

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Oakland District Office  
1515 Clay Street, Suite 1303  
Oakland, CA 94612  
Phone: (510) 622-2916 Fax: (510) 622-2908

**Inspection #:** 1516465  
**Inspection Dates:** 02/25/2021 - 07/30/2021  
**Issuance Date:** 07/30/2021  
**CSHO ID:** U7118  
**Optional Report #:** 025-21



**Citation and Notification of Penalty**

**Company Name:** Livermore Senior Living Associates, LP  
**Establishment DBA:** Heritage Estates  
and its successors  
**Inspection Site:** 900 E. Stanley Boulevard  
Livermore, CA 94550

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

**California Code of Regulations, Title 8, §342(a). Reporting Work-Connected Fatalities and Serious Injuries.**

**(a) Every employer shall report immediately to 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. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.**

**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.**

Violation

The employer failed to immediately report to the Division of Occupational Safety and Health the serious illness suffered by an employee who was hospitalized with COVID-19 for about 58 days starting on or about December 17, 2020 and later passed on or about February 13, 2021 related to the COVID-19 illness.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$5000.00

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

**California Code of Regulations, Title 8, §3205(c). COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program.** Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

**(9) Reporting, recordkeeping, and access.**

**(B) The employer shall report immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment.**

**(10) Exclusion of COVID-19 cases.** The purpose of this subsection is to limit transmission of COVID-19 in the workplace.

**(B) Employers shall exclude employees with COVID-19 exposure from the workplace for 10 days after the last known COVID-19 exposure to a COVID-19 case.**

**(11) Return to work criteria.**

**(C) A negative COVID-19 test shall not be required for an employee to return to work.**

**References:**

**California Code of Regulations, Title 8, §342(a). Reporting Work-Connected Fatalities and Serious Injuries.**

**(a) Every employer shall report immediately to 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. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.**

**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.**

**California Code of Regulations, Title 8, §3205(b)(3). COVID-19 Prevention.**

**(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.**

**(3) "COVID-19 exposure" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings.**

Violation

Prior to and during the course of the inspection, including but not limited to, on February 25, 2021 the employer failed to establish, implement, and maintain an effective, written COVID-19 Prevention Program, with the required written elements, in the following instances.

Instance 1: The employer failed to establish, implement, and maintain an effective, written element for reporting immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment. [Ref. T8 CCR Section 3205(c)(9)(B) and Section 342(a)]

Instance 2: The employer failed to establish, implement, and maintain an effective written element for the exclusion of COVID-19 cases, including sections (c)(10)(A), (c)(10)(B), and (c)(10)(E), within their COVID-19 Prevention Program. The employer's written policy titled "COVID-19 Employee Exposure-Related Work Restriction Decision Tree" allowed employees to not be excluded from the workplace if either the COVID-19 Case or the exposed employee were using face coverings. [Ref. T8 CCR Section 3205(c)(10)(B) and Section 3205(b)(3)]

Instance 3: The employer failed to ensure that one or more employees with COVID-19 exposure were excluded from the workplace for 10 days after their last known COVID-10 exposure to a COVID-19 case occurring on and about December 4, 2020. [Ref. T8 CCR Section 3205(c)(10)(B) and Section 3205(b)(3)]

Instance 4: The employer failed to establish, implement, and maintain an effective written element for the return to work criteria, including sections (c)(11)(C), within their COVID-19 Prevention Program. The employer's written policy titled "COVID-19 Employee Exposure-Related Work Restriction Decision Tree" allowed employees who test positive and or develop symptoms related for COVID-19 to return to work after a negative COVID-19 test and approval from the Operations Leader were met. [Ref. T8 CCR Section 3205(c)(11)(C)]

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

**Corrected During Inspection  
\$20250.00**

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

**California Code of Regulations, Title 8, §3205(c)(3)(B). COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:**

**(3) Investigating and responding to COVID-19 cases in the workplace.**

**(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:**

- 2. Determine who may have had a COVID-19 exposure. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.**
- 3. Give notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case, to the following:**
  - a. All employees who may have had COVID-19 exposure and their authorized representatives.**
- 5. Investigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.**

**Violation**

Prior to and during the course of the Division's investigation, the employer failed to investigate and take the following required actions when it became aware that there had been COVID-19 cases in the workplace, including but not limited to in the month of December 2020.

Instance 1: The employer failed to effectively investigate and evaluate the activities of COVID-19 cases working in the facility and all the locations at the workplace which the COVID-19 cases had

visited during the high-risk exposure periods. [T8 CCR Section 3205(c)(3)(B)2.]

Instance 2: The employer failed to give notice to all employees who may have had potential exposure to the COVID-19 case(s). [T8 CCR Section 3205(c)(3)(B)3.a.]

Instance 3: The employer failed to investigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards. [T8 CCR Section 3205(c)(3)(B)5.]

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**Proposed Penalty:**

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**\$20250.00**

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Spencer Wojcik / Wendy Hogle-Lui  
Compliance Officer / District Manager