

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 #: 1508713
Inspection Dates: 12/29/2020 - 06/28/2021
Issuance Date: 06/28/2021
CSHO ID: W6136
Optional Report #: 028-21



Citation and Notification of Penalty

Company Name: Windsor Monterey Care Center, LLC

Establishment DBA:

and its successors

Inspection Site: 1575 Skyline Dr.
 Monterey, CA 93940

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 up to December 29, 2020, the employer failed to have implemented and maintained effective written procedures to reduce the risk of transmission of aerosol transmissible diseases, to the extent feasible, during the period that suspected and/or confirmed COVID-19 cases were in the facility or in contact with employees. Specifically, respiratory protection used to protect employees when entering the room(s) or area(s) in which the suspect or confirmed COVID-19 case are located, where those cases are not compliant with source control measures, failed to meet the requirements of subsection (g) of these orders and Section 5144, 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, for each employee and for the respirator they were assigned to use, in accordance with the procedures outlined in Appendix A of Title 8 CCR Section 5144, Respiratory Protection. [Ref. T8 CCR 5199(g)(6)(A)]

Date By Which Violation Must be Abated:
Proposed Penalty:

July 21, 2021
\$16200.00

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Inspection Site: 1575 Skyline Dr.
Monterey, CA 93940

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 December 29, 2020, 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: July 21, 2021
Proposed Penalty: \$16200.00

Kelly Tatum
Compliance Officer / District Manager