

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 2, 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: May 20, 2022

RE: Closed Session of the Board to be held on June 2, 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.)

1549282 F C Landscape, Inc.

1300984 General Dynamics Nassco

1311884 Santa Barbara Center for the Performing Arts, Inc.

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1321137 Michael Roberts Construction, Inc.

Orders Dismissing Appeal:

1525570 A.S.S.E.T. Private Security

1418998 Deangelo Brothers LLC

1430976 Precision Custom Conversion, Inc.

Orders Denying Leave To File Late Appeal:

1557157 Dick Vanderham

1417616 Robert E. Sutton Company, Inc.

1525006 Sunnyside Roofing, 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.

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.

1554711	Accurate Home Services, Inc.
1521281	Advanced Framing Structures, Inc.
1564188	Aguilar Trucking, Inc.
1505282	All Points Manufacturing, LLC
1551893	Almendariz Consulting, Inc.
1469505	Alston Construction Company, Inc.
1348382	American Engineering Laboratories, Inc.
1488121	Apollo Wood Recovery, Inc.
1462238	Baker Electric, Inc.
1473418	Baker Electric, Inc.
1373325	Baltimore Aircoil Company, Inc.
1407153	Bartlett Care Center, LLC

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1581649	Bonduelle Fresh Americas
1490935	Brick Barn Winery, LLC
1558629	Butler Box & Stake, Inc.
1483902	Ca Corrections and Rehabilitation, North Kern
1508365	California Children's Academy
1422164	California Department of Forestry and Fire
1329983	Citistaff Solutions, Inc.
1498141	Citistaff Solutions, Inc.
1504270	City Of Daly City
1493807	Coca-Cola Company
1486552	College Hospital Cerritos
1480565	Columbia Packaging Group
1543946	Corder Farms, Inc.
1497962	Core-Mark International, Inc.
1534619	Costco Wholesale Corporation
1532532	Covina Valley Unified School District
1425620	CP Manufacturing, Inc.
1546481	Crane Rental Service, Inc.
1485233	D & D Cabinets - Savage Designs, Inc.
1557847	DecisionHR USA, Inc.
1456919	Doctors Medical Center, Inc.
1486771	Doctors Medical Center, Inc.
1477361	Dome Construction Corporation
1572351	Dupont Market, Inc.
1532890	Ecosmart, Inc.
1489371	Frontier-Kemper Constructors, Inc. and Tutor
1484165	Garfield Medical Center
1564745	General Produce Co.
1537251	Green Valley Ag Services, Inc.
1307108	Home Brew Mart, Inc.
1431573	Howard Roofing Company, Incorporated
1439644	HP Farms L.P.
1452199	JT2 Inc.
1491395	Kaiser Foundation Hospitals
1528195	Kaiser Foundation Hospitals
1508745	Kaiser Foundation Hospitals, Inc.
1493068	Kaiser Permanente
1488197	Kellogg Supply, Inc.
1568640	Kern Auto Parts Company DbA Napa Auto Parts
1554731	Lady M Confections, LTD

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1355748	Lendlease (US) Construction, Inc.
1418659	Lopez and Sons Farms, Inc.
1532630	Los Angeles County Sheriff
1387456	Matchmaster Dyeing & Finishing, Inc.
1508580	MFIB CA, LLC
1489032	Michael Nicholas Designs, Inc.
1552776	Mountain Meadow Production Corporation
1480812	MSL Community Management, LLC
1491749	North Valley Builders, Inc.
1536239	Orange County Superior Court
1568450	Orora Packaging Solutions
1501005	Pacific Bend, Inc.
1514253	Pacific Coast Sightseeing Tours & Charters, Inc.
1499047	Partners Personnel
1512736	Pearson Dental Supplies, Inc.
1527846	Prism Aerospace, Inc.
1529502	Ramcast Ornamental Supply Company, Inc.
1524758	Ramona Dairy LLC
1419752	Romac Supply Co., Inc.
1565724	Rose Meat Services Inc.
1359436	Rubio Electric, Inc.
1484539	Russo Granite & Marble, Inc.
1210877	RWC Building Products
1499279	Safeway, Inc.
1570002	Sage Vegan Bistro Echo Park, LLC
1550270	Samuel, Son & Co. (USA), Inc.
1501696	Satco, Inc.
1553994	Sb Hospitality Palm Springs, Inc.
1546303	Servco Inc.
1416486	Skillset Group
1493333	Slm Development Inc.
1556945	Spryscapes Construction, Inc.
1511794	Starn Farms
1463448	Sunbees Groups Inc.
1528491	Swinerton Builders
1561183	Sylvester Roofing Company, Inc.
1551645	Tanknology, Inc.
1512255	Total Terminals International
1309836	Trademark Construction Company, Inc.
1514052	Tree Pros, Inc.

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1561195	UFP Riverside, LLC
1482782	Unique Building Group Inc.
1474216	Vintage Associates, Inc.
1570297	Virun, Inc.
1462361	Walgreen Co., Store #9048
1483129	Walmart Inc.
1568386	West Coast Drywall & Company, Inc.
1300468	Western Digital Technologies, Inc.
1497311	Westgate MFG, Inc.
1523525	Whitehouse Construction, Inc.
1565335	Winebow, Inc.

Personnel:

(Issues regarding staff.)

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