

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Inspection #: 1503712
Inspection Dates: 11/17/2020 - 05/13/2021
Issuance Date: 05/13/2021
CSHO ID: D9666
Optional Report #: 017-21



Citation and Notification of Penalty

Company Name: County of Riverside
Establishment DBA: Riverside County Probation Department
and its successors
Inspection Site: 14327 Frederick Avenue
Moreno Valley, CA 92553

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

California Code of Regulations, Title 8, § 342. 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.

VIOLATION:

Employer failed to immediately report to the Division the serious illnesses of employees who fell ill of COVID-19 that occurred at its workplace or in connection with the employees' work:

Employee was hospitalized as a result of COVID-19 on or about October 28, 2020 and was re-admitted on or about November 1, 2020.

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

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

14300.4(a):

California Code of Regulations, Title 8 § 14300.4: Recording Criteria.

(a) Basic requirement. Each employer required by this article to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

- (1) Is work-related; and
- (2) Is a new case; and
- (3) Meets one or more of the general recording criteria of Section 14300.7 or the application to specific cases of Section 14300.8 through Section 14300.12.

VIOLATION:

Prior to and during the course of investigation, including but not limited to November 17, 2020, the employer did not record work-related injuries, meeting the general recording criteria of Section 14300.7, for the following employees working at 14327 Frederick Avenue in Moreno Valley, CA on its Cal/OSHA Log 300 as required by this section:

- (1) Employee with days away from work for a COVID 19 related illness on or about July 28, 2020**
- (2) Employee with days away from work for a COVID 19 related illness on or about October 21, 2020**
- (3) Employee with days away from work for a COVID 19 related illness on or about November 20, 2020**
- (4) Employee with days away from work for a COVID 19 related illness on or about December 1, 2020**
- (5) Employee with days away from work for a COVID 19 related illness on or about December 17, 2020**

Date By Which Violation Must be Abated:
Proposed Penalty:

June 14, 2021
\$375.00

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Company Name: County of Riverside
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Inspection Site: 14327 Frederick Avenue
Moreno Valley, CA 92553

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

California Code of Regulations, Title 8, Section 5199(c)(7)
§5199. Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(7) Employers shall ensure that all employees with occupational exposure participate in a training program. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training shall be provided when there are changes in the workplace or when there are changes in procedures that could affect worker exposure to ATPs. The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace. Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used. This training shall include:

(A) A general explanation of ATDs including the signs and symptoms that require further medical evaluation;

(B) Screening methods and criteria for persons who require referral;

(C) The employer's source control measures and how these measures will be communicated to persons the employees contact;

(D) The employer's procedures for making referrals in accordance with subsection (c)(3);

(E) The employer's procedures for temporary risk reduction measures prior to transfer;

(F) Training in accordance with subsection (g) and Section 5144 of these orders, when respiratory

protection is used;

(G) The employer's medical services procedures in accordance with subsection (h), the methods of reporting exposure incidents, and the employer's procedures for providing employees with post-exposure evaluation;

(H) Information on vaccines the employer will make available, including the seasonal influenza vaccine. For each vaccine, this information shall include the efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(I) How employees can access the employer's written procedures and how employees can participate in reviewing the effectiveness of the employer's procedures in accordance with subsection (c)(8); and

(J) An opportunity for interactive questions and answers with a person who is knowledgeable in the subject matter as it relates to the workplace that the training addresses and who is also knowledgeable in the employer's infection control procedures. Training not given in person shall provide for interactive questions to be answered within 24 hours by a knowledgeable person.

