

**Iowa OSHA**

150 Des Moines Street  
Des Moines, IA 50309  
Phone: (515) 242-5870  
Fax: (515) 281-7995  
www.iowaosha.gov  
osha@iwd.iowa.gov

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## Citation and Notification of Penalty

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<b>To:</b> Department of Corrections, State of Iowa and its successors 406 North High Street Anamosa, IA 52205	<b>Inspection Number:</b> 1465645 <b>Case File Number:</b> 03621 <b>CSHO:</b> W9002 <b>Inspection Date(s):</b> 02/26/2020-02/26/2020 <b>Issuance Date:</b> 08/18/2020
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**Inspection Site:**  
406 North High Street  
Anamosa, IA 52205

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This Citation and Notification of Penalty (Citation) alleges violations of the Iowa Occupational Safety and Health Act and proposes penalties. Fifteen working days after you receive this Citation, the allegations and proposed penalties will become final unless you reach a settlement agreement with Iowa OSHA or contest the Citation. After 15 working days have passed, there will be no further chance to challenge these allegations and penalties.

Each violation described in this Citation is alleged to have occurred on or about the days the inspection was made unless another date is noted.

**Contest.** You may contest in writing all or part of the Citation. You may file a notice of contest yourself or hire an attorney to help you at your own expense.

**Notice to employees.** A copy of the Citation must be posted immediately in a prominent place near the location where each violation occurred. If posting near the site of each violation is not feasible, the Citation must be posted where it will be easily seen by all affected employees. The Citation must remain posted until the violation is corrected or for 3 working days, whichever is longer.

**Payment.** In the absence of a contest or settlement agreement, the penalties must be paid within 15 working days. Make your check or money order payable to "Iowa OSHA" and note the inspection number on it. Iowa OSHA does not agree to any restriction, condition, or endorsement put on any check or money order, and will cash the check or money order as if the restriction, condition or endorsement does not exist.

**Working days.** Working days are Monday through Friday excluding State and Federal holidays.

**Hazard correction.** In the absence of a contest or settlement agreement, each violation must be corrected by the date set in the Citation. You are required to provide documentation of abatement to your employees and to Iowa OSHA. The enclosed form and booklet will help you with this process.

**Employee right to contest.** An employee or employee representative may contest an abatement date set in the Citation. The contest must be mailed to Iowa OSHA within 15 working days of the employer's receipt of this Citation.

**Whistleblower protection.** An employer may not retaliate against an employee for cooperating with an OSHA inspector, filing an OSHA complaint, or exercising other rights under the OSHA law. An employee may file a complaint within 30 days after retaliation occurred.

**Guide to Iowa OSHA Citations.** *The Guide to Iowa OSHA Citations* covers topics related to this Citation in more detail. Please review it carefully.

**Informal conference.** You may request an informal conference or meeting to discuss any part of this Citation. Frequently, citations are settled at informal conferences. Call the number above right away if you wish to schedule an informal conference because after 15 working days an informal settlement agreement is not possible. If you schedule an informal conference you must complete the form on page 3 and post it where affected employees can see it.

## NOTICE OF INFORMAL CONFERENCE

An informal conference has been scheduled with Iowa OSHA to discuss the citation(s) issued on 08/18/2020. Employees and/or representatives of employees have a right to attend an informal conference.

Employer: Check and complete one of the following\*

The informal conference will be held at Iowa OSHA,

The informal conference will be held at Iowa OSHA:

150 Des Moines Street

Des Moines, IA 50309 on \_\_\_\_\_ at \_\_\_\_\_.

The informal conference will be held by phone. To participate call:

\_\_\_\_\_

\*This must be completed and posted by the employer *only* if an informal conference is scheduled.

Inspection Number: 1465645  
Inspection Date: 02/26/2020-02/26/2020  
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**Citation and Notification of Penalty**

**Company Name:** Department of Corrections, State of Iowa  
**Inspection Site:** 406 North High Street Anamosa, IA 52205

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Citation 1 Item 1 Type of Violation: **Serious**

Section 88.4 - Code of Iowa (2019)

88.4: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to acts of violence which may result in fatal or serious injury:

(a) Entire Facility - The employer has failed to provide an adequate and reliable means of communication for employees to summon assistance during violent attacks or calls for emergency aid. Correctional officers were exposed to potential physical attacks during their normal job duties exposing them to broken bones, concussions, contusions, and death. The TAIT Radios issued to correctional officers have documented shortcomings that impede the communication abilities of corrections staff facility wide. In the event of an emergency engaging the "man-down" alarm button will send notification to master control identifying the mobile radio unit under alarm, but not the specific location of the radio in the facility. Staff in need of assistance must communicate their specific location delaying emergency response efforts. Additional noted malfunctions of the radio system include but are not limited to: unprompted "man-down" alarms, dropped radio transmissions, inability to receive transmissions at master control, inability of emergency transmission to override transmissions already in progress, malfunctioning master control center consoles, and poor clarity of transmission after alarm has been initiated. These deficiencies slow or prevent adequate response of correctional officers during an emergency or threat of attack. This condition was noted on or about 02/26/2020.

