

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1507401
Inspection Dates: 12/21/2020 - 05/13/2021
Issuance Date: 05/14/2021
CSHO ID: D9005
Optional Report #: 030-21



Citation and Notification of Penalty

Company Name: City of Sunnyvale
Establishment DBA: and its successors
Inspection Site: 700 All America Way
Sunnyvale, CA 94086

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

T8 CCR Section §5199(c)(8). 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:

(8) The employer shall ensure that the infection control procedures are reviewed at least annually by the administrator and by employees regarding the effectiveness of the program in their respective work areas, and that deficiencies found are corrected.

Prior to and during the course of the investigation, including but not limited to December 3, 2020, the employer failed to ensure its exposure control plan and infectious disease control procedures were reviewed at least annually by the administrator and by employees regarding the effectiveness of the program in their respective work areas.

Date By Which Violation Must be Abated: June 14, 2021
Proposed Penalty: \$900.00

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Company Name: City of Sunnyvale
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Citation 2 Item 1 Type of Violation: **Serious**

T8 CCR Section §5199(c). 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:

Prior to and during the course of the inspection, including but not limited to December 3, 2020, the employer failed to establish infection control procedures to reduce the risk of transmission of aerosol transmissible diseases (ATDs), specifically exposure to SARS-CoV-2, the virus that causes COVID-19, in the following instances:

1. The employer did not identify in writing the job categories in which employees have occupational exposure to ATDs. [Ref: 5199(c)(1)]
2. The employer did not establish effective written procedures to communicate with employees and other employers regarding the suspected or diagnosed infectious disease status of employees infected with COVID-19. [Ref: 5199(c)(4)]
3. The employer did not establish effective written procedures for exposure incidents in accordance with subsections (h)(6) through (h)(9). [Ref: 5199(c)(6)(B) and 5199(h)(6) through (9)]

Date By Which Violation Must be Abated:	June 14, 2021
Proposed Penalty:	\$8100.00

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

T8 CCR Section §5199(c)(2). 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:

(2) The employer shall establish, implement, and maintain effective written source control procedures. For fixed health care and correctional facilities, and in other facilities, services, and operations to the extent reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings. These procedures shall include the method of informing persons with whom employees will have contact of the employer's source control measures.

Prior to and during the course of the inspection, including but not limited to November 18, 2020, the employer failed to implement source control procedures to reduce the transmission of aerosol transmissible diseases (ATDs), specifically exposure to SARS-CoV-2, the virus that causes COVID-19 in the following instances:

1. The employer failed to enforce the use of face coverings in the briefing room when officers were writing reports.
2. The employer failed to enforce physical distancing in the briefing room when officers were writing reports.

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

T8 CCR Section §5199(c)(3). 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:

(3) The employer shall establish, implement, and maintain effective written procedures for the screening and referral of cases and suspected cases of AirlDs to appropriate facilities.

Prior to and during the course of the inspection, including but not limited to November 18, 2020, the employer failed to implement effective screening procedures for a suspected case of an airborne infectious disease (AirlD) in that the employer failed to effectively screen, remove, and/or refer an employee who reported potential symptoms of COVID-19.

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Citation 5 Item 1 Type of Violation: **Serious**

T8 CCR Section §5199(c)(6)(B). 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:

(6) The employer shall establish a system of medical services for employees which meets the following requirements:

(B) The employer shall develop, implement, and maintain effective written procedures for exposure incidents in accordance with subsections (h)(6) through (h)(9).

Reference T8 CCR Section 5199(h)(6) - (h)(9)

Prior to and during the course of the inspection including, but not limited to November 18, 2020, the employer failed to develop and implement procedures for the provision of medical services, to include procedures to request an employee for COVID-19 testing, to seek medical attention, and/or to exclude employees from the workplace when exhibiting COVID-19 symptoms.

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Citation 6 Item 1 Type of Violation: **Serious**

T8 CCR Section §5199(c)(7). 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.

Prior to and during the course of the investigation, including but not limited to December 3, 2020, the employer failed to ensure that all employees with occupational exposure to aerosol transmissible diseases, specifically exposure to SARS-CoV-2, the virus that causes COVID-19, participate in a training program that included all the material required by this section.

Date By Which Violation Must be Abated:

June 14, 2021

Proposed Penalty:

\$8100.00

Barbara Kim
Compliance Officer / District Manager