

State of California
California Occupational Safety and Health Appeals Board
Closed Session Agenda

Government Code § 11126 (a), (c)(3), (e) and (f)

for

Wednesday, February 5, 2025

9:30 a.m.

Sacramento, California

Alternate locations:

West Covina, California

&

Held on Zoom

To: Members of the California Occupational Safety & Health Appeals Board

From: Aaron R. Jackson, Chief Counsel

Date: January 24, 2025

RE: Closed Session of the Board to be held on February 5, 2025

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

Decisions of Administrative Law Judges:

(Written Decision issued by an Administrative Law Judge. The Decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the Decision. The Board Members review the Decision and decide if they will reconsider the ALJ Decision on their own motion.)

1549611 Metcalf, Inc.

Petitions for Reconsideration:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

Orders Dismissing Appeal:

1633722 All in One Services, Inc

1624337 Event Staff Solutions, LLC

1723721 Sahara Construction Co., Inc.

Orders Denying Leave to File Late Appeal:

1724957 San Bernardino County Fire Protection District

Matters Pending Reconsideration:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters, or amends the Order or Decision being reconsidered.)

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under the authority provided in Labor Code sections 6620 through 6623.18.

- 1431672 A. Teichert & Son, LLC
Whether the cited employer was in violation of lockout/tagout requirements.

- 1473644 Amazon.com Services, LLC
Whether the employer's training program was in compliance with the applicable safety order.

- 1466722 Bragg Investment Company, Inc.
Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.

- 1647115 Concord Farms, Inc.
Whether there was good cause for the late appeal.

- 1420923 Drill Tech Drilling & Shoring, Inc.
*Whether the Employer failed to enforce its IIPP as required.
Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.*

- 1499137 Employbridge Holding Company
Whether Employer violated IIPP requirements as alleged.

- 1238985 Grimmway Enterprises, Inc.
Was the ALJ correct in holding that Employer did not violate section 4002, subdivision (a)? Was the ALJ correct in finding that Employer satisfied the IEAD with respect to the alleged violation of section 3314, subdivision (c)?

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- 1488312 Indiana Finish Line, Inc.
Whether the cited employer established procedures adequate to protect employees from COVID-19.
- 1436480 Interline Brands, Inc.
Whether the employer violated foot protection standards.
- 1371294 KPRS Construction Services, Inc.
*Whether the employer violated section 1632 as alleged?
Whether the ALJ's ruling that the Division did not meet its burden of proof regarding the employer's IIPP was correct.*
- 1486257 Kroger Company
Whether the cited employer adequately trained employees regarding workplace hazards.
- 1235941 McCarthy Building Companies, Inc.
Whether the Division proved exposure to Valley Fever.
- 1355061 Republic Electric West, Inc.
Whether fall protection requirements apply to the work. Whether the IEAD was established. Whether penalties were duplicative. Whether the Employer exercised reasonable diligence. Whether it was an error to reduce the classification of the violations and reduce the penalties.
- 1760736 RJS Electric
Was the ALJ's Order Denying Late Appeal correctly decided?
- 1465119 Sun Belt Rentals
Whether certain information accepted into evidence was inadmissible hearsay, and whether the evidence supports a finding that Employer violated sections 3203 and 3328, as alleged.
- 1483438 Sutter Bay Hospitals dba Mills-Peninsula Medical Center
Was the ALJ correct in granting Employer's appeals of the citations alleging violations of section 342, subdivision (a) and section 5199, subdivision (i)?
- 11454931 Tesla, Inc.
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).

Matters Pending Litigation:

(If the Division of Occupational Safety & Health or the Employer disagrees with a

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decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

Superior Court:

1. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
2. Davis Development Company, 34-2020-80003373 (1226084)
3. Hill Crane Service Inc., 34-2021-80003744 (1135350)
4. USA Waste of California, Inc., 34-2022-80003841 (1384029)
5. Angelus Block Co., Inc., CIVSB2417796 (1113026)
6. Hamilton Iron Works, Inc., 24WM000100 (1497263)
7. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
8. Western Oilfields Supply Company, 24WM000169 (1498595)

Appellate Court:

There are no cases currently filed with the Appellate Court.

Other Items:

There are no Other Items.

Orders of Administrative Law Judges:

(Written orders issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

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| 1663373 | A C Framers Inc |
| 1674739 | Albert D Seeno Construction Co. |
| 1713062 | American Wrecking, Inc. |
| 1741428 | B & M Builders Inc. |
| 1750963 | Berberian Nut Company, LLC |
| 1781299 | California Bread Co. |
| 1734466 | California Department of Corrections and Rehabilitation |

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1771360	Capistran Ranch LLC
1722746	Cheung Hing Millbrae, Inc.
1546907	City of Chowchilla
1646768	Costco Wholesale Corp, Store #121
1670176	Costco Wholesale Corporation
1681820	County of Colusa Department of Public Works
1560080	Covanta Stanislaus, Inc.
1520720	Cream of the Crop AG Services
1734988	Darfa Capital, LLC
1676918	Dennis Cook Roofing Inc.
1756668	Deseret Farms of California
1768030	Dryco Construction, Inc.
1694300	Flexi Tech Contracting Inc
1515041	Fruitvale Operating Company, LP
1625110	Gravity Hill Logistics
1299087	Greenwaste Recovery, Inc.
1578822	Hydra-Point Plant Growers, Inc.
1504282	Imperfect Foods, Inc
1685093	JTI Electrical & Instrumentation, LLC
1688810	Kember Flooring Inc
1704537	Legacy Stone Works, Inc.
1760573	Legends Hospitality at Toyota Amphitheatre
1767078	Mast Roofing, Inc
1538424	MC Painting, Inc.
1585439	McDonald's

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1563291	McDonald's Restaurants of California, Inc.
1619484	Midway Construction Corp.
1772574	Modern Method Roofing Co Inc
1463279	Monterey Mushrooms, Inc.
1738568	Mountain Cascade Inc.
1579532	Mountain F Enterprises, Inc.
1645441	Northrop Grumman Systems Corporation
1737085	Orion G Inc.
1745861	Pen Manufacturing, LLC.
1719411	Ramon Camiro Santiago, An Individual
1598397	Regional Supplemental Services
1763466	San Francisco Police Department
1670356	Saputo Cheese USA Inc.
1490544	Sharp Healthcare
1727167	Sid Ceballos Construction, Inc.
1651770	Staffing Network Holdings, LLC
1748412	Sumiden Wire Products Corporation
1436571	Sun-Maid Growers of California
1736134	The Lotus Pet Food, Inc.
1520788	Timothy D. Friesen DBA Friesen Landscaping
1523942	Troy Roofing Inc.
1738510	Twin Rivers Unified School District
1186659	TWR Enterprises, Inc.
1715550	Upper Valley Disposal Service
1713263	Ventura Coastal, LLC

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1755020 W L Butler Inc.
1730327 Yamasa Enterprises
1692178 Zimeno, Inc.

Personnel:

(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.