

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

CONTRACTORS WARDROBE, INC.
26121 Avenue Hall
Valencia, CA 91355

Employer

DOCKET 14-R4D3-1116

DECISION

STATEMENT OF THE CASE

Contractors Wardrobe, Inc., (Employer) manufactures and tempers glass for shower doors. On September 19, 2013, the Division of Occupational Safety and Health (the Division) through Associate Safety Engineer Rami Delos Reyes (Reyes) conducted an accident inspection at a place of employment maintained by Employer at 28810 Kelly Johnson Parkway, in Valencia, California (the site). On February 27, 2014, the Division cited Employer for the following alleged violations of the occupational safety and health standards and orders found in California Code of Regulations, Title 8¹: Citation 1, Item 2, failure to give safety training to its employees; Citation 1, Item 3, failure to mark or indicate the purpose of buttons on equipment; Citation 1, Item 4 failure to maintain equipment in an off load area in safe operating condition and Citation 1, Item 5, failure to secure loads located in an off load area² resulting in serious injury.

The Employer filed an appeal contesting the existence of the violation of the safety orders³ and the reasonableness of the proposed penalties for Citation 1, Items 2 through 5. Employer pleaded affirmative defenses as indicated in Employer's Appeal with the Occupational Safety and Health Appeals Board (See Exhibit 1).

¹ Unless otherwise specified, all references are to Sections of California Code of Regulations, Title 8.

² Off load – an area where racks of glass were unloaded and stored.

³ Parties stipulated that Employer intended to contest the safety order for Citation 1 Item 2, which is not marked on the appeal form, but mentioned in #3 on the appeal form. The parties also stipulated that Employer acknowledged the violation for Citation 1, Item 5 but plead the affirmative defense of “independent employee action defense”.

The matter came on regularly for hearing before Clara Hill-Williams, Administrative Law Judge (ALJ) for the California Occupational Safety and Health Appeals Board, at West Covina, California on September 23, 2014. Employer was represented by Steven Teeman (Teeman), Vice-President of Finance and Chief Operations Officer. The Division was represented by Associate Safety Engineer Reyes. The ALJ extended the submission date to August 2, 2015.

ISSUES

1. Did Employer fail to provide safety training which included general safety, glass inventory, material handling, lifting basics and use of personal protective equipment?
2. Did Employer fail to mark the purpose of eight emergency buttons on the seam line conveyor?
3. Did Employer fail to maintain equipment located in the offload department area in safe operating condition?
4. Did Employer fail to secure loads located in an offload area?
5. Were Alan Arana's actions regarding Citation 1, Item 5 the independent act of an employee?
6. Were the proposed penalties for the violations reasonable?

FINDINGS OF FACT

1. Employer failed to produce employee training records in response to the Division's Documents Request Sheet.
2. Eight emergency red buttons located on the seam line conveyor, which was two and a half feet to three feet above the floor, did not display markings or purpose of any kind.
3. There were three broken foot locks⁴ without any signs to depict whether the foot locks were out of service.
4. During the inspection employees⁵ used unraveling rope attached to the metal frame racks, which held glass sheets.
5. On September 4, 2013, employee Alan Arana (Arana) was seriously injured while inspecting a load of glass on a rack located in the work site's offload area. As Arana was counting the glass, the load inadvertently tipped over and struck Arana pushing him against an adjacent rack behind him because the glass was not secured either by proper piling or other securing.

⁴ The foot locks ensure that racks stored with glass will not move.

⁵ Reyes observed Raul Gonzales and Edwin Aquilar using the frayed rope.

6. The task Aranda performed at the time of the accident required more experienced workers that did not require direct supervision.

ANALYSIS

1. Did Employer fail to provide safety training which included general safety, glass inventory, material handling, lifting basics and use of personal protective equipment?

Section 3203, subdivision (a) (7) Injury and Illness Prevention Program (IIPP) provides:

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program. The Program shall be in writing and, shall, at a minimum...:

(7) Provide training and instruction:

(A) When the program is first established;

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

The Division alleged:

As of 9/19/13, employees did not receive safety training which include but not limited to general safety, glass inventory counting process, material handling, lifting basics and use of personal protective equipment.

