

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

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

for

Thursday, September 1, 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 19, 2022

RE: Closed Session of the Board to be held on September 1, 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.)

1487741 BSF Fitness II, 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.)

1447944 Che Anthony Coho, an Individual

1559454 CP Manufacturing, Inc.

Orders Dismissing Appeal:

There are no Orders Dismissing Appeal scheduled for review.

Orders Denying Leave To File Late Appeal:

1496785 West Hills Hospital

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.

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|---------|---|
| 1300984 | General Dynamics NASSCO
<i>Whether Employer committed the violations alleged.</i> |
| 1340591 | Lennar Corporation
<i>Whether Employer committed the violations alleged.</i> |
| 1291481 | Sierra Pacific Forest Products
<i>Whether Employer was in compliance with the cited safety order.</i> |
| 1303461 | SSA Terminals (Oakland), LLC DBA SSA Marine Terminals
<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)
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)

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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)
22. 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.

1491481	99 Cent Only Stores, LLC #383
1569248	Adams And Brooks, Inc.
1510321	Albertsons, LLC
1564225	Alpine Corporation
1396257	American Pacific Builders, Inc.
1226062	AMG Sign Company, Inc.
1371622	Amy's Kitchen, Inc.
1405003	Amy's Kitchen, Inc.
1411279	Amy's Kitchen, Inc.
1557155	Angell & Giroux, Inc.
1504971	Apex Drum Company, Inc.
1571588	Arrowhead Products Corporation
1582118	Ash & Clover Marketing, Inc.
1530902	Azzaro Surfaces
1596834	B & R Head and Block Repair
1504276	B.D.R. Industries, Inc.
1567156	Barry R. Kirshner Wildlife Foundation
1513645	Beyond the Horizon Construction, Inc.
1574248	Bienek Roofing-Construction Inc.
1530891	Borrego Community Health Foundation
1550090	Borrego Community Health Foundation
1555202	Burnett and Son Meat Company, Inc.
1478974	Coastal International, Inc.
1526032	Consolidated Asset Management Services
1549490	County of Los Angeles Department Of Mental
1427520	Crown City Equipment Rental LLC
1595891	Custom Tile & Granite, Inc.
1570685	DC Steel Erectors, Inc.
1567329	Don Lee Farms
1582964	Drilling Equipment & Supply Company
1583159	E. H. Butland Corp.
1574268	East Bay Municipal Utility District
1463170	ECO Renovation Group, LLC
1503795	Elwood Staffing
1577076	Erickson Framing CA LLC

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1512618	Excalibur Well Services Corporation
1554566	Fab Ring, Inc.
1380892	Field Fresh Foods Incorporated
1558388	Food Maxx #474
1570225	Four Seasons Roofing
1581691	Freyssinet Inc.
1525485	Frontier-Kemper Constructors, Inc.
1524950	G.H. Palmer Associates
1448989	General Coatings Corporation
1589967	Granite Rock Company
1561676	Graphic Packaging International, Inc.
1261073	Gruma Corporation
1474684	Hilty's Electric-California, Inc.
1513636	Hollenbeck Palms
1584350	Hy-Tek Material Handling, LLC
1585127	Jammu & Kashmir, Inc.
1490747	Kaiser Foundation Hospitals
1566747	Kitchen Now! Inc.
1556504	Kittyhawk, Inc.
1559805	Lakmann Builders, Inc.
1560649	Lezama Customs, Inc.
1481871	Lifehouse San Diego Operations, LLC
1561853	Lineage Logistics, LLC
1485445	Los Angeles Police Department, Mission Patrol
1559299	Lucky's Express Truck Wash, LLC
1477009	Lusamerica Foods, Inc.
1541588	M & L Professional Services, Inc.
1442564	M Bar C Construction, Inc.
1533629	Mad River Lumber, LLC
1585963	Manning's Beef, LLC
1526904	Mas Iron Co.
1541353	Mas Iron Co.
1498534	Mathews Readymix LLC
1524398	Meggitt Safety Systems, Inc.
1489639	Mercer, Fraser Company
1355094	Michael J. Milton
1569960	Michael L. Manna Ranch, Inc.
1503449	Mitac Information Systems Corp
1551882	Negranti Creamery
1522888	Orange County Water District

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1582934	Outback Construction, Inc.
1503577	Pacific Racing Association
1519511	Plumber Hero, Inc.
1578529	Pointer Enterprises, Inc.
1517707	Premium Meats Co.
1553693	R-Dub Foods, LLC
1588471	Rachma Contracting, Inc.
1491735	Rainscape
1487201	Ralph's Grocery Company #271
1541839	Ridgeline Oil & Asphalt Co. Inc.
1570866	Rjp Framing, Inc.
1570215	Roydesh, Inc.
1564879	See's Candies
1479279	Servin-Lopez Vineyard Management Inc.
1517336	Sierra Pacific Industries
1573544	Smart & Final Stores, LLC
1580305	Sonray Solar, Inc.
1561673	South Bay Iron, Inc.
1061365	Sphere Alliance Inc. DbA Advanced Aircraft Seal
1532212	St. Francis Memorial Hospital
1507013	Stephan Vineyards, Inc.
1544144	Steve Wills Trucking and Logging, LLC
1516367	Stone Peak Ceramics
1569063	Summit Livestock Facilities, LLC
1566767	Super Center Concepts, Inc.
1508754	Target Corporation
1510348	Target Corporation
1513261	Tharaldson Hospitality Development LLC
1551639	The Blox Group, LLC
1489597	The Growers Company, Inc.
1552411	Town of Loomis
1592479	Tree of Life Tree Service
1538276	Tricor Refining, LLC
1546639	U.S. Rubber Recycling, Inc.
1511212	United Parcel Service, Inc.
1590965	USLS, Inc.
1398128	Verde Cosmetics Labs, LLC
1524062	Weiss-Mcnair LLC
1578484	West-Bag, Inc.
1517736	Wilson Artisan Wineries

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Personnel:

(Issues regarding staff.)

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