

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Santa Ana District Office
2 MacArthur Place, Suite 720
Santa Ana, CA 92707
Phone: (714) 558-4451 Fax: (714) 558-2035

Inspection #: 1489032
Inspection Dates: 08/20/2020 – 02/19/2021
Issuance Date: 02/19/2021
CSHO ID: F1671
Optional Report #: 007-21

**Citation and Notification of Penalty**

Company Name: Michael Nicholas Designs, Inc.
and its successors
Inspection Site: 2330 Raymer Ave
Fullerton, CA 92833

Citation 1 Item 1 Type of Violation: **Regulatory****California Code of Regulations, Title 8, Section 342(a) - 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.

Employer failed to immediately report to the Division the serious illness of an employee who fell ill of COVID-19 that occurred at the workplace or in connection with the employees' work. The employee passed away as a result of COVID-19 complications on or about September 6, 2020.

Date By Which Violation Must be Abated:
Proposed Penalty:

April 08, 2021
\$5000.00

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Company Name: Michael Nicholas Designs, Inc.
and its successors
Inspection Site: 2330 Raymer Ave
Fullerton, CA 92833

Citation 1 Item 2 Type of Violation: **General****California Code of Regulations, Title 8, 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:

(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 investigation, the employer failed to establish an effective written Injury and Illness Prevention Program (Program) in that employer's written program failed to meet the following minimum requirements;

a) The employer failed to include written procedures to identify and evaluate hazards whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard [3203(a)(4)(B)]; and whenever the employer is made aware of a new or previously unrecognized hazard. [3203(a)(4)(C)]

b) The employer failed to include written methods and/ or procedures for correcting unsafe or unhealthy work conditions, work practices and work procedures when observed or discovered [3203(a)(6)(A)]; and when an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property. [3203(a)(6)(B)]

Date By Which Violation Must be Abated:
Proposed Penalty:

March 26, 2021
\$420.00

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**Citation and Notification of Penalty**

Company Name: Michael Nicholas Designs, Inc.
and its successors
Inspection Site: 2330 Raymer Ave
Fullerton, CA 92833

Citation 2 Item 1 Type of Violation: **Serious****California Code of Regulations, Title 8, 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:

(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.

California Code of Regulations, Title 8, Section 5141(a) 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 August 20, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (Program) in the following instances:

Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to SARS-CoV-2, the virus that causes COVID-19, to which its own employees were exposed, including but not limited to, the following:

- a) The lack of physical distancing between employees in the main break and wash room area during peak times.**
- b) The lack of physical distancing between employees in the mill and furniture assembly area.**
- c) The lack of physical distancing or physical barriers between employees in the sewing department.**
- d) The lack plexiglas screens or other physical barriers among employees working in sewing department.**

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions, work practices, and work procedures relating to SARS-CoV-2, the virus that causes COVID-19, to which its own employees were exposed, including, but not limited to, the following:

- a) The lack of physical distancing between employees in the main break and wash room area during peak times**
- b) The lack of physical distancing between employees in the mill and furniture assembly area.**
- c) The lack of physical distancing or physical barriers between employees in the sewing department.**
- d) The lack plexiglas screens or other physical barriers among employees working in sewing department.**

Or, in the Alternative to Instance 2 d):

Prior to and during the course of the investigation, including, but not limited to, on August 20, 2020, the employer failed to prevent harmful exposures of its own employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of SARS-CoV-2, the virus that causes COVID-19, including, but not limited to, Plexiglas screens or other physical barriers among employees working in sewing department.

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

**Corrected During Inspection
\$22500.00**

Tim Decker Christine Hoffman
Compliance Officer / Region III Senior Safety Engineer