The Division has the burden of proving a violation, including the applicability of the safety order, by a preponderance of the evidence. (*Howard J. White, Inc.*, Cal/OSHA App. 78-741, Decision After Reconsideration (June 16, 1983).) "Preponderance of the evidence" is usually defined in terms of probability of truth, or of evidence that when weighted with that opposed to it, has more convincing force and greater probability of truth with consideration of both direct and circumstantial evidence and all reasonable inferences to be drawn from both kinds of evidence. (*Lone Pine Nurseries*, Cal/OSHA App. 00-2817, Decision After Reconsideration (Oct. 30, 2001), citing *Leslie G. v. Perry & Associates* (1996) 43 Cal App. 4th 472, 483, review denied.)

To establish an IIPP violation, the Division must prove that flaws in the Employer's written IIPP amounted to a failure to establish or implement or maintain an effective program. A single, isolated failure to "implement" a detail within an otherwise effective program does not necessarily establish a violation for failing to maintain an effective program where that failure is the sole

imperfection. (See *GTE California*, Cal/OSHA App. 91-107, Decision After Reconsideration (Dec. 16, 1991); *David Fischer, dba Fischer Transport, A Sole Proprietorship*, Cal/OSHA App. 90-762, Decision After Reconsideration (Oct. 16, 1991).)

Reyes testified that he gave Employer a “Document Request” sheet (Exhibit 2), requesting copies of employee training records of specific employees Reyes interviewed during his inspection at the work site. Reyes testified that he made three requests for the documents on September 19, 2013⁶, October 24, 2013⁷ and on December 11, 2013⁸. Reyes submitted the list of employees and training course description with the Document Request. Reyes acknowledged receiving records of other employees from Employer, but he did not receive copies of records for foot safety training, safe lifting, hand protection and lock out tag out for the three employees⁹ he requested in the “Document Request”, which were the three employees he interviewed during his inspection on September 19, 2013 (Exhibit 3).

Jack Violante (Violante), Employer’s vice-president of operations, testified that Employer provided its IIPP and safety guidelines in response to the Document Request Sheet. Violante stated that all of Employer’s employees were trained, including the injured employee, Arana, who was a new employee at the time of the accident. Violante further stated employees and new employees are introduced to the training: (1) involving work place hazards that an employee could encounter; (2) training in personal protective equipment (PPE), and (3) training in how to wear, maintain and replace PPE. According to Violante, employees must read the safety guidelines and understand Employer’s policies regarding foot wear and proper tools and equipment. Violante maintained Employer could not locate any documentation of the specific employees’ training requested by Reyes but submitted “Employee Training Records for other employees (Exhibit 3) and “New Hire Safety Documents” for Arana and Miguel Flores (Exhibit A).

However, without documentation of the training program received by the specific employees requested by Reyes, Employer’s training program cannot be evaluated to determine if Employer provided safety training which included general safety, glass inventory, material handling, lifting basics and use of personal protective equipment. Since Employer did not produce these training records, the Division has established that Employer failed to implement and maintain a written Injury and Illness Prevention Program.

⁶ Exhibit 2 – Document Request, dated September 19, 2013 requested “Employee Training Records – Employees – All V-2 Building”

⁷ Exhibit 2 – Document Request, dated October 24, 2013 requested “Any and all documentation Safety Training for glass inventory counting process which include but not limited to power point presentations, brochures, instruction manual, written handouts, posters, videos, course instructor outline.”

⁸ Exhibit 2 – Document Request, dated December 11, 2013 requested “Safety instructions, equipment operation manuals”

⁹ Celistino Flores Santos, Oscar Dorante Bustante, and Oswaldo Gomez.

2. Did Employer fail to mark the purpose of eight emergency buttons on the seam line conveyor?

Section 2340.22 Identification of Equipment, subdivision (a) Motors and Appliances, provides:

Each disconnecting means required by this Safety Order for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

The Division alleged:

On 12/19/13, the seaming line conveyor located adjacent to the oven area contained eight emergency buttons that contained no markings to indicate their purpose.

In *Photo Art Frames*, Cal/OSHA App. 80-430, Decision After Reconsideration (Nov. 7, 1980), the Board held that a violation of section 2340.22, subdivision (a) was not established where the evidence showed a disconnect was not being used, nor had been used for two years. The Board explained that section 2340.22, subdivision (a) requires that: "each disconnecting means for motors and utilization equipment and for each service, feeder, or branch circuit at the point where it originates shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved." In *Photo Art Frames, supra*, the Board stated that because the evidence established, that the disconnect was not being used, nor had been used for two years, the disconnect in question is not within the purpose or meaning of the cited regulation, and need not be marked. A violation of section 2340.22(a) was not established.

