

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 #: 1505917
Inspection Dates: 11/20/2020 - 07/19/2021
Issuance Date: 07/19/2021
CSHO ID: J1598
Optional Report #: 007-21



Citation and Notification of Penalty

Company Name: HCA Healthcare, Inc.
Establishment DBA: San Jose Market CDC Warehouse-Far West Supply Chain Div
and its successors
Inspection Site: 184 Barnard Ave.
San Jose, CA 95125

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

California Code of Regulations, Title 8, Section 342. Reporting Work-Connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of 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.

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.

The employer failed to immediately report to the Division every serious illness or death of employees due to COVID-19 illness in the following instances:

Instance 1: An employee hospitalized for 7 days with COVID-19 starting on or about November 12, 2020 and died of November 19, 2020.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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Inspection Site: 184 Barnard Ave.
San Jose, CA 95125

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

California Code of Regulations, Title 8, Section 3203(a)(4) and (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:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

- (A) When the Program is first established;**
- (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and**
- (C) Whenever the employer is made aware of a new or previously unrecognized hazard.**

(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,

Prior to and during the course of the inspection, including, but not limited to, on November 20, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program(IIPP) in that it did not identify, evaluate, or correct the following unhealthy conditions or work practices relating to SARs-CoV-2 (the virus causing COVID -19) that affected its employees:

Instance #1:

The employer failed to identify, evaluate and correct hazards for lack of physical distancing among employees working at the warehouse facility. [3203 (a)(4)&(6)]

Instance #2

The employer failed to implement and maintain effective methods or procedures to correct unhealthy conditions or work practices to prevent the spread of COVID-19 among workers when employees with symptoms were allowed to work part of their shift.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$10125.00

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

**California Code of Regulations, Title 8, Section 3203(a)(7). 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:**

- ☐**
- (7) Provide training and instruction:**
 - (A) When the program is first established;**
 - (B) To all new employees;**
 - (C) To all employees given new job assignments for which training has not previously been received;**
 - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;**
 - (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,**
 - (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.**

Prior to and during the course of the Division's inspection, including, but not limited to, on November 25, 2020, Regional Medical Center of San Jose, failed to establish, implement, and maintain an effective training program as it pertains section 3203(a)(7) of the Division's Injury and Illness Prevention Program. The employer failed to provide training and instructions relating to the hazards of COVID-19 for its employees who perform work duties at facilities facility located at 184 Barnard Ave, San Jose, CA 95125.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$10125.00**

Kelly Tatum
Compliance Officer / District Manager