inspection No. 955413, which is associated with OSHRC Docket No. 14-1046, the Secretary hereby amends Citation 1, Item 1 to allege a violation of Section 5(a)(1) of the Act, rather than 29 CFR §1910.132(a), as originally alleged. The description of the violation alleged under §5(a)(1) shall read as follows: *The employer did not require its armed delivery personnel employed at its Long Island City, New York location to wear ballistic vests to protect*

them from the possibility of serious physical injury or death resulting from being shot when making pick-ups and/or drop-offs of cash at unsecured locations. Unsecured locations are defined as those to which the public have access.

3. As to Inspection No. 955413, which is associated with OSHRC Docket No. 14-1046, the Secretary hereby withdraws Citation 2, Item 1

4. The proposed penalty for Inspection No. 955413, which is associated with OSHRC Docket No. 14-1046, is amended as follows:

<u>CITATION NO.</u>	<u>ITEM</u>	<u>PROPOSED PENALTY</u>	<u>AMENDED PROPOSED PENALTY</u>
1	1	\$ 5,500	\$7,000
2	1	\$27,500	Withdrawn
TOTAL		\$33,000	\$ 7,000

5. As to Inspection No. 955408, which is associated with OSHRC Docket No. 14-1047, the Secretary hereby amends Citation 1, Item 1 to allege a violation of Section 5(a)(1) of the Act, rather than 29 CFR §1910.132(a), as originally alleged. The Secretary hereby amends Citation 1, Item 1 from 29 CFR §1910.132(a) to §5(a)(1). The §5(a)(1) citation shall read as follows: *The employer did not require its armed delivery personnel employed at its Central Islip, NY location to wear ballistic vests to protect from the possibility of serious physical injury or death resulting from being shot when making pick-ups and/or drop-offs of cash at unsecured locations. Unsecured locations are defined as those to which the public have access.*

6. As to Inspection No. 955408, which is associated with OSHRC Docket No. 14-1047, the Secretary hereby withdraws Citation 2, Item 1.

7. The proposed penalty for Inspection No. 955408, which is associated with OSHRC Docket No. 14-1047, is amended as follows:

<u>CITATION NO.</u>	<u>ITEM</u>	<u>PROPOSED PENALTY</u>	<u>AMENDED PROPOSED PENALTY</u>
1	1	\$ 5,000	\$7,000
2	1	\$27,500	Withdrawn
TOTAL		\$32,500	\$ 7,000

8. As to Inspection No. 955641, which is associated with OSHRC Docket No. 14-0870, the Secretary hereby amends Citation 1, Item 1 to allege a violation of Section 5(a)(1) of the Act, rather than 29 CFR §1910.132(a), as originally alleged. The §5(a)(1) citation shall read as follows: *The employer did not require its armed delivery personnel employed at its Runnemede, New Jersey location to wear ballistic vests to protect from the possibility of serious physical injury or death resulting from being shot when making pick-ups and/or drop-offs of cash at unsecured locations. Unsecured locations are defined as those to which the public have access.*

9. The proposed penalty for Inspection No. 955641, which is associated with OSHRC Docket No. 14-0870, is amended as follows:

<u>CITATION NO.</u>	<u>ITEM</u>	<u>PROPOSED PENALTY</u>	<u>AMENDED PROPOSED PENALTY</u>
1	1	\$ 5,000	\$7,000

10. Based upon the above, the respondent herein withdraws its notice of contest as to

each citation and proposed penalties as modified.

11. Respondent agrees by way of specific terms of abatement to:

(i) provide its armored car employees at the Long Island City, New York and the Runnemedede, New Jersey locations with, and pay for, required ballistic vests;

(ii) train its armored car personnel at the Long Island City, New York and Runnemedede, New Jersey locations on the proper use of ballistic vests;

(iii) train its armored car personnel to recognize unsecured locations where they will be required to wear the ballistic vests;

(iv) train its armored car personnel to inspect the ballistic vests; and

(v) implement a system ensuring that respondent replaces ballistic vests following the expiration of their "service life".

12. Respondent further agrees that it will comply in the future with the Occupational Safety and Health Act.

13. Respondent certifies that on August 10, 2015, this stipulation will be posted at locations in the Long Island City, New York Office and the Runnemedede, New Jersey office where affected employees may see it. Respondent further represents in February 2015, it closed the location that it had operated at 1640 Veterans Highway, Central Islip, NY 11749.

14. Respondent will pay the total amended proposed penalty of \$ 21,000 by forwarding three (3) checks, each in the amount of \$7,000, and made payable to "Occupational Safety and Health-Labor", no later than August 31, 2015. The check for inspection number 955413, shall be sent to the Queens, NY District Office of the Manhattan Area Office of the Occupational

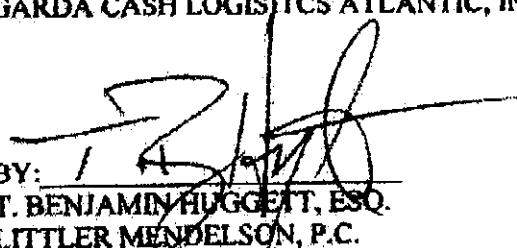
Safety and Health Administration located at 45-17 Marathon Parkway, Little Neck, New York 11362. The check for inspection number 955408 shall be sent to the Long Island Area Office of the Occupational Safety and Health Administration located at 1400 Old Country Road, Suite 208, Westbury, New York 11590. The check for inspection number 955641 shall be sent to the Marlton, New Jersey Area Office of the Occupational Safety and Health Administration located at Marlton Executive Park, Building 2, 701 Route 73 South, Suite 120, Marlton, New Jersey 08053

15. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

DATED: 7 August, 2015
New York, NY

FOR THE RESPONDENT

GARDA CASH LOGISTICS ATLANTIC, INC.


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