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OSHA Enforcement: New Jersey Convenience Store Operator Is Issued General Duty Citation Related to a Shooting of a Store Employee During an Attempted Robbery

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The United States Occupational Safety and Health Administration ("OSHA") issued an April 27th citation to the operator of an Irvington, New Jersey convenience store in relation to the shooting of a store employee during an attempted robbery in the "evening hours of Oct. 28, 2015."

OSHA states that the convenience store employer's name is Jay Management Inc.

The OSHA regulations do not contain specific standards for workplace violence. Instead, OSHA cited the employer under the Occupational Safety and Health Act's "general duty clause."

The general duty clause requires employers to provide their employees with a place of employment that is "free from recognizable hazards that are causing or likely to cause death or serious harm to employees."

The agency has interpreted the general duty clause to mean that the employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard.

OSHA is alleging that the New Jersey employer exposed the store associate to workplace hazards. The OSHA Area Director is quoted as stating:

In the past five years, 20 workplace violence incidents involving theft, armed robbery and fights occurred at this store. Jay Management was well aware of this history and, even after the death of its employee in October the employer did nothing to implement safety measures to protect employees. This disregard for employee safety is unacceptable and will not be tolerated...

OSHA proposes penalties of \$14,000.

Jay Management has 15 days from receipt of its citations and proposed penalties to comply, request a conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.

[Click here to download a copy of the OSHA news release and citation.](#)