VIOLATION:

Prior to and during the course of the inspection, including but not limited to on November 17, 2020, the employer failed to ensure that all employees with occupational exposure to aerosol transmissible pathogens (ATP), specifically the novel pathogen SARs-CoV-2 the virus which causes COVID-19, were provided training in the following topics as required by this subsection:

Instance 1: The employer failed to provide training on screening methods and criteria for persons who require referral; [5199(c)(7)(B)]

Instance 2: The employer failed to provide training on the employer's procedures for making referrals in accordance with subsection (c)(3); [5199(c)(7)(D)]

Instance 3: The employer failed to provide training on the employer's procedures for temporary risk reduction measures prior to transfer; [5199(c)(7)(E)]

Instance 4: The employer failed to provide training to employees in accordance with subsection (h), the methods of reporting exposure incidents to aerosol transmissions pathogens, including SARs-CoV-2, and the employer's procedures for providing employees with post-exposure evaluation; [5199(c)(7)(G)]

Instance 5: The employer failed to provide training on information on vaccines the employer will make available, including the seasonal influenza vaccine; [5199(c)(7)(H)]

Instance 6: The employer failed to provide providing training on how employees can participate in reviewing the effectiveness of the employer's procedures in accordance with subsection (c)(8). [5199(c)(7)(I)]

Date By Which Violation Must be Abated:

June 14, 2021

Proposed Penalty:

\$465.00

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**Citation and Notification of Penalty**

Company Name: County of Riverside
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Inspection Site: 14327 Frederick Avenue
Moreno Valley, CA 92553

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

California Code of Regulations, Title 8, Section 3203. 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,

(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.

VIOLATION:

Prior to and during the course of the inspection, including, but not limited to, on November 17, 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: Riverside County Probation Department failed to effectively establish and implement client screening procedures for persons exhibiting symptoms of infectious aerosol transmissible disease, including COVID-19, on October 19, 2020. [3203(a)(4)]

Instance 2: Employer failed to effectively implement methods or procedures to correct unhealthy conditions, work practices, work procedures related to SARS-CoV-2 that affected its employees, including but not limited to, restricting persons from entering the facility when those persons exhibited symptoms. [3203(a)(6)].

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

**May 20, 2021
\$20250.00**

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**Citation and Notification of Penalty**

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Inspection Site: 14327 Frederick Avenue
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Citation 3 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 5199(c)(1)
 §5199. Aerosol Transmissible Diseases

(c) Referring Employers.

In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(1) The employer shall designate a person as the administrator who will be responsible for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases. The administrator shall have the authority to perform this function and shall be knowledgeable in infection control principles as they apply specifically to the facility, service or operation. The administrator shall also identify in writing the job categories in which employees have occupational exposure to ATPs. When the administrator is not on site, there shall be a designated person with full authority to act on his or her behalf. The infection control procedures shall include procedures for the cleaning and disinfection of work areas, vehicles, and equipment that may become contaminated with ATPs and pose an infection risk to employees. The written procedures shall be available at the worksite.

VIOLATION:

Prior to and during the course of the inspection, including but not limited to on November 17, 2020, the employer failed to establish, implement, and maintain effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases including but not limited to cleaning and disinfecting of work areas, vehicles, and equipment that may become contaminated with ATPs and pose an infection risk to employees having custodial responsibilities in Riverside County Probation Department juvenile facilities or while transporting of persons on parole, probation, mandatory supervision, or post release community supervision.

Date By Which Violation Must be Abated:

May 20, 2021

Proposed Penalty:

\$20250.00

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Citation 4 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 5199(c)(5)
§5199. Aerosol Transmissible Diseases.

(c) Referring Employers.

In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

- (A) placement of the person requiring referral in a separate room or area;
- (B) provision of separate ventilation or filtration in the room or area; and
- (C) employee use of respiratory protection when entering the room or area in which the person requiring referral is located, if that person is not compliant with source control measures. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

REFERENCE

T8 CCR Section 5199(g). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(1) Respirators provided for compliance with this section shall be approved by NIOSH for the purpose for which they are used.

(2) Each employer who has any employee whose occupational exposure is based on entering any of the work settings or performing any of the tasks described in subsection (g)(4) shall establish,

implement and maintain an effective written respiratory protection program that meets the requirements of Section 5144 of these orders, except as provided in subsections (g)(5) and (g)(6).

(3) Respirator selection.

