

**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 19, 2023

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: October 6, 2023**

**RE: Closed Session of the Board to be held on October 19, 2023**

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.)*

1568252 Arana Residential and Commercial Painting, Inc.

1233597 Hampton Tedder Electric

**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.)*

1398352 Aneuser-Busch, LLC

1609228 The Geo Group, Inc. dba Golden State Annex

**Orders Dismissing Appeal:**

1619414 Barry Shy, an Individual

1585354 Gotworx Staffing, Inc.

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

1674336 Finishing Touch Moulding, 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.

1314092 99 Cents Only Store, LLC  
*Whether the employer committed a foot protection violation as alleged.*

1431672 A. Teichert & Son, LLC  
*Whether the cited employer was in violation of lockout/tagout requirements.*

1473644 Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*

1113026 Angelus Block Co., Inc.  
*Whether Employer violated lock out/tag out requirements as alleged.*

1564732 Calvary Chapel of San Jose dba Calvary Chapel Academy  
*Whether the ALJ correctly excluded evidence from the inspection.*

1490008 Elite MD, Inc.  
*Whether the ALJ's denial of leave to file a late appeal was correct.*

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- 1488312 The Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to protect employees from COVID-19.*
- 1436480 Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*
- 1486257 The Kroger Company  
*Whether the cited employer adequately trained employees regarding workplace hazards.*
- 1465354 Natural Alternatives International, Inc.  
*Whether the ALJ erred in dismissing the matter.*
- 1405107 S.C. Anderson, Inc.  
*Whether employer committed the alleged roof opening violations.*
- 1291481 Sierra Pacific Forest Products  
*Whether Employer has abated the cited violation of safety order section 3314 (c).*
- 1465119 Sun Belt Rentals  
*Whether certain information accepted into evidence was inadmissible hearsay, and whether the evidence supports a finding that Employer violated sections 3203 and 3328, as alleged.*
- 1594663 Uber Technologies, Inc.  
*How Proposition 22 interacts with the Board's statutes and operative regulations*

**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. Ashley Furniture Industries, 34-2017-800002750 (1016514)
2. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
3. Davis Development Company, 34-2020-80003373 (1226084)
4. Southern California Edison, 34-2021-80003580 (1320327)

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5. Hill Crane Service Inc., 34-2021-80003744 (1135350)
6. USA Waste of California, Inc., 34-2022-80003841 (1384029)
7. Guy F. Atkinson Construction, LLC, 22STCP03019 (1332867)
8. American Fumigation Services, LLC, 22STCP04305 (1506586)

**Appellate Court:**

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. L & S Framing, Inc. S-CV-0046603 (1173183)
3. Granite Construction Company, 34-2021-80003634 (1235643)
4. MWL Solutions, C097353, 34-2020-80003549 (1436014)
5. BMC West LLC, 34-2020-80003459 (1399613)
6. Hampton Tedder Electric, 34-2020-80003549 (1233597)
7. RND Contractors, Inc., CIVSB2119442 (1436785)

**Other Items:**

1. Stakeholders' comments from June 27, 2023 Roundtable Discussion.
2. Discuss Cal/OSHA Reporter's requests for access to OASIS.
3. New and/or interlocutory petitions for reconsideration not filed in time to be agendized.
4. Categorizing the Board's DARs and Denials on the DIR website.
5. Staff attorneys to provide legal analysis, advice and counsel regarding COVID-19 cases.
6. Discussion of DOSH Proposal to have their eAttorney system interface with OASIS.
7. Discussion regarding Board communications with stakeholders.

**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.*

1601734	Ace Tree Enterprise, Inc.
1457911	Aerotek, Inc.
1594776	Aker International, Inc.
1599188	All Phase Land Clearing, Inc.
1519377	American Builders & Contractors Supply Co., Inc.
1610317	Angelus Block Co., Inc.
1657051	Ark Construction & Development, Inc.
1647453	Armav Catering Inc.
1620029	ATSG
1592619	Bee Sweet Citrus, Inc.
1636631	Berkeley Bowl Produce, Inc.
1491197	BMC
1569723	Braga Fresh Foods
1634693	Brooks Construction, Incorporated
1658153	C3 Construction Group Inc.
1509860	Ca Corrections - Valley State Prison
1479497	California Department of Corrections
1546695	California Department of Corrections
1512456	California Department of Corrections
1489777	California Department of Corrections
1488604	California Department of Corrections
1568367	California Department of Corrections
1512952	California Dept. Of Corrections and Rehabilitation
1524780	Carroll Metal Works, Inc.
1654362	Cassko, Inc.
1575662	City of Glendale Fire Department
1653645	City of San Diego
1492143	Copper Harbor Company, Inc.
1637712	Cornell Roofing Company Inc
1624363	Crazy Go Nuts
1486315	Creative Assembly, Inc.
1593655	Dale Ranches, LLC
1599464	Direct Disposal
1628216	Douglas Fir Holdings, LLC
1638001	Doulos Construction Inc.

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1640900	Duran's Pallets Corporation
1604670	El Toro Export, LLC
1622288	Elizabeth Morris and Christina Milian
1660928	Empire International Food Corporation
1489495	Fed Ex Freight, Inc.
1577888	G.H. McCulloch, Inc.
1590358	G.I.C. Corporation
1631062	GHC of National City I, LLC
1552372	Gill's Onions, LLC
1492221	Globus Builder Inc.
1681026	Gruber Manufacturing
1648714	Hall Management Corp.
1592163	Hermesmeyer Painting Company, Incorporated
1669421	Hersha Hospitality Management LP
1658506	Hines Services, Inc
1581827	Ingomar Packing Company, LLC
1544994	J.L. Ray Company, Inc.
1513259	Kaiser Foundation Hospitals
1662148	KDC One
1633332	L.A. Pillow & Fiber, Inc.
1595775	Largo Concrete, Inc.
1669804	Lief Labs/Organics
1429648	Livingston Farmers Association
1574194	Los Angeles County Sheriff's Department
1525022	Lowe's Home Centers, LLC
1657675	LUNASIA Group
1625715	Managing Personnel Services, Inc.
1613790	Mariott Welding, Inc.
1586030	Martin Enriquez and Rocio Enriquez
1571524	Maruichi American Corporation
1280718	Milco Constructors, Inc.
1627918	MSI Structural Steel, LLC
1625632	Myron Schotanus and Jodi Schotanus, A General
1585324	Natrol, LLC
1610348	Neptune Fire Alarm, Inc.
1657473	NGW Auto Group LLC
1658489	OTTOGI America Inc.
1665735	Pacific Bell Telephone Company
1633310	Partners Personnel Management Services, LLC
1628507	Pena Plastering

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1554525	Phoenix Custom Packaging, LLC
1532892	Pinnacle Power Services
1608998	POWIN, LLC
1626876	Punch Press Products, Inc.
1608870	Raymond Handling Concepts Corporation
1648698	Rise Baking Company
1514168	Rolling Green, Inc.
1553715	SGD Enterprises
1622982	Sierra Pacific Industries
1606023	State of California Department of Corrections And
1489768	State of California, Dept. of Corrections - Avenal
1593353	Sun Date, LLC
1631103	TGH, Inc.
1605795	The Stucco Pros, Inc.
1495150	Troy Roofing, Inc.
1519010	Tutor Perini Corporation and O & G Industries, Inc.
1551060	UG2, LLC
1617233	Urata & Sons Concrete, LLC
1376598	Weiland Sliding Doors and Windows, Inc.
1652715	West Coast Iron, Inc.
1589347	West Valley Construction Company, Inc.

**Personnel:**

*(Issues regarding staff.)*

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