

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

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

Thursday, July 21, 2022
9:30 a.m.

Held on Zoom

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

From: J. Jeffrey Mojcher, Chief Counsel

Date: July 8, 2022

RE: Closed Session of the Board to be held on July 21, 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.)

1417616 Robert E. Sutton Company, Inc.

Orders Dismissing Appeal:

1514420 ABM Industries, Inc.

1533229 Central Valley Meat Holding Company

Orders Denying Leave To File Late Appeal:

- 1568241 Citistaff Solutions, Inc.
- 1559454 CP Manufacturing, Inc.

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
- 1340591 Lennar Corporation
- 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.
- 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. Pacific Utility Installation, Inc., 30-2021-01201020 (1321161)
13. Grimmway Enterprises, Inc., BCV-21-101503 (1477159)
14. Grimmway Enterprises, Inc., BCV-21-101554 (1238985)
15. RND Contractors, Inc., CIV SB 2119442 (1436785)
16. Sunview Vineyards of California, Inc. RG21111733 (1153101)
17. Hill Crane Service Inc., 34-2021-80003744 (1135350)
18. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
19. Sierra Forest Products, VCU290996 (1291481)
20. USA Waste of California, Inc., 34-2022-80003841 (1384029)

Appellate Court:

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. Golden State FC, LLC, STK-CV-UWM-2021-004380 (1310525)
3. L & S Framing, Inc. S-CV-0046603 (1173183)

Other Items:

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendaized.
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.)

1517980	Alameda County Probation Department
1515476	Alila Farm Labor, LLC
1573193	All Around Renovations, Inc.
1544474	America Greenworld, Inc.
1555236	American Sheet Metal Partition
1540491	Armando Diaz Arredondo, an Individual
1524600	Automotive Racing Products, Inc.
1571425	B.R. Funsten & Co.
1565972	Bay Area Linen & Valet Service Center Inc.
1554359	Bella Kai Construction
1495680	Biagi Bros
1511885	Big 'B' Lumberteria, Inc.
1477221	Ca Forestry And Fire Protection
1501574	California Department of Corrections And
1411313	California Waste Recovery Systems, LLC
1434405	Center-Line Construction, Inc.
1565098	Clark's Quality Roofing, Inc.
1540244	CMC Materials, Inc.
1271678	Consolidated Disposal Services, LLC
1592129	Crane Exteriors, Inc.
1554570	Custom Leathercraft Mfg., LLC
1553145	DPR Construction, Inc.
1535103	Fast 5 Huntington 4, LLC
1546648	Fontana Wood Treating, Inc.

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1491738	Garrett J. Gentry General Engineering Inc.
1461465	Giumarra Vineyards, Corporation
1549041	Green Acres Meats, Inc.
1461746	J J & R Automotive Repair, LLC
1511373	Kaiser Foundation Hospitals
1541627	Kerr Corporation
1572794	Lazy Dog Restaurant & Bar
1559836	Leo Quiroz Tree Service And Landscaping
1437449	Liberta Homes
1577737	MB Homes Sonoma, LLC
1552014	Milestone Management (Ca) - Meadows, LLC
1573850	Modern Building Inc.
1532415	Mohajeri Inc.
1474264	Outdoor Keepers
1553801	Pacific States - Sukut - P31, A Joint Venture
1574266	Pacific States - Sukut - P31, A Joint Venture
1467641	Panda Restaurant Group, Inc.
1490793	Paragon Ventures, Inc.
1571050	Placer County Health and Human Services
1522771	R.N.V., Inc.
1521280	Rafael S. Garcia
1561864	Roofline, Inc.
1515618	Sacramento County Sheriff's Office
1553047	San Diego County Sheriff's Department
1564875	Silver Farm Labor, Inc.
1574062	Southern Inyo Healthcare District
1563634	Spectex Inc.
1549855	Stir Foods, LLC
1545282	Superior Court of California, County of Sacramento
1506364	Sutter Valley Hospitals dba Sutter Roseville
1485170	Target Corporation
1540336	Tesoro Refining & Marketing Company LLC
1580235	The Pentagon Company
1555849	The Tac Room, LLC
1555067	Tom Brown Construction
1594276	Treasure Garden, Inc.
1231050	Tutor Perini Corporation
1504913	United Natural Foods, Inc.
1526612	Wermers Multi Family
1547701	WFS Express, Inc.

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1515682	Windsor Hayward Estates, LLC
1537586	Workforce Enterprises WFE, Inc.
1533232	Younan, Inc.

Personnel:

(Issues regarding staff.)

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