(A) Where respirator use is required for protection against potentially infectious aerosols and is not required to meet the requirements of subsections (g)(3)(B) or (g)(3)(C), the employer shall provide a respirator that is at least as effective as an N95 filtering facepiece respirator, unless the employer's evaluation of respiratory hazards determines that a more protective respirator is necessary, in which case the more protective respirator shall be provided.

(B) Effective September 1, 2010, the employer shall provide a powered air purifying respirator (PAPR) with a High Efficiency Particulate Air (HEPA) filter(s), or a respirator providing equivalent or greater protection, to employees who perform high hazard procedures on AirID cases or suspected cases and to employees who perform high hazard procedures on cadavers potentially infected with ATPs, unless the employer determines that this use would interfere with the successful performance of the required task or tasks. This determination shall be documented in accordance with the ATD Plan and shall be reviewed by the employer and employees at least annually in accordance with subsection (d)(3).

(4) The employer shall provide, and ensure that employees use, a respirator selected in accordance with subsection (g)(3) and Section 5144 when the employee:

(A) Enters an All room or area in use for All;

(B) Is present during the performance of procedures or services for an AirID case or suspected case;

(C) Repairs, replaces, or maintains air systems or equipment that may contain or generate aerosolized pathogens;

(D) Is working in an area occupied by an AirID case or suspected case, during decontamination procedures after the person has left the area and as required by subsection (e)(5)(D)9;

(E) Is working in a residence where an AirID case or suspected case is known to be present;

(F) Is present during the performance of aerosol generating procedures on cadavers that are suspected of, or confirmed as, being infected with aerosol transmissible pathogens;

(G) Is performing a task for which the Biosafety Plan or Exposure Control Plan requires the use of respirators; or

(H) Transports an AirID case or suspected case within the facility or in an enclosed vehicle (e.g., van, car, ambulance or helicopter) when the patient is not masked.

(5) Medical evaluation: The employer shall provide a medical evaluation, in accordance with Section 5144(e) of these orders, to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator. For employees who use respirators solely for compliance with subsections (g)(3)(A) and (g)(3)(B), the alternate questionnaire in Appendix B may be used.

(6) Fit testing.

(A) The employer shall perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Section 5144, Respiratory Protection, of these orders. The fit test shall be performed on the same size, make, model and style of respirator as the employee will use. When quantitative fit testing is performed, the employer shall not permit an employee to wear a filtering facepiece respirator or other half-facepiece respirator, unless a minimum fit factor of one hundred (100) is obtained. When fit testing single use respirators, a new respirator shall be used for each employee.

(B) The employer shall ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test: 1. At the time of initial fitting; 2. When a different size, make, model or style of respirator is used; and 3. At least annually thereafter.

(C) The employer shall conduct an additional fit test when the employee reports, or the employer, PLHCP, supervisor, or program administrator makes visual observations of changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

(D) If, after passing a fit test, the employee subsequently notifies the employer, program administrator, supervisor, or PLHCP that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator facepiece and to be retested.

(7) The employer shall ensure that each respirator user is provided with initial and annual training in accordance with Section 5144, Respiratory Protection of these orders.

VIOLATION:

Prior to and during the course of the inspection, including but not limited to, on November 17, 2020 the employer failed to establish, implement, and maintain an effective written respiratory protection program that meets the requirements of Section 5144.

Instance 1: Employer failed to establish an effective written respiratory protection program for employees who were assigned to supervise juvenile offenders at Riverside County Probation Department juvenile facilities, including those who are COVID-19 cases.

Instance 2: Employer failed to provide and ensure employees used a respirator selected in accordance with subsection (g)(3) and Section 5144 when employees were working in an area with a suspected or known case of a person infected with SARs-CoV-2, the novel pathogen which causes COVID-19. [5199(g)(4)(B)]

Date By Which Violation Must be Abated:

May 20, 2021

Proposed Penalty:

\$20250.00

Stephanie Winn / Michael Loupe
Compliance Officer / District Manager