

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 #: 1488389
Inspection Dates: 08/13/2020 - 02/16/2021
Issuance Date: 02/16/2021
CSHO ID: W6136
Optional Report #: 009-21



Citation and Notification of Penalty

Company Name: Mannington Mills, Inc.
Establishment DBA: Burke Industries, Inc.
and its successors
Inspection Site: 2250 S. 10th St.
San Jose, CA 95112

Citation 1 Item 1 Type of Violation: **Repeat Regulatory**

Title 8 CCR Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

The employer failed to immediately report by telephone, online mechanism, or email to the Division the serious illnesses suffered by several employees who were hospitalized as a result of COVID-19 in the following instances:

Instance 1: An employee was hospitalized for approximately 3 days starting on or about July 15, 2020.

Instance 2: An employee was hospitalized for approximately 24 days starting on or about July 18, 2020.

Instance 3: An employee was hospitalized for approximately 16 days starting on or about July 31, 2020.

Instance 4: An employee was hospitalized starting on or about August 1, 2020, and subsequently passed away on August 19, 2020.

The employer was previously cited for the same violation of T8 CCR Sec. 342(a). The citation, OIS number 1317026, was issued by the Fremont District Office on June 27, 2018, and affirmed as a final order on June 11, 2019.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$10000.00

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

Title 8 CCR Section 3203(a)(6). 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:

(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:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

Prior to and during the course of the inspection, including but not limited to, on August 13, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP), specifically its COVID -19 policy documents #MMI-003 through 005, in that the employer did not ensure employees complied with its policy and were completing the COVID-19 Screening Questionnaire to prevent the spread of SARS-CoV-2, the virus causing COVID-19.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$7650.00**

Compliance Officer / District Manager