

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

P&L SPECIALTIES
1650 Almar Parkway
Santa Rosa, CA 95403

Employer

DOCKET 14-R2D1-3855

DECISION

Statement of the Case

P&L Specialties (Employer) designs, manufactures, and installs specialized machinery equipment used by wineries. Beginning September 30, 2014, the Division of Occupational Safety and Health (the Division), through Associate Safety Engineer Michael Buzdas, conducted an accident inspection at a place of employment maintained by Employer at 13372 Spruce Grove Road, Lower Lake, California (the site). On November 7, 2014, the Division cited Employer for one violation of California Code of Regulations, title 8.¹

Employer filed a timely appeal of the citation, contesting the existence of the violation, the classification, and the reasonableness of the proposed penalty. Employer also asserted a series of affirmative defenses.

This matter was heard by Kevin J. Reedy, Administrative Law Judge (ALJ) for the California Occupational Safety and Health Appeals Board, at Sacramento, California, on September 9, 2015. David Donnell, Attorney, of the Robert D. Peterson Law Corporation, represented Employer. Jon Weiss, District Manager, represented the Division. The matter was submitted for decision on February 14, 2016.

Issues

1. Did Employer fail to ensure that an employee stop and de-energize the power source of a berry sorting table (BST) machine, and if

¹ Unless otherwise specified, all references are to sections of California Code of Regulations, title 8.

necessary, block or lock out the moveable parts to prevent inadvertent movement, prior to performing a servicing operation?

2. Did Employer present sufficient evidence to establish the Independent Employee Action Defense?
3. Did the Division establish a rebuttable presumption that the violation was serious?
4. Did Employer rebut the presumption of a serious violation by demonstrating that it did not and could not with the exercise of reasonable diligence know of the existence of the violation?
5. Was there a causal connection between the violation and the occurrence of employee Wesley Snodgrass's (Snodgrass) serious injury?
6. Was the proposed penalty reasonable?

Findings of Fact

1. A workplace accident occurred at the Six Sigma Winery, located at 13372 Spruce Grove Road, Lower Lake, California, on September 8, 2014.
2. P&L Specialties employed the injured employee Snodgrass at the time of the accident.
3. Snodgrass was one of Employer's supervisors whose duties included providing direction and instruction to service technicians working in the field, which included training related to employee safety.
4. Snodgrass had performed the belt tracking task 12 times in the previous 10 to 11 years, and Employer had provided no training to Snodgrass specific to this task.
5. Snodgrass sustained serious physical harm as defined in Labor Code section 6432, subdivision (e), as a result of the accident.²

² Finding of fact determination made pursuant to stipulation of the parties. Snodgrass's injuries required 17 days of hospitalization, during which time his arm required skin grafting and surgery, using screws to repair a compound fracture.

6. Cal/OSHA Associate Safety Engineer Mike Buzdas (Buzdas) opened the accident investigation on September 30, 2014.
7. The BST machine has a conveyor belt and pulley which are capable of movement.
8. Snodgrass did not stop and de-energize the power source of the BST machine, or block or lock out the machine's moveable parts to prevent inadvertent movement, prior to performing the servicing operation.
9. During a servicing operation on the BST machine, while the machine was powered and moving, Snodgrass got his arm caught in the pinch point between the conveyor belt and the pulley, causing serious physical harm.
10. Snodgrass sustained actual serious physical harm as a result of placing his hand and arm within the belt and pulley area of an energized BST machine during a servicing operation.
11. Snodgrass, as a supervisor and part of Employer's management team, was responsible for his own safety and the safety of others in the workplace.
12. Failing to stop and de-energize the power source of the BST machine prior to a servicing operation was the primary cause of the serious physical harm sustained by Snodgrass.
13. The penalty associated with the citation was calculated in accordance with the Division's policies and procedures.

Analysis

1. Did Employer fail to ensure that an employee stop and de-energize the power source of a berry sorting table (BST) machine, and if necessary, block or lock out the moveable parts to prevent inadvertent movement, prior to performing a servicing operation?

The circumstances in which section 3314 applies, in relevant parts, are set out in provisions of section 3314, subdivision (a), as follows:

(a) Application.

(1) This Section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the

unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.

(2) For the purposes of this Section, cleaning, repairing, servicing and adjusting activities shall include unjamming prime movers, machinery and equipment.

Section 3314, subdivision (c), under “Cleaning and Servicing Operations,” provides the following:

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement, or release of stored energy during cleaning, servicing and adjusting operations. Accident prevention signs or tags or both shall be placed on the controls of the power source of the machinery or equipment.