In applying *Photo Art Frames, supra*, here, Reyes did not submit any evidence indicating whether the buttons on the seaming line conveyor were "disconnecting means". Reyes asserted that at the time of the inspection, he observed eight emergency buttons on the "seaming line"¹⁰ or conveyor line, located two and a half to three feet above the floor without markings to indicate their purpose (Exhibit 4A-C). Reyes testified that a worker would not know whether to push or pull the red buttons. On the other hand, Violante testified that the seaming line is located in an "unmanned area", which is in an automated area where employees do not work. Because the seaming line was not used by any of the employees, it cannot be viewed as within the purpose or meaning of section 2340.22. Since Reyes did not identify the buttons as a disconnecting means, and because there was not any employee exposure to the hazard, the Division failed to establish a violation of the safety order.

¹⁰ See Exhibit 4C

3. Did Employer fail to maintain equipment located in the off load department area in safe operating condition?

Section 3328, subdivision (g) Machinery and Equipment, provides:

Machinery and equipment in service shall be maintained in a safe operating condition.

The Division alleged:

On 9/19/14 and 12/19/13, equipment located in and around the off load department area was not maintained in a safe operating condition.

Instance 1: A large blue glass equipment rack contained three broken footing locks and a caster wheel that was broken.

Instance 2: An orange glass equipment rack contained two broken footing locks.

Instance 3: An approximate 9-foot long 3/8-inch diameter black and orange rope securing glass to a glass equipment rack contained sections that were frayed unravelling.

Instance 4: An approximate 8-foot 8-inch 3/8-inch diameter black and orange rope securing glass to a glass unravelling.

In determining whether the equipment racks were in service as required by section 3328, subdivision (g) above, Reyes noted that there were not any signs or tags posted to indicate whether the racks with the broken foot locks and caster wheels were out of service. Violante's testimony that Employer's placement of two to four wheel stops on the racks that were designed to serve as a "security blanket" to stop the rack from moving so it will not tip over, demonstrates that the racks were in service. Reyes testified that he observed employees using frayed rope during his inspection. Violante also testified that the rope was used to secure the glass, which further demonstrates that the racks were in service.

The Board in *Campbell's Soup Cal/OSHA App. 00-3509*, Decision After Reconsideration, (Nov. 15, 2002) held that section 3328, subdivision (g), does not set specific frequency, nature and extent requirements that employers must follow to maintain the many different types of equipment and machinery they use. They have different requirements and, as section 3328, subdivision (b), [manufacturer's recommendations] indicates, the manufacturer of a piece of equipment or a machine is most knowledgeable of its inspection and

maintenance needs. Since no evidence of a manufacturer's recommendations were presented in *Campbell's Soup, supra*, the Board held that where employees are responsible for maintaining the tank, but found the maintenance performed on the tank during the months preceding the rupture consisted of un-programmed, undocumented, and cursory examinations of the exterior of the encapsulated tank and the floor beneath it for signs of leakage, the Board found that by such action, Employer did not maintain the tank in safe operating condition and violated section 3328, subdivision (g).

Reyes cited Employer for violation of section 3328, subdivision (g) in Instance #1, based upon three broken foot locks and one broken caster wheel on a large blue equipment rack he observed during his inspection. In Instance #2, Reyes observed an orange equipment rack with two broken foot locks. Reyes testified that foot locks stabilize the racks that hold the glass sheets, which keeps the racks from moving. Likewise broken caster wheels can cause the rack to tip over if loaded (Exhibit 5A, 5B and 5C).

In Instance #3, Reyes observed an approximate 9-foot long 3/8-inch diameter black and orange rope securing glass to a glass equipment rack that contained sections he observed unravelling. In Instance 4, Reyes observed a black and orange rope approximate 8-foot 8-inch 3/8-inch diameter unraveling that was securing glass (Exhibits E through I). Reyes referred to Employer's IIPP section titled "Conducting Hazard Identification Inspections" (Exhibit 5J) p.2, which states "Unsafe conditions should also be corrected as soon [as] they are discovered. If this is not possible, highly hazardous equipment should be shut down and locked or tagged." Reyes also noted Employer's "MATERIAL HANDLING PROCEDURES FOR CASES ALL DIVISIONS" (Exhibit K), indicated on page 2, under heading #5, "LOOSE GLASS OR MIRROR ON ANY TYPE OF METAL ROLLING RACK OR METAL STATIONARY RACK", specified that glass or mirrors must be secured with a rope or strap before moving the rack by hand or forklift. Reyes believed the condition of the frayed ropes had weakened tension and was not safe to secure the glass to the rack. Violante countered Reyes testimony, stating that frayed ends of ropes used on the racks are acceptable if the ropes are tied off or tied in a knot, which is the standard procedure taught to the employees.

