

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Oakland District Office  
1515 Clay Street, Suite 1303  
Oakland, CA 94612  
Phone: (510) 622-2916 Fax: (510) 622-2908

**Inspection #:** 1509522  
**Inspection Dates:** 01/11/2021 - 07/12/2021  
**Issuance Date:** 07/12/2021  
**CSHO ID:** U1591  
**Optional Report #:** 021-21



**Citation and Notification of Penalty**

**Company Name:** Eskaton Properties, Incorporated  
**Establishment DBA:** The Parkview  
and its successors  
**Inspection Site:** 100 Valley Avenue  
Pleasanton, CA 94566

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

**California Code of Regulations. Title 8 §3205(c). COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include [provisions for]:**

- (1) System for Communicating ().**
- (2) Identification and evaluation of COVID-19 hazards ().**
- (3) Investigating and responding to COVID-19 cases in the workplace ().**
- (4) Correction of COVID-19 hazards ().**
- (5) Training and Instruction ().**
- (6) Physical distancing ().**
- (7) (Face coverings ().**
- (8) Other engineering controls, administrative controls, and personal protective equipment ().**
- (9) Reporting, record keeping, and access ().**
- (10) Exclusion of COVID-19 cases ().**
- (11) Return to work criteria ().**

Violation:

Prior to and during the course of the inspection, the employer failed to have established a written COVID-19 Prevention Program that included all of the elements set forth in Subsections (c)(1) through (c)(11).

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$0.00</b>

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

**California Code of Regulations. Title 8 §5144(c)(1). Respiratory Protection.**

**(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).**

**(1) In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:**

- (A) Procedures for selecting respirators for use in the workplace;**
- (B) Medical evaluations of employees required to use respirators;**
- (C) Fit testing procedures for tight-fitting respirators;**
- (D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;**
- (E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;**
- (F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;**
- (G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;**

- (H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and**
- (I) Procedures for regularly evaluating the effectiveness of the program.**

Violation:

Prior to and during the course of the inspection, including but not limited to, during the time period of December 11, 2020 through July 12, 2021, the employer failed to have established and implemented a written respiratory protection program for those employees required to wear a tight-fitting filtering facepiece respirators in the workplace with occupational exposure to SARS-CoV-2, the virus that causes COVID-19.

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

**August 16, 2021**  
**\$975.00**

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Citation 1 Item 3 Type of Violation: **General**

**California Code of Regulations. Title 8 §5144(e)(1). Respiratory Protection.**

**(e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.**

**(1) General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.**

Violation:

Prior to and during the course of the inspection, including but not limited to, December 11, 2020 through April 7, 2021, the employer failed to provide medical evaluations to determine the ability of employees to use respirators, before employees were required to use the respirators in the workplace.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$605.00</b>

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

**California Code of Regulations. Title 8 §3205(c)(10)(B). COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:**

**(10) Exclusion of COVID-19 cases. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.**

**(B) Employers shall exclude employees with COVID-19 exposure from the workplace for 10 days after the last known COVID-19 exposure to a COVID-19 case.**

Violation

Prior to and during the course of the investigation, including, but not limited to, January 11, 2021, the employer failed to have established and implemented a system to ensure that employees with COVID-19 exposure were excluded from the workplace for 10 days after the last known exposure for cases during the months of December and January of 2021.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$7310.00**

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Citation 3 Item 1 Type of Violation: **Serious**

**California Code of Regulations. Title 8 §5144(f). Respiratory Protection.**

**(f) Fit testing. This subsection requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This subsection specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.**

Violation:

Prior to and during the course of the inspection, including but not limited to, December 11, 2020 through April 7, 2021, the employer failed to ensure that employees required to use tight-fitting filtering facepiece respirators were fit tested in accordance with Appendix A of Section 5144 of these orders, prior to their initial use of the respirator when required in the workplace with occupational exposure to SARS-CoV-2, the virus that causes COVID-19.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$7310.00**

Wendy Hogle-Lui  
Compliance Officer / District Manager