

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

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

for

Thursday, June 16, 2022

9:30 a.m.

Sacramento, California

West Covina, California

&

Held on Zoom

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

From: J. Jeffrey Mojcher, Chief Counsel

Date: June 3, 2022

RE: Closed Session of the Board to be held on June 16, 2022

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. 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.

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.)

There are no Decisions scheduled for review.

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.)

1321137 Michael Roberts Construction, Inc.

Orders Dismissing Appeal:

- 1404795 Cordoba Construction Corp
- 1369788 Homestead Pasta Company
- 1466274 Sierra Transport LLC

Orders Denying Leave To File Late Appeal:

- 1515486 AHMC San Gabriel Valley Medical Center, LP
- 1483912 Emanate Health
- 1532874 Golden State Construction & Framing, Inc.
- 1537746 Tomas Guindon
- 1553701 West Stanislaus 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 authority of Labor Code sections 6620 through 6623.

- 1300984 General Dynamics NASSCO
- 1332867 Guy F. Atkinson Construction, LLC
Whether the Division proved the alleged violation.
- 1410726 Hathaway Dinwiddie Construction Co.
Whether the Division proved the alleged violation.
- 1291481 Sierra Pacific Forest Products
Whether Employer was in compliance with the cited safety order.
- 1155042 Signal Energy LLC
Whether Employer appropriately oversaw the actions of the subcontractors.
- 1192534 Shimmick Construction Company Inc.
Whether the employer committed the violation alleged.

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- 1303461 SSA Terminals (Oakland), LLC DBA SSA Marine Terminals
Whether Employer violated section 3212(a)(2)(A) as alleged.
- 1461476 Walmart, Inc.
Whether Walmart was an employer citable for the alleged violation.

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. Key Energy Service, LLC (12004280)
2. Barnard Impregilo Healy, JV, CPF 17-515575, (317134021)
3. Ashley Furniture Industries, 34-2017-800002750, (1016514)
4. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
5. Shimmick Construction Company, Inc., 34-2019-80003191 (1059365)
6. Process Cooling International, 34-2019-80003220 (1232555)
7. Davis Development Company, 34-2020-80003373 (1226084)
8. MWL Solutions, 34-2020-80003549 (1436014)
9. Hampton Tedder Electric, 34-2020-80003562 (1233597)
10. BMC West, LLC, 34-2021-80003574 (1399613)
11. Southern California Edison, 34-2021-80003580 (1320327)
12. L&S Framing, Inc., SCV-0046603 (1173183)
13. Granite Construction, 34-2021-80003634 (1235643)
14. Pacific Utility Installation, Inc., 30-2021-01201020 (1321161)
15. Grimmway Enterprises, Inc., BCV-21-101503 (1477159)
16. Grimmway Enterprises, Inc., BCV-21-101554 (1238985)
17. RND Contractors, Inc., CIV SB 2119442 (1436785)

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18. Sunview Vineyards of California, Inc. RG21111733 (1153101)
19. Hill Crane Service Inc., 34-2021-80003744 (1135350)
20. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
21. Sierra Forest Products, VCU290996 (1291481)
22. USA Waste of California, Inc., 34-2022-80003841 (1384029)

Appellate Court:

1. Interline Brands, Inc., CIVDS2021813 (1251604)

Other Items:

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendized.
2. Categorizing the Board's DARs and Denials on the DIR website.
3. Staff attorneys to provide legal analysis, advice and counsel regarding COVID-19 cases.
4. Discussion of DOSH Proposal to have their eAttorney system interface with OASIS.

Orders Of Administrative Law Judges:

(Written order 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.

1411357	Acme Demo Corp.
1422013	Advanced Automatic Sprinkler, Inc.
1579130	Alpha & Omega Displays, Inc.
1547142	Approved Staffing, LLC
1522283	Architectural Renewal Services, Inc.
1551415	Arribavista Ranch, Inc.
1417470	ATL Logistics, Inc.
1537739	Brazil Quality Roofing, Inc.
1267450	BYD Coach & Bus, LLC
1375650	CA Corrections & Rehabilitation-California
1509786	CA Motor Vehicles
1535903	CA Motor Vehicles

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1575181 California Waste Solutions, Inc.
1556218 Capital Logistics & Warehousing West, Inc.
1483625 Cardenas Market
1522978 Cass Enterprises, Inc.
1576436 CBG Building Company, LLC
1509584 CDS Cabinets, Inc.
1497537 CF Watsonville West, LLC
1553167 City of Davis
1474698 City of Santa Clarita-Santa Clarita Transit
1493774 Compass Group USA, Inc.
1551018 Cortech West Staffing, LLC
1482170 Crandall Roofing Inc.
1490986 Cream of the Crop AG Service, Inc.
1505377 Crestwood Behavioral Health, Inc.
1532642 Crownview Co-Occurring Institute Incorporated
1531786 Del Mar Food Products Corp.
1497573 Department of Motor Vehicles - DMV
1535099 Department of Motor Vehicles - Rancho
1506148 Dolores Borquez
1574051 DPCC
1523235 Ecoological LLC
1395912 General Dynamics Nassco
1565978 Gonsalves & Santucci, Inc.
1539030 Grocery Outlet #450
1559985 Hamel Contracting, Inc.
1405893 Hardy Window Company
1491812 Hart Brothers Construction, Inc.
1565262 Harvard Label, LLC
1438594 Interstate Management Company, LLC
1552385 J. H. Fitzmaurice, Inc.
1523771 JBR Management Company, LLC
1556214 JD Koi, LLC
1484364 La Vina Packing, Inc.
1495754 Langer Farms LLC
1581379 Le Belge Chocolatier
1495244 Lightway Industries
1445703 LMC Construction, LLC
1394170 Los Angeles Apparel, Inc.
1555432 Los Angeles Turf Club, Incorporated
1391055 M & G Hauling, Inc.

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1483379	Marin Senior Coordinating Council
1523328	Mason Electric Company
1324039	Mastec Network Solutions, Inc.
1448232	Mccarthy Building Companies
1569725	MFIB CA, LLC
1553037	Millie and Severson, Inc.
1526522	Nor-Cal Beverage Co., Inc.
1505656	O'Reilly Auto Enterprises, LLC
1472704	Olam International
1395496	Partners Personnel
1516975	PML Hardware And Supply, Inc.
1528891	POM Wonderful Holdings, LLC
1479470	Prime Healthcare Anaheim, LLC
1493663	Princeton Manor Healthcare Center, LLC
1530761	R.C. Wendt Painting, Inc.
1531790	Real Wood Contracting, LLC
1514704	Robic Refrigeration, Inc.
1550334	San Gabriel Valley Habitat for Humanity, Inc.
1488532	Select Electric, Inc.
1547198	Sierra Foothills Construction Company
1489479	State Of California - Department of Motor Vehicles
1519641	Straight Shot Logistics
1530889	Sutter Bay Medical Foundation DBA Sutter East Bay
1525136	Teasdale Latin Foods Inc.
1541077	Traverso Tree Service Inc.
1555955	True North Constructors, Inc.
1561233	United Pallet Services, Inc.
1515668	Vivalon
1566449	West-Cal Concrete, Inc.
1573877	Westflex, Inc
1534126	Westside AGG. II, Inc.
1563570	WHP, Inc.

Personnel:

(Issues regarding staff.)

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