

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Fremont District Office  
39141 Civic Center Drive, Suite 310  
Fremont, CA 94538  
Phone: (510) 794-2521 Fax: (510) 794-3889

**Inspection #:** 1485541  
**Inspection Dates:** 07/24/2020 - 01/13/2021  
**Issuance Date:** 01/14/2021  
**CSHO ID:** T8256  
**Optional Report #:** 004-21



**Citation and Notification of Penalty**

**Company Name:** Draeger's Market  
**Establishment DBA:**  
and its successors  
**Inspection Site:** 342 1st. St.  
Los Altos, CA 94022

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

**California Code of Regulations, Title 8 Section 3203 (a). Injury and Illness Prevention Program**

- (a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:**
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices.**
- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:**

Prior to and during the course of the inspection, including, but not limited to July 24th, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in that it did not identify, evaluate, or correct the following unhealthy conditions or work practices relating SARs-CoV-2 (the virus causing COVID-19) that affected its employees:

Instance 1

Employer failed to ensure that employees maintained a physical distance from each other of at least 6 feet and effectively wearing a face covering for workers in the office area [Title 8 CCR 3203(a)(4),(6)];

Instance 2

Employer failed to ensure that employees maintained a physical distance from each other of at least six feet in all direction and effectively wearing a face covering while eating and sitting in the breakroom; [Title 8 CCR 3203(a)(4),(6)];

Instance 3

Employer failed to install physical barriers to separate employees from each other while eating and sitting in the break room. [Title 8 CCR 3203(a)(4),(6)];

Or, in the alternative as Instance 3:

California Code of Regulations, Title 8 Section 5141. Control of Harmful Exposure to Employees.

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Prior to and during the course of the Divisions inspection, including, but not limited to, on July 24, 2020, the employer failed to prevent harmful exposures of its employees to COVID-19 airborne particles by ensuring the use of feasible engineering controls, including, but not limited to, physical barriers, such as Plexiglas shields or other impermeable dividers or partitions, to separate employees eating and sitting in the breakroom from each other. [Title 8 CCR §5141 (a).]

**Date By Which Violation Must be Abated:**

**January 27, 2021**

**Proposed Penalty:**

**\$13500.00**

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Kelly Tatum  
Compliance Officer / District Manager