

**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 #:** 1521282  
**Inspection Dates:** 03/24/2021 - 05/26/2021  
**Issuance Date:** 05/27/2021  
**CSHO ID:** W6136  
**Optional Report #:** 036-21



**Citation and Notification of Penalty**

**Company Name:** Covenant Care California, LLC  
**Establishment DBA:** Gilroy Healthcare & Rehabilitation Center  
and its successors  
**Inspection Site:** 8170 Murray Ave.  
Gilroy, CA 95020

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

**Title 8 CCR Section 5199(c)(5)(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:**

**(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:**

**(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.**

Prior to and during the course of the inspection, including, but not limited to, on March 24, 2021, the employer failed to establish, implement and maintain effective procedures to reduce the risk of transmission of aerosol transmissible diseases, specifically exposure to SARS-CoV-2, the virus that causes COVID-19, in the following instances:

Instance 1

The employer failed to provide medical evaluations, in accordance with Title 8 CCR Section 5144(e), to determine the employee's ability to use a respirator before each employee is fit tested or required to use a respirator. [Ref. T8 CCR 5199(g)(5)]

Instance 2

The employer failed to perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Title 8 CCR Section 5144, Respiratory Protection. [Ref. T8 CCR 5199(g)(6)(A)]

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$20250.00</b>

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

**Title 8 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.**

Prior to and during the course of the inspection, including, but not limited to, on March 24, 2021, the employer failed to provide training to employees with occupational exposure to aerosol transmissible pathogens (ATP), as required by this subsection, both at the time of initial assignment to tasks where occupational exposure to ATPs may take place and at least annually thereafter. [§5199(c)(7).]

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$20250.00**

Kelly Tatum  
Compliance Officer / District Manager