State of California

Department of Industrial Relations Division of Occupational Safety and Health American Canyon District Office 3419 Broadway Street Ste H8 American Canyon, CA 94503 Phone: (707) 649-3700 Fax: (707) 649-3712 Inspection #: Inspection Dates: Issuance Date: CSHO ID: Optional Report #: 1483864 07/16/2020 - 01/13/2021 01/13/2021 B5240 003-21



Citation and Notification of Penalty

Company Name:	JBM Restaurant Group Inc
Establishment DBA:	Five Guys Burgers and Fries
	and its successors
Inspection Site:	2780 Pinole Valley Rd
	Pinole, CA 94564

<u>Citation 1 Item 1</u> Type of Violation: **Serious**

T8 CCR 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:

(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:

(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.

Prior to, and during the course of the inspection, including, but not limited to, on July 16, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that it did not identify and evaluate or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including, but not limited to, the lack of physical barriers to separate employees from the customers at the checkout counter. [3203(a)(4) &(6)]

Or in the alternative.

T8 CCR 5141. Control of Harmful Exposure to Employees.

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Prior to, and during the course of the inspection, including, but not limited to, on July 16, 2020, the

See pages 1 through 4 of this Citation and Notification of Penalty for information on employee rights and responsibilities.Citation and Notification of PenaltyPage 5 of 8Cal/OSHA-2V1 Rev 10/2020

employer failed to prevent potentially harmful exposures of its employees to COVID-19 airborne particles created by individuals releasing infectious or potentially-infectious particles into the air, by ensuring the use of feasible engineering controls, including but not limited to, physical barriers, such as Plexiglas shields or other impermeable dividers or partitions, to separate employees from customers at the checkout counter. [5141(a)]

Date By Which Violation Must be Abated: Proposed Penalty:

Corrected During Inspection \$3600.00

Sabino DeGuzman Kathy Garner Compliance Officer / District Manager