



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

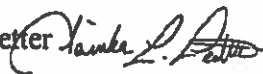
Department of Labor and Workforce  
Development

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## Memorandum

TO: Director Joe Knowles

FROM: Commissioner Tamika L. Ledbetter 

DATE: January 18, 2021

SUBJECT: Labor Standards and Safety Procedures

On December 7, 2020, Chief Ron Larsen presented you with a memo requesting review and consideration of a Willful General Duty Clause Citation against Copper River Seafoods in the amount of \$134,937 for alleged violations of workplace safety due to COVID-19. The package also included other proposed fines for a total of \$241,610.

The initial inspection occurred after AKOSH received an interagency referral from the State of Alaska, Department of Health and Social Services regarding high levels of COVID-19 at the Anchorage East facility.

Subsequent to my review of the initial citation package, it came to my attention that there was a second round of citations that resulted from the August 2020 inspection for a combined total of approximately \$450,000. My understanding is that you were not aware of the additional penalty package at the time that you consulted with the Commissioner's Office, and were only made aware after follow-up contact with Enforcement staff.

The Field Operations Manual (FOM) requires consultation with the Commissioner on citation packages over \$250,000.

A number of concerns arise with the way in which the citations were acquired and presented for my review. To address these concerns, I am directing an update of the Field Operations Manual. In the future, please forward all proposed citation packages of \$50,000 or more to the Commissioner's Office. Please also forward all proposed Willful General Duty Clause packages for my review.

In consultation with the Department of Law, suggested language should read:

*A significant enforcement action is one which results from an investigation in which the total proposed penalty is greater than or equal to (\$250,000) \$50,000, or involves novel enforcement issues. This includes any willful general duty citation. The Commissioner of Labor and Workforce Development (shall be consulted) must approve the citation and penalties prior to issuing a significant case penalty.*

Further, the initial documentation for the Willful General Duty Citation for Copper River Seafoods was not adequately supported by the documentation provided in the December 7 memo. Therefore, I am denying the request to move forward with the Willful Citation as well as all citations that emanated from the August inspection.

As the leader of the Department of Labor and Workforce Development and the Chief Safety Officer for the State, workplace safety is my highest responsibility. It is my goal that the Department of Labor and Workforce Development foster working relationships with the regulated community which emphasize the important role of consultation, and that we continue to implement strategies that lead to safer working conditions and less on strictly punitive results.

I look forward to working with you and your team to update our operational guidelines. Please know that I am available to review the substance of this communication, and I welcome your thoughts and input as we move forward.