An exception to section 3314, subdivision (c), addresses cord and plug-connected electrical equipment as follows:

Exception 2: Work on cord and plug-connected electric equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the work.

In the citation, the Division alleges the following:

On September 8, 2014, an employee of P&L Specialties, while working on a conveyor system identified as a 12’ BST located at the Six Sigma Winery at 13372 Spruce Grove Rd in Lower Lake, CA, suffered a serious accident related injury when he reached into the danger zone of a conveyor belt and pulley, which was capable of movement, but was not stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts were not mechanically blocked or locked out to prevent inadvertent movement.

The BST and MOG³ machines convey grape berries on belts during the sorting process. The BST machine (circled in blue) and the MOG machine (circled in red) are depicted in Exhibit 6. Exhibit 7 shows the point at which Snodgrass was caught in the belt and pulley area of the BST machine (circled

³ “Material other than grapes” machine.

in blue). Exhibit 8 depicts a close-up view of the belt and pulley area depicted in Exhibit 7. It is not in dispute that the BST machine is capable of movement, and that Snodgrass failed to stop and de-energize the power source of the BST machine prior to performing a servicing operation.

Snodgrass was exposed to the pinch hazard of the conveyor belt and pulley assembly of the machine. Snodgrass attempted to diagnose what appeared to him to be a deformity in the roller⁴ of the BST machine which was causing the belt to ride to one side. Snodgrass placed his hand and arm within an area near the belt and roller while the machinery was in operation (Exhibit 8). Snodgrass's arm was caught at the pinch point of the belt and roller, which required the ranch manager for Six Sigma Winery to cut the belt and use a forklift to lift the MOG machine adjacent to the BST machine in order to extract Snodgrass and his arm from the BST machine (Exhibit 7). Snodgrass could have stopped and de-energized the BST machine simply by unplugging it and by keeping the plug under his control while performing his assessment – Snodgrass testified that he did neither. The Division presented sufficient evidence through the testimony of Buzdas and Snodgrass to establish that Employer violated section 3314, subdivision (c), for failing to stop and de-energize the power source of the BST machine prior to performing a servicing operation.

The exception to section 3314, subdivision (c), allows for an employee to de-energize moving plug and cord-connected machinery by unplugging it and by keeping the plug under control while performing a task. In this case, Snodgrass failed to unplug the machine prior to the servicing operation, and therefore, the exception was not proven. As such, the violation of section 3314, subdivision (c), is sustained.

2. Did Employer present sufficient evidence to establish the Independent Employee Action Defense?

There are five elements, all of which must be proved for an employer to prevail on a claim of Independent Employee Action Defense (IEAD). Those elements are: (1) the employee was experienced in the job being performed; (2) the employer has a well-devised safety program that includes training in matters of safety respective to their particular job assignments; (3) the employer effectively enforces the safety program; (4) the employer has a policy of sanctions which it enforces against those employees who violate its safety program; and (5) the employee caused a safety infraction which he knew was contra to the employer's safety requirements. (*Mercury Service, Inc.*, Cal/OSHA App. 77-1133, Decision After Reconsideration (Oct. 16, 1980).)

⁴ The roller at issue is also known as a tail pulley.

The Appeals Board has long held that the IEAD is not available to an employer where the misconduct leading to the violation is engaged in or condoned by a supervisor. The Board has explained that, even if an employer meets the five-part criterion under *Mercury Service, supra*, the Board does not allow the use of the defense if the offending worker is a foreperson or supervisor. (See *Davey Tree Surgery Co. v. Occupational Safety and Health Appeals Board* (1985) 167 Cal.App.3d 1232, 1241-43.) Since a supervisor is a representative of Employer, an act of a supervisor is an act of Employer. The rationale behind this policy is that an employer must ensure that their agents in the workplace "are knowledgeable of the safety orders and are diligent in enforcing and following them." (See *Contra Costa Electric, Inc.*, Cal/OSHA App. 90-470, Decision After Reconsideration (May 8, 1991), and *Cutter Laboratories*, Cal/OSHA App. 81-440, Decision After Reconsideration at (Feb. 24, 1982).)

The Division presented evidence regarding the character of the position held by Snodgrass at P&L. Ed Barr (Barr), President of P&L Specialties, called in the accident report to Buzdas, at which time he indicated that Snodgrass held the position of "Project Manager" (Exhibit 5). Both Barr and Snodgrass told Buzdas that Snodgrass held the position of Engineering Supervisor.

