

**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 #:** 1506594  
**Inspection Dates:** 12/14/2020 - 07/08/2021  
**Issuance Date:** 07/08/2021  
**CSHO ID:** J1598  
**Optional Report #:** 010-21



**Citation and Notification of Penalty**

**Company Name:** Skyline San Jose Operating Company LP  
**Establishment DBA:** Skyline Healthcare Center San Jose  
and its successors  
**Inspection Site:** 2065 Forest Ave.  
San Jose, CA 95128

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

**Title 8 CCR Section 3203(a) 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:**
- (1) Identify the person or persons with authority and responsibility for implementing the Program.**
  - (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.**
  - (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.**
  - (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:**
  - (5) Include a procedure to investigate occupational injury or occupational illness.**
  - (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:**
  - (7) Provide training and instruction:**
  - (8) Allow employee access to the Program.**

Prior to and during the course of the investigation, including but not limited to December 14, 2020, the employer failed to have established, implemented and maintained a written Injury and Illness Prevention Program with all of the required elements in accordance with this section.

<b>Date By Which Violation Must be Abated:</b>	<b>August 12, 2021</b>
<b>Proposed Penalty:</b>	<b>\$875.00</b>

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

#### **Title 8 CCR 5199(c)(1) 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 ATDs. 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.**

**Alleged Violation Description:**

Prior to and during the course of the investigation, including but not limited to November 1, 2020, the employer failed to have established and implemented an written infection control procedures to control the risk of transmission of aerosol transmissible diseases meeting the requirements of this subsection for its employees with occupational exposure to aerosol transmissible pathogens, including but not limited to SARS-CoV-2, the pathogen that causes COVID-19.

<b>Date By Which Violation Must be Abated:</b>	<b>August 12, 2021</b>
<b>Proposed Penalty:</b>	<b>\$15750.00</b>

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 Kelly Tatum  
 Compliance Officer / District Manager