

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 #: 1473172
Inspection Dates: 04/24/2020 - 09/21/2020
Issuance Date: 09/21/2020
CSHO ID: U7118
Optional Report #: 008-20



Citation and Notification of Penalty

Company Name: Nadhi, Inc.
Establishment DBA: Gateway Care & Rehabilitation Center
and its successors
Inspection Site: 26660 Patrick Avenue
Hayward, CA 94544

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

California Code of Regulations, Title 8, §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;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(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 April 24th, 2020 the employer failed to establish a written Injury and Illness Prevention Program that contains training and instruction as outlined in subsection (a)(7).

Date By Which Violation Must be Abated: **October 26, 2020**
Proposed Penalty: **\$935.00**

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

California Code of Regulations, Title 8, §5194(e)(1)(A). Hazard Communication.

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);

Violation

Prior to and during the course of the inspection, including but not limited to, on April 24th, 2020 the employer failed to maintain a list of the hazardous chemicals known to be present in the workplace using product identifiers that is referenced on the appropriate safety data sheets.

Date By Which Violation Must be Abated: **October 26, 2020**
Proposed Penalty: **\$560.00**

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Citation and Notification of Penalty

Company Name: Nadhi, Inc.
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Inspection Site: 26660 Patrick Avenue
Hayward, CA 94544

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

California Code of Regulations, Title 8, §5199(c)(5)(C). 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:

...
(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

(C) employee use of respiratory protection when entering the room or area in which the person requiring referral is located, if that person is not compliant with source control measures. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

Violation

Prior to and during the course of the inspection, including but not limited to, on April 24th, 2020 the employer failed to implement and maintain effective procedures for the use of respiratory protection in accordance with subsection (g) to reduce the risk of transmission of aerosol transmissible diseases, specifically exposure to SARs Cov-2, the virus that causes COVID-19, in the following instances:

Instance 1:

The employer failed to provide medical evaluations in accordance with the requirements of 5199(g) and Section 5144(e) to determine employees ability to use a respirator before the employee is fit tested or required to use the respirator prior to entering the portion of the facility where COVID-19 positive residents reside. [Ref. T8 CCR 5199(g)(5)]

Instance 2:

The employer failed to ensure that employees assigned to use a filtering facepiece respirator were fit tested prior to their initial use of the respirator when entering the portion of the facility where COVID-19 positive residents reside in accordance with the requirements of 5199(g) and the procedures outlined in Appendix A of Section 5144, Respiratory Protection. [Ref. T8 CCR 5199(g)(6)(B)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8435.00

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

California Code of Regulations, Title 8, §5199(c)(7) 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:

(7) Employers shall ensure that all employees with occupational exposure participate in a training program. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training shall be provided when there are changes in the workplace or when there are changes in procedures that could affect worker exposure to ATPs. The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace. Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used.

Violation

Prior to and during the course of the inspection, including but not limited to, on April 24th, 2020 the employer failed to provide employees with effective training on its aerosol transmissible disease procedures at their time of initial assignment to tasks where occupational exposure to aerosol transmissible diseases, such as SARs Cov-2, the virus that causes COVID-19, may take place.

Date By Which Violation Must be Abated: **October 01, 2020**
Proposed Penalty: **\$13500.00**

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