

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

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

for

Thursday, November 3, 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: October 21, 2022

RE: Closed Session of the Board to be held on November 3, 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.)

1314092 99 Cents Only Store, LLC

1336276 Rios Farming Company, 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.)

1506586 American Fumigation Services, LLC

1465354 Natural Alternatives International, Inc.

1437436 Par Electrical Contractors, Inc.

1462745 Wonderful Citrus, LLC

Orders Dismissing Appeal:

- 1383344 County of Los Angeles Department of Parks
- 1270089 Southland Commercial Interiors, Inc.
- 1495976 Sullivan Solar Company

Orders Denying Leave To File Late Appeal:

- 1573785 CJ Foods Manufacturing Beaumont Corp.

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
- 1564732 Calvary Chapel of San Jose dba Calvary Chapel Academy
- 1300984 General Dynamics NASSCO
Whether Employer committed the violations alleged.
- 1004280 Key Energy Services, LLC
Matter remanded to the Board from the Court.
- 1340591 Lennar Corporation
Whether Employer committed the violations alleged.
- 313381584 Modern Pro Builder
- 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. RND Contractors, Inc., CIV SB 2119442 (1436785)
8. Sunview Vineyards of California, Inc. RG21111733 (1153101)
9. Hill Crane Service Inc., 34-2021-80003744 (1135350)
10. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
11. Sierra Forest Products, VCU290996 (1291481)
12. USA Waste of California, Inc., 34-2022-80003841 (1384029)
13. Ranch of the Golden Hawk, 22STCP02302 (1224802)
14. 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 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.)

1531393	Al Pak Labor, Inc.
1478329	All Electric Inc.
1572920	All Valley Packing, Inc.
1554805	Allied Painting, Inc.
1564040	Americold Logistics, LLC
1542529	Arete Custom Builds, LLC
1338182	Belmont Builders, Inc.
1576596	BP Drywall & Construction, Inc.
1529759	Build Group Construction Company, Inc.
1591808	Builders Firstsource - Atlantic Group, LLC
1553832	Bway Corporation
1560543	CA Corrections Corcoran State Prison
1559607	Calson Management, LLC
1468543	Citistaff Solutions, Inc.
1533031	CJ Foods Manufacturing Beaumont Corp.
1479081	Comfort Now, Inc.
1518321	Covenant Care California, LLC
1527044	Cream Of The Crop Ag Service, Inc.
1356929	De Coninck Vineyards, Inc.
1552666	Delta Elevator Co.
1500591	Dignity Health Woodland Memorial Hospital
1520227	E O Products, LLC
1575564	Endpak Packaging, Inc.
1471832	Fontenoy Engineering

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1606961	Forest River, Inc.
1541138	Giovanni Mendoza, an Individual
1541614	Golden Queen Mining Company LLC
1520061	Granite Construction Company
1532835	iStaffing, Inc.
1536820	Jackson Drywall, Inc.
1358458	Jayme R. Zemansky
1561237	Jeffco Painting & Coating, Inc.
1556149	Johnny Ray Canaris
1417206	JT2, Inc.
1509590	Kaiser Foundation Hospitals
1524597	Kinneloa Irrigation District
1376749	La City Attorney's Office
1567636	Les Schwab Group Holdings, LLC
1516461	Madera Agricultural Services, Inc.
1585958	Manning's Beef, LLC
1291397	Mccarthy Building Companies, Inc.
1596925	Mccarthy Building Companies, Inc.
1566431	MCM Labor Services, Inc.
1563575	Mohammad Yamin, An Individual
1558180	Nick Champi Enterprises, Inc.
1407788	Pacific Boring Incorporated
1504458	Pactiv LLC
1396304	Par Electrical Contractors, Inc.
1543714	Parsoda USA, Inc.
1528879	Paymun Building & Development Inc.
1512822	Pitman Farms
1504405	Ralph's Grocery Company #26
1543603	Redwood Hill Farm & Creamery, Inc.
1544328	Restoration Hardware, Inc.
1563658	Sacramento County Department of Airport
1492136	Salinas Valley Memorial Hospital
1524570	Sanger Unified School District
1468684	Santa Clara Valley Water District
1591903	Sean V. Doherty, an Individual
1517224	Setzer Forest Products, Inc.
1552414	Sihota Farms, Inc.
1382795	Skanska USA Civil West California District Inc.
1547581	Sonic.Net LLC
1562185	Sonny Nguyen, An Individual

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1359529	Steve P. Rados, Inc.
1496525	Superior Duct Fabrication, Inc.
1540323	Swinerton Builders
1555475	Tahoe City Lumber Co.
1583977	Taisuco America Corporation
1564184	Teamquest Staffing Services Inc.
1565230	The Veen Firm, P.C.
1601234	Thunderbolt Wood Treating Co., Inc.
1599157	Trico Painting
1553645	United Parcel Service Co.
1483399	United Parcel Service Inc.
1470461	US Foods, Inc.
1558421	Wagner Dairy, G.P.
1417245	Wallace & Smith Contractors, Inc.
1565956	Walmart, Inc.
1533267	Watson AG Chemicals, Inc.

Personnel:

(Issues regarding staff.)

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