

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



CITATION AND NOTIFICATION OF PENALTY

To:
A-1 Roof Management and Construction Inc.
A-ONE Construction
and its successors
14100 Doolittle Drive
San Leandro, CA 94577

Inspection #: 1252576
Inspection Date (s): 08/02/2017 - UNKNOWN
Issuance Date: 01/25/2018
CSHO ID: R4096
Optional Report #: 003-18
Reporting ID: 0950615

Inspection Site:
8 Digital Drive
Novato, CA 94949

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations, if any, has already been reduced by 50% because abatement of those violations has been completed.

Note: Return the Cal/OSHA 160 form to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
American Canyon District Office
3419 Broadway Street Ste H8
American Canyon, CA 94503
Telephone: (707) 649-3700
Fax: (707) 649-3712

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

Employees Participation in Informal Conference - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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 #: 1252576
Inspection Dates: 08/02/2017 - UNKNOWN
Issuance Date: 01/25/2018
CSHO ID: R4096
Optional Report #: 003-18



Citation and Notification of Penalty

Company Name: A-1 Roof Management and Construction Inc.
Establishment DBA: A-ONE Construction
and its successors
Inspection Site: 8 Digital Drive
Novato, CA 94949

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

T8 CCR 1509(a). Injury and Illness Prevention Program.

Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with section 3203 of the General Industry Safety Orders.

Reference:

T8CCR§3203(a)(6). Injury and Illness Prevention Program.

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:

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.

Prior to and during the course of the inspection, including but not limited to, on or around August 2, 2017, the employer failed to implement and maintain an effective Injury and Illness Prevention Program in the following instances:

1. The employer failed to correct the observed imminent hazard of unsafe conditions, work practices and procedures when installing single ply roofing barrier within 6 feet of skylights on a flat roof located at 8 Digital Drive, Novato, CA 94949; and
2. The employer failed to remove all exposed personnel from the roof until the unsafe conditions, work practices and procedures were corrected and provided.

Corrected During Inspection

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1060.00

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 #: 1252576
Inspection Dates: 08/02/2017 - UNKNOWN
Issuance Date: 01/25/2018
CSHO ID: R4096
Optional Report #: 003-18



Citation and Notification of Penalty

Company Name: A-1 Roof Management and Construction Inc.
Establishment DBA: A-ONE Construction
and its successors
Inspection Site: 8 Digital Drive
Novato, CA 94949

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

T8 CCR§3212(a)(2)(A).

Floor Openings, Floor Holes, Skylights and Roofs.

Every ladderway floor opening or platform with access provided by ladderway, including ship stairs (ship ladders), shall be protected by guardrails with toeboards meeting the requirements of General Industry Safety Orders, Section 3209, on all exposed sides except at entrance to the opening. The opening through the railing shall have either a swinging gate or equivalent protection, or the passageway to the opening shall be so offset that a person cannot walk directly into the opening.

Prior to and during the course of investigation including but not limited to on August 2, 2017 the employer failed to ensure the exposed sides of a ladderway access on the flat roof located at 8 Digital Drive, Novato, CA 94949 was protected to prevent employees from walking directly into the opening.

Corrected During Inspection

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$9560.00

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 #: 1252576
Inspection Dates: 08/02/2017 - UNKNOWN
Issuance Date: 01/25/2018
CSHO ID: R4096
Optional Report #: 003-18



Citation and Notification of Penalty

Company Name: A-1 Roof Management and Construction Inc.
Establishment DBA: A-ONE Construction
and its successors
Inspection Site: 8 Digital Drive
Novato, CA 94949

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

ACCIDENT-RELATED

T8 CCR§3212(e).Floor Openings, Floor Holes, Skylights and Roofs.

Any employee approaching within 6 feet of any skylight shall be protected from falling through the skylight or skylight opening by any one of the following methods:

- (1) Skylight screens installed above the skylight.
- (2) Skylight screens installed below the skylight.
- (3) Guardrails meeting the requirements of Section 3209.
- (4) The use of a personal fall protection system meeting the requirements of Section 1670 of the Construction Safety Orders.
- (5) Covers, including the skylight itself, meeting the requirements of subsection (b) installed over the skylights, or skylight openings.
- (6) Skylight nets.

Prior to and during the course of inspection including but not limited to on August 2, 2017, A-ONE Construction assigned employees to ensure the exposed sides of a ladderway access on the flat roof located at 8 Digital Drive, Novato, CA 94949 was protected to prevent employees from walking directly into the opening. on a flat roof located at 8 Digital Drive, Novato, CA 94949. Employer failed to implement any of the methods listed Section 3212(e)(1)-(6) to protect employees from falling through the skylights.

As a result, on 07/31/2017, an employee was seriously injured when he fell through a skylight approximately 20 feet to the working surface below.

Corrected During Inspection

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$70000.00

Kathy Lynn Garner
Compliance Officer / District Manager

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



NOTICE OF PROPOSED PENALTIES

Company Name: A-1 Roof Management and Construction Inc.
Establishment DBA: A-ONE Construction
and its successors
Inspection Site: 8 Digital Drive, Novato, CA 94949
Mailing Address: 14100 Doolittle Drive, San Leandro, CA 94577
Issuance Date: 01/25/2018
Reporting ID: 0950615
CSHO ID: R4096

Summary of Penalties for Inspection Number 1252576

Citation 1 Item 1, General	\$1060.00
Citation 2 Item 1, Serious	\$9560.00
Citation 3 Item 1, Willful-Serious	\$70000.00
TOTAL PROPOSED PENALTIES:	\$80620.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA
Accounting Office - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4308 Fax (415) 703-3037**

Please mail or fax this form back to the above address to properly credit your payment.

PENALTY REMITTANCE FORM

CIVIL PENALTY INFO	INSPECTION NO.: 1252576	REPORTING ID: 0950615
ESTABLISHMENT NAME:	A-1 Roof Management and Construction Inc.	FEIN/SEIN: UNKNOWN
CONTACT PERSON:	Arnulfo Garcia	
PHONE NO.:	(510) 347-5400	FAX NO.: UNKNOWN
SITE ADDRESS:	8 Digital Drive, Novato, CA 94949	
MAILING ADDRESS:	14100 Doolittle Drive, San Leandro, CA 94577	

CITATION INFORMATION: Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

PAYMENT INSTRUCTIONS:

- Put a "✓" next to the Citation(s) that you are paying.
- Write the amount paid in the "AMOUNT PAID" column.
- Please indicate the "TOTAL AMOUNT PAID".

✓	SUMMARY OF PENALTIES PAID	AMOUNT PAID
	Citation 1 Item 1, General	\$
	Citation 2 Item 1, Serious	\$
	Citation 3 Item 1, Willful-Serious	\$
	TOTAL AMOUNT PAID	\$

TYPE OF PAYMENT ENCLOSED

Fill in the check, e-check reference, or money order information below:	
CHECK # _____ ENCLOSED IN THE AMOUNT OF:	\$
E-CHECK REFERENCE # _____ PAID IN THE AMOUNT OF:	\$
MONEY ORDER # _____ ENCLOSED IN THE AMOUNT OF:	\$

Please make check or money order payable to Department of Industrial Relations - Cal/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order. Note: For your convenience, the Department of Industrial Relations accepts electronic payments at www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html. **Again, please mail or fax this form to the above address or fax number to ensure payments are properly credited.**