In reviewing the evidence, the photos (Exhibits 5A through 5I) depict broken foot locks and wheel casters on racks holding glass, as well as frayed rope used to tie-off glass sheets placed on the racks. Reyes credibly testified that both conditions of the broken foot locks discussed above and the frayed rope used to secure the glass on the racks could result in the racks tipping over and the glass load falling. The Board's holding in *Campbell Soup, supra*, is applicable here based upon the evidence showing Employer did not maintain the racks in safe operating condition, violating section 3328, subdivision (g).

4. Did Employer fail to secure loads located in an offload area?

Section 3704 Securing Loads provides:

All loads shall be secured against dangerous displacement either by proper piling or other securing.

The Division alleged:

On 09/04/13, an employee was seriously injured while inspecting a load of glass on a rack located in the offload area. As the employee was counting the glass, the load inadvertently tipped over and struck the employee pushing him against the adjacent rack behind him. Proper piling or other securing means which include but not limited to the use of straps were not used to secure the load.

The safety order requires that the loads shall be secured by first properly piling or by using other securing methods. Reyes inspection at the work site revealed the glass struck Arana due to the instability of the manner in which the glass was placed on the rack, which is the hazard that the safety order is aimed at preventing. (See *Traylor Bros. Inc./Frontier Kemper Construction Inc., Joint Venture*, Cal/OSHA App. 98-2345, Decision After Reconsideration (June 12, 2002), and *Obayashi Corporation*, Cal/OSHA 98-3674, Decision After Reconsideration (June 5, 2001).) Here, it is not disputed that Arana was seriously injured while inspecting a load of glass on a rack located in the offload area. As Arana was counting the glass, the load inadvertently tipped over, meaning the glass was displaced and struck him. In considering the facts and the Decisions After Reconsideration discussed *supra*, section 3704 applied when the load inadvertently tipped over and struck the employee pushing him against the adjacent rack behind him. Here, the load, which struck Arana, was not secured against dangerous displacement, and Arana was exposed to the hazardous condition. Therefore, a preponderance of the evidence established a violation of section 3704¹¹.

5. Were Alan Arana's actions regarding Citation 1, Item 5 the independent act of an employee?

Employer raised the independent employee action defense (IEAD) set forth in *Mercury Service, Inc.*, Cal/OSHA App. 77-1133, Decision After Reconsideration (Oct. 16, 1980). To establish the IEAD, an employer must prove all the following elements by a preponderance of the evidence:

- 1) The employee was experienced in the job being performed.
- 2) The employer has a well-devised safety program which includes training employees in matters of safety respective to their particular job assignments.

¹¹ Reyes classified the violation as a general violation because the parties stipulated that Employer did not have knowledge of Aranda's actions in causing the violation.

- 3) The employer effectively enforces the safety program.
- 4) The employer has a policy of sanctions against employees who violate the safety program.
- 5) The employee caused a safety infraction which he or she knew was contra to the employer's safety requirements.

In reviewing the second element of IEAD above, Employer did not demonstrate that it had a well-devised safety program because Employer failed to produce training records in response to Reyes' request for training records. Regarding the third and fourth elements, the policy of sanctions must be effective. Here, Violante testified that Arana was terminated as a result of the violation because he was a temporary employee. Violante indicated Employer had progressive discipline procedures. However, Employer did not submit any documentation of its progressive discipline procedures at the hearing. In reviewing the fifth element, Arana caused a safety violation when he failed to comply with Employer's specific instructions because he was working in an area counting glass after he was instructed not to work in this area (Citation 1, Item 5, section 3407) when the accident occurred.

While Arana may have been experienced in other job assignments, Arana did not follow instructions given by his supervisor. According to Employer's accident investigation report, the task Arana performed at the time of the accident required more experienced workers and required two workers to safely complete the task (Exhibit 6B). Thus Arana was not experienced in the job he attempted to perform.

To avoid liability through the independent-employee-action affirmative defense, employers must establish all of the five elements listed above. Here Employer failed to establish the second element regarding Employer's safety program by not demonstrating that it had a well-devised safety program, in failing to produce training records in response to the Division's Document Request or evidence of progressive discipline. Therefore, for all of the above stated reasons, Employer did not meet its burden of proof to show that it should be relieved of the violation based on the defense of independent employee action.

