

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

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

Wednesday, January 8, 2025

9:30 a.m.

Sacramento, California

Alternate locations:
West Covina, California
&

Held on Zoom

To: Members of the California Occupational Safety & Health Appeal Board
From: J. Jeffrey Mojcher, Chief Counsel
Date: December 27, 2024
RE: Closed Session of the Board to be held on January 8, 2025

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.

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.)

1566709 United Production Farming, LCC

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.)

1701088 Busy Bee Painting, Inc.

1235941 McCarthy Building Companies, Inc.

Orders Dismissing Appeal:

1680865 Bronco Roofing

1691883 Dawit Goitom Fessehayee

1685232 Development Solutions & Services Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

1697807	Jim Marx Consulting Inc
1694011	Klassen Corporation
1498256	Los Angeles County Sheriff's Department- Pitchess
1732936	National Builders & Services, Inc.
1581350	Ortho Group, Inc
1625647	Padilla Construction Company

Orders Denying Leave to File Late Appeal:

1717277	La Canasta Produce
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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 the authority provided in Labor Code sections 6620 through 6623.18.

1431672	A. Teichert & Son, LLC <i>Whether the cited employer was in violation of lockout/tagout requirements.</i>
1473644	Amazon.com Services, LLC <i>Whether the employer's training program was in compliance with the applicable safety order.</i>
1466722	Bragg Investment Company, Inc. <i>Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.</i>
1647115	Concord Farms, Inc. <i>Whether there was good cause for the late appeal.</i>
1420923	Drill Tech Drilling & Shoring, Inc. <i>Whether the Employer failed to enforce its IIPP as required.</i> <i>Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.</i>

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

- 1499137 Employbridge Holding Company
Whether Employer violated IIPP requirements as alleged.
- 1609228 Geo Group, Inc. dba Golden State Annex (3RD PTY PFR)
Whether the motion for third party status was properly denied.
- 1238985 Grimmway Enterprises, Inc.
Was the ALJ correct in holding that Employer did not violate section 4002, subdivision (a)? Was the ALJ correct in finding that Employer satisfied the IEAD with respect to the alleged violation of section 3314, subdivision (c)?
- 1488312 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.
- 1647115 Issue Statement for Concord Farms
Whether there was good cause for the late appeal.
- 1371294 KPRS Construction Services, Inc.
Whether the employer violated section 1632 as alleged?
Whether the ALJ's ruling that the Division did not meet its burden of proof regarding the employer's IIPP was correct.
- 1486257 Kroger Company
Whether the cited employer adequately trained employees regarding workplace hazards.
- 1355061 Republic Electric West, Inc.
Whether fall protection requirements apply to the work. Whether the IEAD was established. Whether penalties were duplicative. Whether the Employer exercised reasonable diligence. Whether it was an error to reduce the classification of the violations and reduce the penalties.
- 1760736 RJS Electric
Was the ALJ's Order Denying Late Appeal correctly decided?
- 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.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

- 1475491 Sutter Bay Medical Foundation
Whether the employer failed to comply with COVID protections as alleged.
- 1483438 Sutter Bay Hospitals dba Mills-Peninsula Medical Center
Was the ALJ correct in granting Employer's appeals of the citations alleging violations of section 342, subdivision (a) and section 5199, subdivision (i)?
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).
- 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. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
2. Davis Development Company, 34-2020-80003373 (1226084)
3. Hill Crane Service Inc., 34-2021-80003744 (1135350)
4. USA Waste of California, Inc., 34-2022-80003841 (1384029)
5. Angelus Block Co., Inc., CIVSB2417796 (1113026)
6. Hamilton Iron Works, Inc., 24WM000100 (1497263)
7. Arana Residential and Commercial Painting, Inc., 24CV097096 (1568252)
8. Western Oilfields Supply Company, 24WM000169 (1498595)

Appellate Court:

There are no cases currently filed with the Appellate Court.

Other Items:

There are no Other Items.

Orders of Administrative Law Judges:

(Written orders 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.)