(b) Entire facility - The employer failed to follow their Emergency Response Plan designed to manage internal response to violent incidents. The documented plan provides for two teams of responders (A and B) to be identified and notified daily by shift supervisors. These A-Team responders are tasked with answering emergency calls for aid immediately upon receiving the notification. However, employees who are assigned to the "A Response Team," are not continually available to respond in the event of an emergency. A-Team responders may not be available to respond if: in-route with a protective custody inmate, supervising inmates with Class-A tools, transporting inmates to the hospital, assisting with medication passing, providing break relief, or various other tasks that preclude responders from leaving their post. The availability of an adequate number of immediate responders is necessary for the protection of employees. This condition prevents a consistent satisfactory response by designated individuals during violent attacks by offenders on corrections staff. This condition was noted on or about 02/26/2020.

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Among other methods, one feasible means of abatement would be to:

(a) Acquire a radio communication system that would provide the immediate identification of officers in need of assistance and their location, along with timely and reliable dissemination of that information to the master control center and all other potential responders. Communications infrastructure and software should be serviced and updated regularly by a qualified technician to reduce malfunctions and prevent communication equipment deficiencies.

(b) Have adequate number of responders available at all times. Develop a policy that eliminates assigning duties to A-Responders that preclude them from responding immediately to emergency calls for aid.

**Date by Which Violation Must Be Abated:** **October 05, 2020**  
**Proposed Penalty:** **\$9,472.00**

Citation 1 Item 2 a Type of Violation:  **Serious**

IAC 875 - Chapter 10

1910.28(b)(11)(ii): Each flight of stairs having at least 3 treads and at least 4 risers was not equipped with stair rail systems and handrails as required in Table D-2 of this standard; stairways between 44 inches and 88 inches in width with one open side were not equipped with a stair rail system with a handrail on the open side:

(a) Administration Building, Vestibule 1st Floor Stairway - Employees traversing the stairs in the Administration Building are exposed to hazardous fall conditions. The stair rail on the open side of the stairway is approximately 24 inches in height and does not meet the minimum height requirement for a stair rail. No hand rail was placed on the closed side of the stairway. This condition existed prior to and was noted on or about 02/26/2020.

**Date by Which Violation Must Be Abated:** **October 05, 2020**  
**Proposed Penalty:** **\$9,472.00**

Inspection Number: 1465645  
Inspection Date: 02/26/2020-02/26/2020  
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**Citation and Notification of Penalty**

**Company Name:** Department of Corrections, State of Iowa  
**Inspection Site:** 406 North High Street Anamosa, IA 52205

Citation 1 Item 2 b Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.29(f)(1)(ii)(A): The height of stair rail systems installed before January 17, 2017 is not less than 30 inches (76 cm) from the leading edge of the stair tread to the top surface of the top rail:

(a) Administration Building, Vestibule 1st Floor Stairway - Employees traversing the stairs in the Administration Building are exposed to hazardous fall conditions. The stair rail on the open side of the stairway is approximately 24 inches in height and does not meet the minimum height requirement for a stair rail. No hand rail exists on the closed side of the stairway. This condition existed prior to and was noted on or about 02/26/2020.

**Date by Which Violation Must Be Abated:** **October 05, 2020**  
**Proposed Penalty:** **\$0.00**

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

IAC 875 - Chapter 10

1910.1030(g)(2)(vii)(N): The bloodborne pathogens training program did not contain an opportunity for interactive questions or answers with the person conducting the training session:

(a) Entire Facility - Employees are exposed to bloodborne pathogens during violent attacks, administering medical treatments, and deliberate exposure by offenders during their normal work duties. Required training in bloodborne pathogens conducted on the e-learning system does not provide the employees with the opportunity for interactive questions and answers. This condition was noted on or about 02/26/2020.

**Date by Which Violation Must Be Abated:** **October 05, 2020**  
**Proposed Penalty:** **\$1,063.00**

  
\_\_\_\_\_  
Russell Perry  
Iowa OSHA Administrator

**Iowa OSHA**  
150 Des Moines Street  
Des Moines, IA 50309  
Phone: (515) 242-5870  
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## PENALTY SUMMARY

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**Company Name:** Department of Corrections, State of Iowa  
**Inspection Site:** 406 North High Street Anamosa, IA 52205  
**Issuance Date:** 08/18/2020

**Penalty Summary of Inspection Number:** 1465645

Citation 1 Item 1, Serious	\$9,472.00
Citation 1 Item 2a, Serious	\$9,472.00
Citation 1 Item 2b, Serious	\$0.00
Citation 2 Item 1, Other-than-Serious	\$1,063.00

**TOTAL PENALTIES:** **\$20,007.00**

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Make check or money order payable to **"IOWA OSHA."** Please indicate the inspection number and DBA, if company name is different, on the remittance.