

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

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

for

Thursday, October 6, 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: September 23, 2022
RE: Closed Session of the Board to be held on October 6, 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.)

1412595 Angelus Block Co., Inc.

1462745 Wonderful Citrus Packing LLC

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.)

1513834 FMG, Inc. dba Hadley Tow

313381584 Modern Pro Builders

Orders Dismissing Appeal:

- 1426375 Aplus Constructors, Inc.
- 1447957 Forrest Scott, an Individual
- 1324361 GJ Gentry General Engineering, Inc.
- 1434239 Hau Thang Nguyen
- 1553719 Oldcastle Infrastructure, Inc.

Orders Denying Leave To File Late Appeal:

- 1496541 California Department of Corrections
- 1577072 City of Elk Grove Police Department

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.

- 1360156 CA Forestry and Fire Protection
- 1300984 General Dynamics NASSCO
Whether Employer committed the violations alleged.
- 1340591 Lennar Corporation
Whether Employer committed the violations alleged.
- 1291481 Sierra Pacific Forest Products
Whether Employer was in compliance with the cited safety order.
- 1303461 SSA Terminals (Oakland), LLC dba SSA Marine Terminals
Whether Employer violated section 3212(a)(2)(A) as alleged.

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. Barnard Impregilo Healy, JV, CPF 17-515575 (317134021)
2. Ashley Furniture Industries, 34-2017-800002750 (1016514)
3. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
4. Shimmick Construction Company, Inc., 34-2019-80003191 (1059365)
5. Davis Development Company, 34-2020-80003373 (1226084)
6. Southern California Edison, 34-2021-80003580 (1320327)
7. Pacific Utility Installation, Inc., 30-2021-01201020 (1321161)
8. Grimmway Enterprises, Inc., BCV-21-101503 (1477159)
9. Grimmway Enterprises, Inc., BCV-21-101554 (1238985)
10. RND Contractors, Inc., CIV SB 2119442 (1436785)
11. Sunview Vineyards of California, Inc. RG21111733 (1153101)
12. Hill Crane Service Inc., 34-2021-80003744 (1135350)
13. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
14. Sierra Forest Products, VCU290996 (1291481)
15. USA Waste of California, Inc., 34-2022-80003841 (1384029)
16. Ranch of the Golden Hawk, 22STCP02302 (1224802)
17. Guy F. Atkinson Construction, LLC. 22STCP03019 (1332867)

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)
4. Granite Construction Company, 34-2021-80003634 (1235643)

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.)

1340628 9W Halo Western OPCO, L.P.
1354363 ABF Freight System, Inc.
1405667 ACCO Engineered Systems, Inc.
1415547 ACS Staffing, Inc.
1517723 Albeco, Inc.
1435900 ALCAL Specialty Contracting, Inc.
1486537 All Right Electric, Inc.
1546542 Anthem United Homes Construction, LP
1536564 Associated Developers Concrete, Inc.
1476063 Atlas Vineyard Management
1468481 Baltor3, Inc.
1524047 Barron Construction, Inc.
1432015 Brunette Productions, LLC
1559549 Burnett & Son Meat Co., Inc.
1585816 Cal-Tex Construction
1347235 California Department Of Transportation
1411954 Caspian Commercial Plumbing, Inc.
1576599 Celebrity Cleaners, LLC
1528960 Central Coast Agriculture
1604298 Central Wire, Inc.
1558443 Champion Home Builders, Inc.
1285460 Chevron USA, Inc.
1516810 City Of Los Angeles Department Of General Services
1567157 Claremont Graduate University
1567214 Classic Beverage Of Southern California LLC

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1528444 Costco Wholesale Corporation
1565680 Crowne Cold Storage LLC
1497485 CVS Pharmacy
1489676 D L Construction
1514447 Doc Burnstein's Creamery
1560502 F.E.C. Electric, Inc.
1590001 FedEx Freight, Inc.
1534162 Fieldsource Food Systems, Inc.
1538849 Five Keys Schools And Programs
1554619 Foster Poultry Farms Inc.
1474356 G/M Business Interiors
1554807 Galasso's Bakery
1527071 Ganahl Lumber Company
1540054 Garcia Professional Tree Service, Inc.
1525927 Grizzly Construction, Inc.
1483170 H&B Hospitality LLC
1562267 Hannam Chain U.S.A., Inc.
1571939 Harry Brar
1507803 Hebrew Home For The Age Disabled
1467095 Herman Weissker Power, Inc.
1559778 Hope Builders, Inc.
1499873 Huerta's Tree Service & Development, Inc.
1572887 If CoPack, LLC
1557130 Incentive Promotions, Inc.
1539184 Innovative Dimmers, LLC
1531140 Intricate Building And Restoration, Inc.
1507782 JNH International, Inc.
1490095 JP Haitian Relief Organization
1507363 JS Sacramento, Inc.
1478357 JSL Foods, Inc.
1494286 Kaiser Foundation Hospitals
1549595 L T Building Corp.
1551423 Leonardo's Roofing Inc.
1541113 Life Is Life, LLC
1453861 Lind Marine Incorporated
1541343 LMC Enterprises
1496133 LVR Subtenant LLC
1543731 Major League Pest
1531604 MCM Roofing Company, Inc.
1513567 Mechanical Service & Systems, Inc.

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1568454 Miabella Expert Tree Service, Inc.
1491221 New Caney, Inc.
1528461 Northwest Pallet Services, LLC
1586040 Nowhere Commissary, LLC
1582029 Pacific Bell Telephone Company
1542755 Pacific International Cold Storage LLC
1581736 Paradise Group Holdings PTE, LTD
1520754 Partners Alliance Cold Storage, Inc.
1196967 Precision Metal Products, Inc.
1497297 Prime Conduit, Inc.
1525787 Prime Healthcare Services - Shasta LLC
1430958 Priority Work Force, Inc.
1565344 Processes by Martin, Inc.
1502242 Providing Exterminating Solutions Today
1507138 Ralph's Grocery Company
1521542 Rose Hills Memorial Park & Mortuary
1508901 RRT Enterprises, LP
1553038 San Diego County Sheriff's Department
1545274 San Diego Vista Steel Service Corporation
1524947 SBE Electrical Contracting, Inc.
1573535 Sea Crest Nursery, Inc.
1526260 Security Paving Company, Inc.
1534223 Security Paving Company, Inc.
1531937 Seltzer-Doren Management Company, Inc.
1437397 Shaver Log Works, Inc.
1529450 SOS Entertainment, LLC
1594189 South Coast Piering Inc.
1545010 Southern California Discount Tire Co., Inc.
1511418 Specialized Elevator Services, LLC
1569060 STR Fusco, Inc.
1570161 Sunline Energy Inc.
1559795 Sunny Grocery Store, LLC
1491565 Super GP Foods and Associates
1552382 Tennyson Electric, Inc.
1495190 The Adlen Family Limited Partnership
1461138 Two Rivers Demolition, Inc.
1522731 Umina Brothers, Inc.
1507556 Valley Chrome Plating, Inc.
1373841 Ventura Foods LLC
1579544 Ventura Harbor Boatyard, Inc.

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1534715 Watson Ag. Chemicals, Inc.
1579784 We Care Pest Solutions
1375273 Western Harvesting LLC
1562792 Westmoreland Cattle Co Inc.
1484960 Windsor Bakersfield Healthcare, LLC
1579669 Young's Market Company, LLC

Personnel:

(Issues regarding staff.)

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