1691212	8490 Hospitality, Inc
1590276	Advance Construction Technology, Inc.
1624456	Advanced Roofing Systems Inc.
1706189	Aerotek
1721295	Ahmad Skouti
1711280	Albertsons LLC
1491653	Amtek Construction
1724001	Arch Staffing and Consulting
1719062	Armen Electric, Inc
1577725	Arvato Digital Services, LLC
1591388	Ashish Goyal
1575184	AZ-Tech Erectors, Inc
1573259	Bae Systems San Diego Ship Repair, Inc
1573260	Bae Systems San Diego Ship Repairs, Inc
1621897	Bar-S Food Co
1689976	Bass Lake Grill, LLC
1680835	Berkeley Cement, Inc
1437245	BHC Crane, LLC
1573281	Boulderscape, Inc
1570841	Brink's Incorporated
1514117	BSA Framing, Inc
1713674	C.R. England Inc.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

1671041	Castaneda Construction
1676869	Central Valley Concrete, Inc
1597601	City of San Diego, Public Utilities Department
1752839	Columbia Machine Works, Inc
1710046	Core-Mark International, Inc
1630013	Countrywide Mechanical Systems
1540552	Cream of the Crop AG Service, Inc.
1713264	Creative Kitchen Specialty Food Inc
1508970	D & D Laser Screed, Inc
1614967	Dragados/Flatiron Joint Venture, An
1562832	Duda Farm Fresh Food, Inc.
1711951	Dynamic Design Build Inc
1732274	Edward Ponce
1704037	Evans Hotels LLC
1727000	Ferris Painting, Inc.
1718068	Gabriel Container Co. Inc.
1728751	GM Harvesting LLC
1545928	Greenhouse System USA
1673569	Gruma Corporation
1700382	Highly Finishing, Inc
1734292	Icolor Printing and Mailing, Inc.
1699238	Jay's Painting Co
1727855	JD Miller Construction Inc
1720053	Juan Miguel Navarro Farias
1577349	Keiser Corporations

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

1731674	Kentucky Material Handling Systems, Inc.
1758293	Linmoore Fencing & Iron Works, Inc.
1512059	Los Angeles County Sheriff's Department
1498256	Los Angeles County Sheriff's Department – Pitchess
1587993	Louis Vuitton U.S. Manufacturing, Inc.
1754870	Lucchesi Builders, Inc
1621304	Mercury Insurance Services, LLC
1720166	Messer LLC
1751138	Oat Bakery LLC
1659309	OFR Inc.
1702870	Onpoint Industrial Services, LLC
1727650	Pacific Bell Telephone Company
1424153	Peaceful Valley Subcontractors, LLC
1664003	Phoenix Roofing Co. Inc
1706515	PIP Green, LLC
1717147	Poway Unified School District
1712469	Precision Wire Products
1690756	Process Instruments, Inc
1779673	Producers Meat & Provision Inc.
1733396	Property Management Professionals LLC
1728820	PSF Trim, Inc
1716776	Red Sun Floor City Inc
1737408	Reedco Building Innovations, Inc.
1738590	Renewable Energy Partners, Inc
1625349	Rhyno Logistics, Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

1711605	Royal West Drywall, Inc.
1699580	Rush Enterprises, Inc.
1716426	Sahakyan Enterprise, Inc
1496416	San Francisco Fire Dept
1512583	Save Mart Companies
1592089	Sonoma Cast Stone Corporation
1499145	Southern California Permanente Medical Group
1687927	Sweetie Novelty, Inc.
1672000	Target Corporation
1723652	Tasteful Selections LLC
1719140	Teledyne Scientific and Imaging LLC
1466745	Tesla, Inc
1648323	The Brownie Baker, Inc.
1718335	The Greenlaw Grupe Jr., Operating Company
1735925	The Shooting Range, Inc
1683216	Tight Quarters, Inc
1693682	True Leaf Farms LLC
1730862	TW Services Inc
1679225	Twin Oaks Rehabilitation and Nursing Center
1771056	United Cerebral Palsy of Greater Sacramento Inc.
1616527	United Natural Foods, Inc.
1529425	United Parcel Service, Inc.
1539795	United Parcel Service, Inc
1613735	US Foods, Inc.
1740655	W.I.P Mechanical Inc.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted December 27, 2024

1503531	Warner Gateway Company
1662781	West Coast Arborists, Inc.
1689632	Whiting Door Manufacturing Corp.
1705653	Yergat Packing Company, Inc

Personnel:

(Issues regarding staff.)

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.