

Bureau Management Reviews a Proposed Penalty SOP# 102

ELEVATOR & AMUSEMENT DEVICE BUREAU
North Carolina Department of Labor



STANDARD OPERATING PROCEDURE MANUAL

1. PURPOSE and SCOPE

1.1. Purpose

This SOP establishes the procedure that Bureau Management uses to act on a proposed penalty. There are specific circumstances in which an Inspector may propose that a penalty be levied against a Customer, e.g. amusement device Owner, Elevator Company. When this occurs, Bureau Management must review the situation and decide how much, if any, penalty will actually be imposed. This may involve negotiation with representative(s) of the company. If the Customer agrees to a correction plan and carries it out, the penalty may be reduced or waived. This procedure applies to Customers associated with all types of Amusement, Elevator and Tramway devices. It has the following goals:

- Reinforce effective practices in companies that deal with the bureau;
- Impose a penalty in those cases where companies fail to comply with statutory requirements;
- Determine a fair penalty given the circumstances;
- Obtain payment from the Company/Owner (when required).

1.2. Scope

This procedure includes those actions required to review a proposed penalty, consider penalty reductions, consider use of a correction plan (where appropriate), and if necessary, impose a penalty. The steps include:

- Review the documents of the case;
- Determine a suitable penalty;
- Meet with the Company/Owner if requested;
- Develop an improvement plan;
- Negotiate a final penalty as needed;
- Receive payment.

1.3. Regulations

The following statutes, rules and/or codes must be followed while performing this SOP:

- 1.3.1. Amusement Device Safety Act
- 1.3.2. Elevator Safety Act
- 1.3.3. Passenger Tramway Safety Act

2. PERSONNEL RESPONSIBILITIES

The following is a list of each role who participates in the procedure and the overall responsibilities of each role.

| Role | Responsibilities |
|-------------------|---|
| Inspector | <ul style="list-style-type: none">Propose penalty |
| Bureau Management | <ul style="list-style-type: none">Review the proposed penalty;Review the documents of the case;Calculate final penalty;Meet with the Company/Owner if requested; |
| Customer | <ul style="list-style-type: none">Remit payment to Budget Dept(Elevator only) Complete the correction plan within specified time. |

3. HEALTH AND SAFETY ISSUES

The following health and safety issues may arise if this procedure is not followed correctly and in a timely manner. As available, related Health & Safety regulations and/or procedures are provided for each issue.

| Potential Issue | Health & Safety Regulation / Procedure |
|-----------------|--|
| N/A | |

4. PROCEDURE

4.1. Trigger

This procedure is triggered when an Inspector has proposed that a penalty be levied against a Customer.

4.2. Primary Procedure –First Penalty Letter

This procedure is used when Bureau Management first becomes aware that an Inspector has proposed that a penalty be levied against a Customer.

- 4.2.1. Office Manager receives notice of the proposed penalty directly from Inspector, via email.
- 4.2.2. Office Manager reviews proposed penalty and drafts a Notification of Final Penalty accordingly.
- 4.2.3. Office Manager emails Notification of Final Penalty to Bureau Chief.

- 4.2.3.1. Bureau Chief calculates a final penalty.
- 4.2.4. Office Manager composes Penalty Letter to accompany Notification of Final Penalty.
 - 4.2.4.1. Copy made and put in Penalty file
 - 4.2.4.2. Penalty Letter saved to F drive (F Drive > INSPECT > Penalties Logs > Penalties Issued-Letters)
 - 4.2.4.3. Notification of Final Penalty saved to F drive (F Drive > INSPECT > Penalties Logs >Penalty – Final Calculation Sheet)
 - 4.2.4.4. Penalty Letter and Notification of Final Penalty are mailed certified to Customer.
 - 4.2.4.5. Office Manager emails copy of Penalty Letter and Notification of Final Penalty to the Inspector, Inspector's Supervisor, Bureau Chief, and Budget Department.
- 4.2.5. Office Manager logs the Penalty in the F drive (F Drive > INSPECT > Penalties Logs > Penalties Issues Log – 2014-2016)
- 4.2.6. End of procedure

4.3. Exception Procedure

- 4.3.1. N/A

5. CUSTOMER SERVICE REQUIREMENTS

The following table lists the customer service requirements that must be satisfied for each Customer of the procedure.