6. Were the penalties proposed reasonable?

The Division must calculate proposed penalties in accordance with its regulations and present proof sufficient to support its calculations on likelihood, etc. (*Gal Concrete Construction Co.*, Cal/OSHA App. 89-317/318, Decision After Reconsideration (Sept. 27, 1990).) The Division must properly rate the employer's safety program and its experience to justify a penalty. (*Monterey Abalone*, Cal/OSHA App. 75-786, Decision After Reconsideration (March 15, 1977).)

In calculating the penalty, Reyes classified the violations as general violations. A general violation is a violation which is specifically determined not to be of a serious nature, but has a relationship to occupational safety and health of employees. Reyes calculated the penalties pursuant to the Division's policies and procedures and the California Code of Regulations as indicated on the Penalty Worksheet (See Exhibit 1). Unless otherwise disputed by the Employer, the penalty calculations are presumed to be reasonable. At the hearing Employer did not object to Reyes' calculation of the penalties and is deemed waived (See *Stockton Tri*, Cal/OSHA App. 02-4946, Decision After Reconsideration (Mar. 27, 2006).

"Severity" is based upon the degree of discomfort, temporary disability and time loss from normal activity (including work) which an employee is likely to suffer as a result of occupational illness or disease which could result from the violation. When the safety order violated does not pertain to employee illness or disease, severity shall be based upon the amount of medical treatment likely to be required or which would be appropriate for the type of injury that would most likely result from the violation.

The base penalty for a general violation is then subject to an adjustment for "extent", when the safety order violated pertains to employee injury, illness or disease, extent is based upon the number of employees exposed. When the safety order violated does not pertain to employee illness or disease, Extent shall be based upon the degree to which a safety order is violated. It is related to the ratio of the number of violations of a certain order to the number of possibilities for a violation on the premises or site. It is an indication of how widespread the violation is.

"Likelihood" is the probability that injury, illness or disease will occur as a result of the violation and is based on the number of employees exposed to the hazard created by the violation and the extent to which the violation has in the past resulted in injury, illness or disease to employees.

The "Size" of the business of the employer is based upon the number of individuals employed at the time of the inspection/investigation. The size of the Business is evaluated based upon the classifications of the number of persons employed.

The "Good Faith" of the Employer is based upon the quality and extent of the safety program the employer has in effect and operating. It includes the employer's awareness of Cal/OSHA, and any indications of the employer's desire to comply with the Act, by specific displays of accomplishments.

The history of previous violations is the employer's history of compliance, determined by examining and evaluating the employer's records in the Divisions files.

In calculating the penalties for Citation 1, Item 2, section 3203, subdivision (a) (7), Reyes rated the severity as medium. Reyes rated extent and likelihood as medium. Employer had over 100 employees which did not entitle Employer to size credit. Employer was given 10 percent history for not having any prior record and 15 percent good faith credit. Employer was given a total adjustment factor of 25 percent and 50 percent abatement, resulting in a proposed penalty of \$560. However in calculating the penalty, Reyes did not indicate the reasons or evidence of how the severity, extent and likelihood determinations were made.

The Appeals Board is not bound by Division's penalty assessment and possesses the authority to affirm, modify or vacate proposed penalties, *Candlerock Restaurant*, Cal/OSHA N4314, Decision After Reconsideration (June 5, 1974), *City Scaffold Company*, Cal/OSHA App. 75-925, 76-509, Decision After Reconsideration (January 30, 1978). The Division must calculate proposed penalties in accordance with its regulations and present proof sufficient to support its calculations on likelihood, etc. (*Gal Concrete Construction Co.*, Cal/OSHA App. 89-317/318, Decision After Reconsideration (Sept. 27, 1990).) The Division must properly rate the employer's safety program and its experience to justify a penalty. (*Monterey Abalone*, Cal/OSHA App. 75-786, Decision After Reconsideration (Mar. 15, 1977).) When the Division does not present evidence to prove a disputed penalty, Employer is entitled to maximum credits and adjustments under Division's penalty setting regulations. *Puritan Ice Company*, Cal/OSHA App. 01-3893, Decision After Reconsideration (Dec. 4, 2003), citing *RII Plastering, Inc.*, Cal/OSHA App. 00-4250, Decision After Reconsideration (Oct. 21, 2003).

Thus, in calculating the penalties for Citation 1, Item 2, section 3203, subdivision (a)(7), Reyes rated the severity as medium, which is reduced to low (\$1,000). Reyes rated extent and likelihood as medium, which is also reduced low, deducting 25 percent of the base penalty for extent and likelihood. Employer had over 100 employees which did not entitle Employer to size credit, which will remain, and history will remain at 10 percent. Good faith is increased to 30 percent. With Employer's abatement credit, the resulting penalty is \$150.

