

INSTANCE 3 - The employer failed to establish, maintain and/or implement a system for investigating possible COVID-19 cases, such as exposure outside the work place, employees who become ill at the workplace, and those that are deemed close contact to suspect and/or positive COVID-19 cases occurring in the workplace and identifying close contacts and notifying those individuals. [3203(a)(5)]

INSTANCE 4 - The employer failed to establish a system that describes how the workplace will be cleaned and/or sanitized if an employee is exposed to a suspected and/or positive COVID-19 case, suspected to have symptoms and/or is positive of COVID-19. [3203(a)(6)].

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11250.00

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 #: 1486716
Inspection Dates: 08/04/2020 - 08/04/2021
Issuance Date: 08/05/2021
CSHO ID: Q0917
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Oakhurst Industries, Inc.
Establishment DBA: Freund Baking Company
and its successors
Inspection Site: 3265 Investment Boulevard
Hayward, CA 94545

Citation 2 Item 1 Type of Violation: Serious

Title 8 CCR Section §3203(a)(7). 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:

- (7) Provide training and instruction:**
- (A) When the program is first established;**
- (B) To all new employees;**
- (C) To all employees given new job assignments for which training has not previously been received;**
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;**
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,**
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.**

Violation:

Prior to and during the course of the inspection, including but not limited to, on August 04, 2020, the employer failed to effectively implement and/or maintain its Injury & Illness Prevention Program in that it did not effectively and/or timely train employees, including management and/or supervisors, on the hazard related to SARS-CoV-2, the virus causing COVID-19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$9000.00

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Citation 3 Item 1 Type of Violation: Serious

Title 8 CCR Section §3205. 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 Prevention 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 close contact. 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.

Violation:

Prior to and during the course of the inspection the employer failed to have maintained and/or implement its written COVID-19 Prevention Program, in that it did not determine who may have been a close contact by fully completing 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 occurring on or about January 16, 2021.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$11250.00

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Citation 4 Item 1 Type of Violation: Serious

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(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:

(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 14 days after the last known COVID-19 exposure to a COVID-19 case.

Violation:

Prior to and during the course of the inspection, including but not limited to, on January 21, 2021 the employer failed to have maintained and/or implemented its written COVID-19 Prevention Program, in that it did not exclude all employees with COVID-19 exposure from the workplace for 14 days after the last known Covid-19 exposure to a confirmed case occurring on and around January 17, 2021 and allowed to continue to work through January 20, 2021.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$11250.00

Michael Chrisman / Wendy Hogle-Lui
Compliance Officer / District Manager