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 #: Inspection Dates: Issuance Date: CSHO ID: Optional Report #: 1486716 08/04/2020 - 08/04/2021 08/05/2021 Q0917 003-21



### Citation and Notification of Penalty

Company Name:	Oakhurst Industries, Inc.
Establishment DBA:	Freund Baking Company
	and its successors
Inspection Site:	3265 Investment Boulevard Hayward, CA 94545

<u>Citation 1 Item 1</u> Type of Violation: Serious

Title 8 CCR 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. Inspections shall be made to identify and evaluate hazards:

(5) Include a procedure to investigate occupational injury or occupational illness.

(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:

Violation:

Prior to and during the course of the inspection, including but not limited to, on August 04, 2020, the employer failed to effectively implement its Injury & Illness Prevention Program in that it did not communicate, 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 in the following instances:

INSTANCE 1 - The employer failed to have maintained and/or implement its policy for screening employees for COVID-19 signs and symptoms and/or contact with COVID-19 cases, prior to entering the workplace. [3203(a)(4)&(6)]

INSTANCE 2 - The employer failed to have established and implement a system for referring employees whom are exposed to someone who is either positive, suspected to be positive, positive for COVID-19 and/or showing signs of the virus, for testing and medical evaluation and/or removing them from the workplace. [3203(a)(4)&(6)]

See pages 1 through 4 of this Citation and Notification of Penalty for information on employee rights and responsibilities.Citation and Notification of PenaltyPage 5 of 11Cal/OSHA-2 V1 Rev 10/2020

INSTANCE 3 - The employer failed to establish, maintain and/or implement a system for investigating possible COVID-19 cases, such as exposure outside the work place, employees who become ill at the workplace, and those that are deemed close contact to suspect and/or positive COVID-19 cases occurring in the workplace and identifying close contacts and notifying those individuals. [3203(a)(5)]

INSTANCE 4 - The employer failed to establish a system that describes how the workplace will be cleaned and/or sanitized if an employee is exposed to a suspected and/or positive COVID-19 case, suspected to have symptoms and/or is positive of COVID-19. [3203(a)(6)].

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$11250.00

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<u>Citation 2 Item 1</u> Type of Violation: Serious

Title 8 CCR 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.

Violation:

Prior to and during the course of the inspection, including but not limited to, on August 04, 2020, the employer failed to effectively implement and/or maintain its Injury & Illness Prevention Program in that it did not effectively and/or timely train employees, including management and/or supervisors, on the hazard related to SARS-CoV-2, the virus causing COVID-19.

Date By Which Violation Must be Abated: Proposed Penalty: Corrected During Inspection \$9000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.Citation and Notification of PenaltyPage 7 of 11Cal/OSHA-2 V1 Rev 10/2020

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Inspection Site:	3265 Investment Boulevard
	Hayward, CA 94545

<u>Citation 3 Item 1</u> Type of Violation: Serious

Title 8 CCR Section §3205. 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 Prevention Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(3) Investigating and responding to COVID-19 cases in the workplace.

(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

2. Determine who may have had a close contact. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace, which may have been visited by the COVID-19 case during the high-risk exposure period.

Violation:

Prior to and during the course of the inspection the employer failed to have maintained and/or implement its written COVID-19 Prevention Program, in that it did not determine who may have been a close contact by fully completing an evaluation of the activities of the COVID-19 case and all locations at the workplace, which may have been visited by the COVID-19 case during the high-risk exposure period occurring on or about January 16, 2021.

Date By Which Violation Must be Abated: Proposed Penalty: Corrected During Inspection \$11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.Citation and Notification of PenaltyPage 8 of 11Cal/OSHA-2 V1 Rev 10/2020

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<u>Citation 4 Item 1</u> Type of Violation: Serious

Title 8 CCR Section §3205. 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 14 days after the last known COVID-19 exposure to a COVID-19 case.

Violation:

Prior to and during the course of the inspection, including but not limited to, on January 21, 2021 the employer failed to have maintained and/or implemented its written COVID-19 Prevention Program, in that it did not exclude all employees with COVID-19 exposure from the workplace for 14 days after the last known Covid-19 exposure to a confirmed case occurring on and around January 17, 2021 and allowed to continue to work through January 20, 2021.

Date By Which Violation Must be Abated: Proposed Penalty: Corrected During Inspection \$11250.00

Michael Chrisman / Wendy Hogle-Lui Compliance Officer / District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employee rights and responsibilities.Citation and Notification of PenaltyPage 9 of 11Cal/OSHA-2 V1 Rev 10/2020