Using the same penalty calculations discussed above in Citation 1, Item 2, and the new calculations with the maximum credits also results in an assessed penalty of \$150 and an assessed penalty of \$150 for Citation 1, Items 4 and 5. The total assessed penalty is \$450.

Because Reyes' penalty calculations (C-10 Worksheet - Exhibit #1) were not justified in accordance with the Division's policies and the California Code of Regulations, the total proposed penalty of \$450 is assessed.

CONCLUSION

The Division established the following violations: Employer failed to provide safety training which included, general safety, glass inventory, material handling, lifting basics and use of personal protective equipment; Employer failed to secure loads located in an offload area; and Employer failed to maintain equipment located in the offload department area in safe operating conditions. The associated penalties were reasonable and are further reduced because the Division did not indicate its reasons for calculating the penalty adjustments. The Division did not establish that Employer violated the safety order in failing to mark the purpose of the eight emergency buttons on the seaming line conveyor. Employer failed to establish that Arana's actions relieved Employer of liability under the independent employee action defense.

ORDER

It is hereby ordered that Citations 1, Items 2, 4, and 5 are affirmed with modified penalties and Citation 1, Item 3 is dismissed as indicated above and as set forth in the attached citations are established or withdrawn as indicated above and as set forth in the attached Summary Table.

It is further ordered that the penalties indicated above and set forth in the attached Summary Table be assessed.

Dated: August 21, 2015

CLARA HILL-WILLIAMS
Administrative Law Judge

CHW:ao

APPENDIX A

SUMMARY OF EVIDENTIARY RECORD

CONTRACTORS WARDROBE, INC. 14-R4D3-1116

Date of Hearing: September 24, 2014

Division's Exhibits

Exhibit Number	Exhibit Description	Admitted
1	Jurisdictional Documents and DIVISION'S Accident Report -1B	X
2	Document Request Sheet	X
3	Training Records Received and not Received from Employer	X
4	Photographs A through D	X
5	Photographs A-I, CONDUCTING HAZARD IDENTIFICATION -J and MATERIAL HANDLING PROCEDURES FOR CASES ALL DIVISIONS - K	X
6	Photograph - 6A and Employer's Report of Employee Accident - 6B	X

Employer's Exhibits

Exhibit Letter	Exhibit Description	Admitted
A	New Hire Documents - 1. Alan Arana 2. Miguel Flores	X
B	Safety Forms	X
C	Lock Out / Tag Out Procedures	X
D	Photographs 1-5E. Employee Interviews	X
E	Employees interviews	X
F.	Injury Illness Prevention Program	X

Witnesses Testifying at Hearing

1. Rami Delos Reyes
2. Steven Teeman
3. Jack Violante

CERTIFICATION OF RECORDING

I, Clara Hill-Williams, the California Occupational Safety and Health Appeals Board Administrative Law Judge duly assigned to hear the above matter, hereby certify the proceedings therein were electronically recorded. The recording was monitored by the undersigned and constitutes the official record of said proceedings. To the best of my knowledge, the electronic recording equipment was functioning normally.

Signature

Date

SUMMARY TABLE DECISION

In the Matter of the Appeal of:

CONTRACTORS WARDROBE, INC.
Dockets 14-R4D3-1116

Abbreviation Key: Reg=Regulatory
 G=General W=Willful
 S=Serious R=Repeat
 Er=Employer DOSH=Division

IMIS No. 316671270

DOCKET	C I T A T I O N	I T E M	SECTION	T Y P E		A F F I R M E D	V A C A T E D	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT HEARING	FINAL PENALTY ASSESSED BY BOARD
14-R4D3-1116	1	2	3203(a)(7)	G	ALJ affirmed violation	X		\$560	\$560	\$150
		3	2340.22(a)	G	ALJ dismissed citation and vacated penalty		X	\$700	\$700	\$0
		4	3328(g)	G	ALJ affirmed violation	X		\$700	\$700	\$150
		5	3704	G	ALJ affirmed violation	X		\$935	\$935	\$150
Sub-Total								\$2,895	\$2,895	\$450

Total Amount Due*

\$450

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Please do not send payments to the Appeals Board. **All penalty payments must be made to:**

Accounting Office (OSH)
 Department of Industrial Relations
 P.O. Box 420603
 San Francisco, CA 94142

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.

ALJ: CHW/ao
 POS: 08/21/2015