| Customer | Requirements |
|---------------------------|---|
| Owner or Elevator Company | <ul style="list-style-type: none">It is possible to negotiate a reduction in the penalty. |

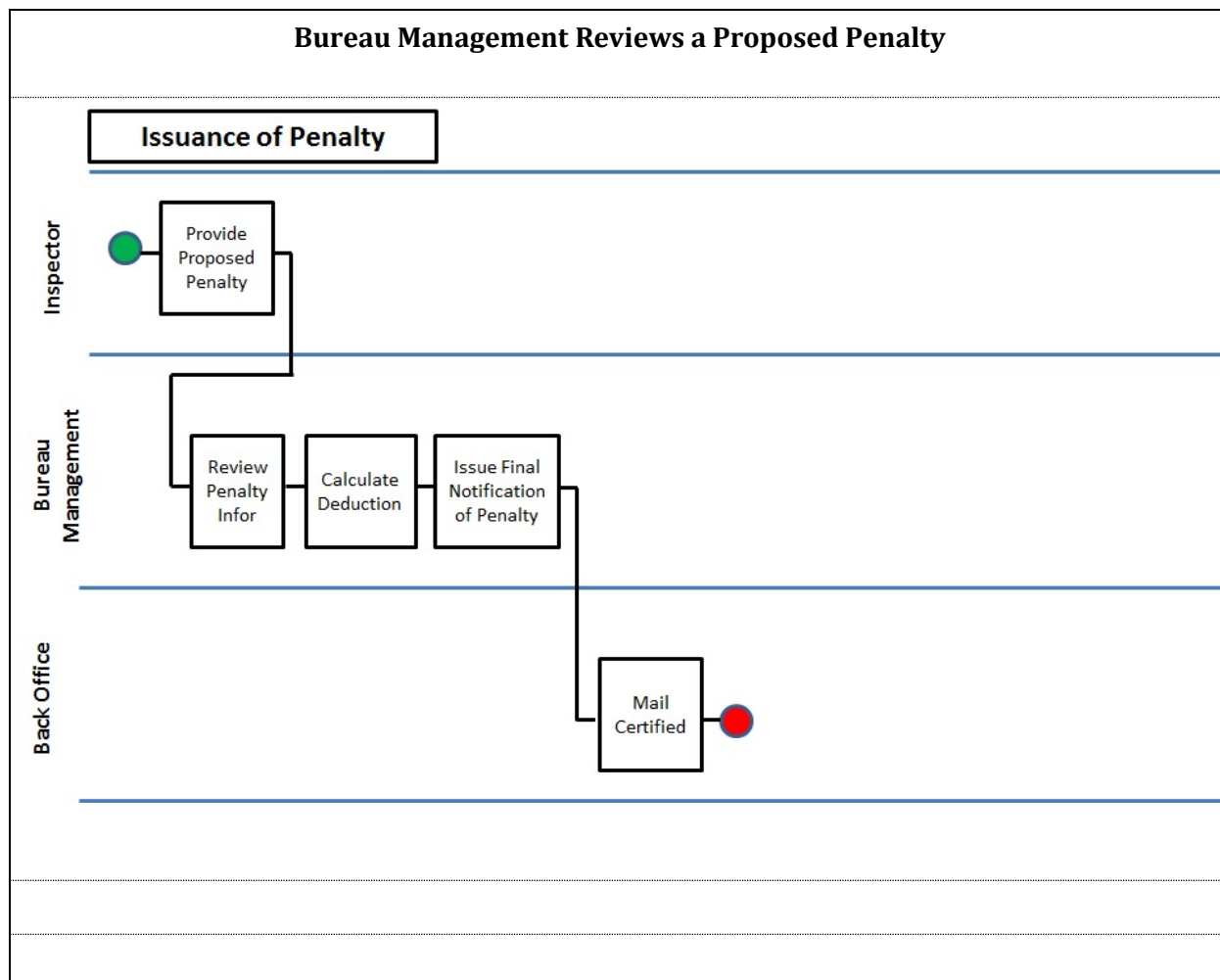
6. DATA AND RECORD MANAGEMENT

6.1. Reports run as part of this procedure

6.1.1. N/A

6.2. Storage locations of saved materials

6.2.1. A record of each Penalty is maintained on the F drive



7. Glossary

A glossary of terms used in this SOP is available on the SOP website. It contains acronyms, abbreviations and special terms used in this document.