

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 19, 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: February 7, 2025
RE: Closed Session of the Board to be held on February 19, 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.)

1580564 Vardan Geovshanyan

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.)

1717277 La Canasta Produce

Orders Dismissing Appeal:

1716139 Huerta Legacy, Inc

1513035 JR Concrete Construction Inc.

1369742 Reyco Ag, Inc.

1666284 San Diego Humane Society and S.P.C.A

1718594 The Camp NR LLC

1600292 The Nevell Group, Inc.@Sonic Homes COVINA

Orders Denying Leave to File Late Appeal:

There are no Orders Denying Leave to File Late Appeal

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.

1235643 Granite Construction Company
This matter is on remand from Sacramento County Superior Court.

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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)?
- 1454931 Tesla, Inc.
Whether the ALJ properly affirmed the citations and, if so, whether Employer established the due diligence defense?
- 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 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)
9. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)

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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| 1482523 | A Team Services, Inc. |
| 1747925 | Able Maintenance Inc |
| 1536321 | AFG Farm Labor Contracting, Inc. |
| 1657636 | AI California LLC |

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1694720	Aluminum Precision Products Inc
1611704	American Airlines Group, Inc. et al.
1660546	AMP United, LLC.
1518193	Artisan Bakers
1741901	Autry Plumbing Inc
1671774	Ayoob & Peery Plumbing Company, Inc.
1745149	Bayview Demolition Services Inc.
1726629	Best Formulations, LLC.
1579415	Bigge Group
1591744	BLT Enterprises of Fremont, Inc.
1640586	Brightview Tree Care Services, Inc.
1385292	Browning Contractors, Inc.
1520805	CA Transportation-Highways
1663013	California Waste Services, LLC
1505289	Cen Cal Builders & Developers, Inc.
1601446	Citistaff Solutions, Inc.
1679703	Costco Wholesale Corporation
175077	Cystal Geyser Water Company
1575538	Double O Enterprises, Inc.
1626957	DS Fibertech Corp.
1666821	EMR Restaurant Inc
1740098	Express Greenhouse, Inc.
1730067	F. Radich Motors Inc
1574277	FedEx Express
1757485	Felbro Food Products, Inc.

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1609362	Glendale Holdings, LLC
1622983	Golden Ag Management, Inc.
1682066	Headwaters Construction Building Group, LLC
1681289	Hilton Hotel Employer LLC
1749535	Historic Santa Maria Inn LLC
1609225	HR Direct Services, Inc.
1742134	Husks Unlimited Inc
1683473	Intermountain Slurry Seal Inc.
1721767	Kenneth C Ray
1638014	Kindeva Drug Delivery
1620352	Legacy Framers, Inc.
1702894	Los Angeles Turf Club
1604972	Lyneer Staffing Solutions, LLC
1775262	Martin Hydroblasting Services, Inc.
1531919	McMahon Steel Co.
1735021	Mercury Plastics Inc
1610840	Michels Corporation
1651962	Montebello Unified School District
1747315	Mosaic Materials Inc.
1763368	Mr Mazda
1724489	Neovia Logistics Services, LLC.
1583691	Nutrien AG Solutions, Inc.
1721908	Oakwood Village Assisted Living and Memory Care
1738703	Ocean Park Mechanical Inc.
1757786	Omega Extruding Corp. of California

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1570110	Pabco Clay Products, LLC
1727193	Pacific Forge Inc
1601004	Packaging Corporation of America
1625093	Phillips 66 Company
1651741	Phillips 66 Company
1705411	Phillips 66 Company
1717588	Phillips 66 Company
1760359	Proframe, Inc
1770176	Rajkovich Brothers Partnership, LP
1683402	Rancho Valhalla Nursery
1676577	Reliable Construction Service
1620229	Ruiz Food Products, Inc.
1694714	Sacramento Valley Walnut Growers, LLC
1604116	Safeway Northern California Division
1600822	Safeway, Inc. 1483
1752214	San Diego County Sheriff's Department
1544205	Savemart Supermarkets
1689833	Solarguard Foam Systems, Inc.
1536816	Southwest Traders, Inc.
1773084	Sun Pacific Farming Cooperative Inc.
1757747	Tamita Farms, LLC
1670639	Target Corporation
1677645	Target Corporation Store #2465
1526613	Taylor Farms Pacific, Inc.
1679148	Taylor Farms Pacific, Inc.

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1615018	TBW, LLC
1542278	Tesla Energy Operations, Inc.
1694152	The JF Will Co., Inc.
1731135	Thunderbolt Wood Treating Co., Inc.
1762282	Value Vinyl Extrusions, Inc.
1536322	W.O.R.M. Ag, Inc.
1610027	Walmart
1710194	Walter Robertson
1559602	Weber Distribution, LLC
1660027	West Coast Arborists, Inc.
1670775	Western Tree Nursery, Inc.
1510283	XL Concrete Masonry, LLC

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.