Exhibit 11, provided to the Division by Employer, describes the job duties of Snodgrass. Snodgrass is identified on that document as the "Supervisor of Engineering." The job description requires that Snodgrass "provide engineering design that meets a high standard of safety, quality, performance, and ascetics [sic] and produce shop drawings for the production team that are of high quality while maintaining the engineering production schedule." Those duties of Snodgrass include, but are not limited to: (1) engineering staffing needs; (2) equipment design planning and engineering; (3) equipment safety, function, and performance; (4) drafting and design standards; and (5) sales engineering. One aspect of Snodgrass's duties requires him to "provide guidance, training, development and coaching of all engineering staff members," and to periodically evaluate and provide feedback to all engineering staff members on their performance." The nature of these duties demonstrates that Snodgrass exercised management authority for the engineering design team.

Exhibit 12, also provided by Employer, identifies Snodgrass as "Crush Pad Designer and Project Manager." The document describes the duties of Snodgrass as follows:

Responsible for the overall design, functionality, and fabrication and construction specification for Crush pad equipment, systems, and their installation. Responsible for direction, coordination, implementation, execution, control, and completion of specific

projects ensuring consistency with company strategy, commitments, schedules, finances, and goals.

Snodgrass's responsibilities included aspects of direction, coordination, implementation, execution, control, and completion of specific projects, from design through installation. These duties, most notably control, are additional indicators that Snodgrass was a part of P&L management.

Snodgrass testified that he was not responsible for the safety of the two designers working under him on the design team. Employer's Illness and Injury Prevention Program (IIPP) indicates that "each supervisor is responsible for implementing the IIPP in his/her work area (Exhibit 14). As such, according to Employer's own document Snodgrass, as a supervisor, was responsible for worker safety in the engineering design area.

Snodgrass testified that normally service technicians⁵ would be sent out on a service call to address belt tracking problems. On the day of the accident, Snodgrass made the decision to go out to the site to conduct the service call in order to evaluate the belt conveyor, instead of sending service technicians. Snodgrass made this decision without objection from Chris Nau, the fabrication foreman, or from Chris Sommers (Sommers), the production manager. Barr testified that he assigned Snodgrass to go to the site, meet with the winery personnel, observe to see what was wrong, and make any necessary minor adjustments to the BST machine. Snodgrass could not recall discussing the service call with Barr prior to going to the site, and could not recall if Barr knew that he was taking the service call. Snodgrass's ability to designate that he would take the service call is yet another indicator that he was acting as a member of the management team.

The field crews report to Sommers. Snodgrass, at times, would help Sommers provide training to the field crews. The participation of Snodgrass was not limited to design. Snodgrass would lay out how to perform a specific service operation. Sommers would have some input, mostly related to safety. On days when Sommers could not be present for the safety training, Snodgrass would provide direction to the field crews, which included addressing safety issues. Snodgrass's responsibility for worker safety training creates an inference that he performed essential duties on behalf of the management team.

Supervisors are considered part of management when they are responsible for safety, regardless of title. The Division has presented sufficient evidence to establish that Snodgrass was part of Employer's management

⁵ Also referred to as "field crews."

team. And as such, Employer may not avail itself of the Independent Employee Action Defense.

Finally, Appellant, even if not barred from presenting the defense of independent employee action, has not established it on the record. Element one requires that the employee be experienced on the job being performed, and element two requires that the employer has a well-devised safety program that includes training in matters of safety respective to their particular job assignments. Snodgrass testified that he had performed the belt tracking task 12 times in the previous 10 to 11 years, and that Employer had provided no training specific to this task. Buzdas testified that Employer's lockout/tagout procedures provided no specific references to the BST machine (Exhibit 13). These factors demonstrate that Snodgrass rarely performed the task of assessing belt tracking on the BST machine, and that Employer had not provided training to Snodgrass relevant to such a procedure. Employer has not met elements one and two of the IEAD, and therefore cannot rely on independent employee action as a defense to the cited section.⁶

3. Did the Division establish a rebuttable presumption that the violation was serious?

Labor Code section 6432, in relevant parts, states the following:

(a) There shall be a rebuttable presumption that a 'serious violation' exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The actual hazard may consist of, among other things: [...]

(2) The existence in the place of employment of one or more unsafe or unhealthful practices that have been adopted or are in use.

