

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Modesto District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310 Fax: (209) 545-7313

**Inspection #:** 1483234  
**Inspection Dates:** 07/14/2020 - 06/01/2021  
**Issuance Date:** 06/01/2021  
**CSHO ID:** V0522  
**Optional Report #:** 04-2021



**Citation and Notification of Penalty**

**Company Name:** PLM Operations, LLC  
**Establishment DBA:** Paleteria La Michoacana  
and its successors  
**Inspection Site:** 2068 Lapham Drive  
Modesto, CA 95354

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

8 CCR 342(a):

§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. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

On or about, including but not limited to June 22, 2020, the employer failed to immediately report a serious illness of an employee who was hospitalized with COVID19. The report was not made until July 1, 2020.

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

**Corrected During Inspection**  
**\$5000.00**

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

8 CCR 3203(a)

§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;

Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(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.

Prior to and during the course of the inspection, including, but not limited to July 14, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) including, but not limited to, the following instances:

Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 including, but not limited to:

1. The hazard created by lack of physical distancing of at least six feet in all directions among

employees in work areas.

2. The hazard created by lack of physical distancing of at least six feet in all directions among employees using the break room areas.

3. The hazard created by failure to effectively screen employees for COVID-19 symptoms prior to permitting them to enter the workplace.

4. The hazard created by not requiring employees to wear face coverings to prevent release of potentially infectious particles into the air at the workplace prior to May 2020.

5. The hazard created by the lack of plexiglass screens or other physical barriers to limit the release of infectious particles into the air at the workplace.

[3203(a)(4)]

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to the hazard of COVID-19, including, but not limited to:

1. The lack of physical distancing of at least six feet in all directions among employees in work areas.

2. The lack of physical distancing of at least six feet in all directions among employees using the break room areas.

3. Failure to effectively screen employees for COVID-19 symptoms prior to permitting them to enter the workplace.

4. Employees not being required to wear face coverings to prevent release of potentially infectious particles into the air at the workplace prior to May 2020.

5. The lack of plexiglass screens or other physical barriers to limit the release of infectious particles into the air at the workplace until July 20, 2020.

[3203(a)(6)]

Or, in the Alternative to Instance 2

Prior to and during the course of the inspection, including, but not limited to, July 14, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including, but not limited to, the use of face coverings by all employees and/or barriers to limit the release of infectious particles into the air when a person breathes, speaks, coughs, or sneezes.

[5141(a)]

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

**Corrected During Inspection**  
**\$22500.00**

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

8 CCR 3203(a)(7):

§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:

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(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 inspection, including but not limited to July 14, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that it failed to provide effective training and instruction regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction on how the virus is spread and measures to avoid infection such as maintaining physical distancing in the break room and at lunch.

[3203(a)(7)]

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

**Corrected During Inspection**

**Proposed Penalty:**

**\$22500.00**

Eddie Miranda  
Compliance Officer / District Manager