

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

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

**Thursday, August 18, 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: August 5, 2022**

**RE: Closed Session of the Board to be held on August 18, 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.)*

1333620 Plant Construction Company, L.P.

**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.)*

1568241 Citistaff Solutions, Inc.

1410194 Natural Pack, Inc.

1417616 Robert E. Sutton

1370798 Solar Optimum

**Orders Dismissing Appeal:**

There are no Orders Dismissing Appeal scheduled for review.

**Orders Denying Leave To File Late Appeal:**

There are no Orders Denying Leave to File Late Appeal scheduled for review.

**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<br><i>Whether Employer committed the violations alleged.</i>  |
| 1340591 | Lennar Corporation<br><i>Whether Employer committed the violations alleged.</i>   |
| 1291481 | Sierra Pacific Forest Products<br><i>Whether Employer was in compliance with the cited safety order.</i>                    |
| 1155042 | Signal Energy LLC<br><i>Whether Employer appropriately oversaw the actions of the subcontractors.</i>                       |
| 1192534 | Shimmick Construction Company Inc.<br><i>Whether the employer committed the violation alleged.</i>                          |
| 1303461 | SSA Terminals (Oakland), LLC DBA SSA Marine Terminals<br><i>Whether Employer violated section 3212(a)(2)(A) as alleged.</i> |

**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)

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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)
21. Ranch of the Golden Hawk, 22STCP02302 (1224802)

**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.)*

|         |  |
|---------|--|
| 1527320 | Agro Pack LLC                                  |
| 1578946 | Alford Distributing Company                    |
| 1493769 | Alisal Properties, Inc. dba Alisal Guest Ranch |
| 1512743 | Bcok, Inc.                                     |
| 1473915 | BJ Perch Construction Inc.                     |
| 1474111 | BJ Perch Construction Inc.                     |
| 1568997 | Branching Out Tree Care                        |
| 1568954 | Cal Electro Inc.                               |
| 1517724 | California Conservation Corps                  |
| 1325393 | Caston, Inc.                                   |
| 1367251 | Citistaff Solutions, Inc.                      |
| 1368770 | Citistaff Solutions, Inc.                      |
| 1495168 | City of Santa Monica Big Blue Bus              |
| 1560663 | Clearlake Lava, Inc.                           |
| 1565036 | Coastline Imports                              |
| 1535517 | Comprehensive Care of Oakland                  |
| 1508296 | Contra Costa County Health Services            |
| 1564985 | Dependable Roofing, Inc.                       |

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| 1546932 | Don Vito Ozuna Food Corp.                     |
| 1352563 | Duracorp, LLC                                 |
| 1555910 | Earthlite LLC                                 |
| 1492144 | Erewhon Organic Cafe and Grocer               |
| 1566462 | Erickson Framing Ca LLC                       |
| 1530029 | Fairway Staffing Services                     |
| 1553888 | Fenix Marine Services                         |
| 1506776 | Food 4 Less Holdings, Inc. #314               |
| 1507897 | GHC of Walnut Creek, LLC                      |
| 1516787 | Greenwaste Recovery, Inc.                     |
| 1337623 | Hartmark Cabinet Design & Manufacturing, Inc. |
| 1580555 | Integrity Ag Solutions, LLC                   |
| 1568762 | J Reliable Construction Cleanup, LLC          |
| 1445122 | Jason D. Watson                               |
| 1492935 | Kaiser Foundation Hospital                    |
| 1476167 | Kaiser Foundation Hospitals                   |
| 1573755 | Kaiser Foundation Hospitals                   |
| 1558909 | Kingspan Light & Air, LLC                     |
| 1584203 | KW Industrial Management, Inc.                |
| 1494259 | Leopoldo's Farm Service, Inc.                 |
| 1533649 | Luxfer, Inc.                                  |
| 1586615 | M Perez Company, Inc.                         |
| 1489623 | Mr. Crane                                     |
| 1385924 | New Way Tree Services, Inc.                   |
| 1175441 | Newport Mesa Unified School District          |
| 1538295 | Nissan of Duarte                              |
| 1431220 | P & D Environmental, Inc.                     |
| 1266518 | Pacific Coast Containers, Inc.                |
| 1584227 | Peninsula Plastics Recycling, Inc.            |
| 1556631 | Pioneer VNS, Inc.                             |
| 1564862 | Proframe, Inc.                                |

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| 1554448 | Q&B Foods, Inc.                                    |
| 1555528 | R/D Construction-Roberts & Delatorre               |
| 1502587 | Radford Studio Center, Inc., dba CBS Studio Center |
| 1475903 | Ralphs Grocery Company                             |
| 1377123 | Rivulis Irrigation, Inc.                           |
| 1534501 | Sierra Pacific Industries                          |
| 1579166 | Sierra Pacific Industries                          |
| 1521652 | Southern California Permanente Medical Group       |
| 1286304 | SSA Pacific, Inc.                                  |
| 1514703 | Sunrun, Inc.                                       |
| 1480197 | Supreme Construction, Inc.                         |
| 1508094 | Sutter Street Manufacturing, Inc.                  |
| 1567370 | Sweet Fix Creamery, LLC                            |
| 1553446 | Tawa Supermarket, Inc.                             |
| 1564549 | The Hulling Co.                                    |
| 1572624 | Tri-Modal Distribution Services, Inc.              |
| 1194912 | Ubaldo Munoz                                       |
| 1461066 | Unique Garage Door, Inc.                           |
| 1461146 | Watson Companies, Inc.                             |
| 1534191 | WCC, Inc.  |

**Personnel:**

*(Issues regarding staff.)*

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