The Appeals Board has defined "realistic possibility" to mean a prediction that is within the bounds of human reason, not pure speculation. (*Janco Corporation*, Cal/OSHA App. 99-565, Decision After Reconsideration (September 27, 2001), citing *Oliver Wire & Plating Co., Inc.*, Cal/OSHA App. 77-693, Decision After Reconsideration (April 30, 1980).) The evidence must not lead to impossibility, must be within human reason and logic, must not be

⁶ A single missing element defeats the Independent Employee Action Defense. (See *Home Depot USA, Inc. # 6617*, *Home Depot*, Cal/OSHA App. 10-3284, Decision After Reconsideration (Dec, 24, 2012).) As such, an analysis of elements three, four, and five of the IEAD is not necessary as Employer failed to prove elements one and two, either of which would suffice to preclude a defense of independent employee action.

speculative, and thus based on actual events and circumstances that are proven to exist. (*Oliver Wire & Plating Co., Inc. supra.*)

Employer violated section 3314, subdivision (c), for failing to stop and de-energize the power source of BST machine prior to performing a servicing operation. The hazard created by the violation is that Snodgrass failed to stop and de-energize the power source of a BST machine prior to a servicing operation, thus subjecting himself to the hazard of uncontrolled energy. In this case, Snodgrass was pulled in to the moving belt and roller of the BST machine while it was in operation. The parties stipulated that Snodgrass sustained serious physical harm as defined in Labor Code section 6432, subdivision (e), as a result of the accident.

Associate Safety Engineer Buzdas testified that his division-mandated training is current.⁷ Buzdas explained that, in the instant matter, the roller and belt created a pinch hazard where an employee, while the machine was running, could have his hand or clothing drawn in to the machine. In such an occurrence, an employee could sustain lacerations, amputations, or crush injuries, or even suffer death. Snodgrass sustained actual serious physical harm as a result of exposure to this hazard (See footnote 2.). The realistic possibility of serious physical harm, combined with the existence of the actual hazard caused by the failure to stop and de-energize the power source of the BST machine prior to a servicing operation, establishes a rebuttable presumption that the violation was properly classified as a serious violation.

4. Did Employer rebut the presumption of a serious violation by demonstrating that it did not and could not with the exercise of reasonable diligence know of the existence of the violation?

Employer appealed the serious classification of the violation.

Section 6432, subdivision (c), provides as follows:

If the Division establishes a presumption pursuant to subdivision (a) that a violation is serious, the employer may rebut the presumption and establish that a violation is not serious by demonstrating that the employer did not know and could not, with

⁷ Labor Code section 6432, subdivision (g), provides the following: “A division safety engineer or industrial hygienist who can demonstrate, at the time of the hearing, that his or her division-mandated training is current shall be deemed competent to offer testimony to establish each element of a serious violation, and may offer evidence on the custom and practice of injury and illness prevention in the workplace that is relevant to the issue of whether the violation is a serious violation.”

the exercise of reasonable diligence, have known of the presence of the violation.

The Appeals Board has consistently held employers accountable for the acts and knowledge of their foremen. In *Greene and Hemly, Inc.*, Cal/OSHA App. 76-435, Decision After Reconsideration (April 7, 1978), the Board held that foreman's knowledge of a violative condition could be imputed to his employer even though upper management had no actual knowledge.

Whether foremen or supervisors know the condition is unlawful is immaterial, since ignorance of the specific safety order's mandates is no defense. (*McKee Electric Company*, Cal/OSHA App. 81-0001, Decision After Reconsideration (May 29, 1981); and *Southwest Metals Company*, Cal/OSHA App. 80-068, Decision After Reconsideration (May 22, 1985).)

Failure to exercise supervision adequate to insure employee safety is equivalent to failing to exercise reasonable diligence, and will not excuse a violation on the claim of lack of employer knowledge. (See *Stone Container Corporation*, Cal/OSHA App. 89-042, Decision After Reconsideration (March 9, 1990).) Reasonable diligence includes the obligation by foremen or supervisors to oversee the entire work site where safety and health hazards are present if exposure to an unsafe condition exists (See *A. A. Portanova & Sons, Inc.*, Cal/OSHA App. 83-891, Decision After Reconsideration (March 19, 1986).)

Under *Contra Costa Electric, Inc.*, *supra*, an employer must ensure that their agents in the workplace "are knowledgeable of the safety orders and are diligent in enforcing and following them." Foremen and supervisors are responsible for more than just their personal safety; they are responsible for the safety of the workers under their supervision. They are their employer's representatives at the work site and directly ensure their employer's compliance with statutory and regulatory safety requirements. (See *Cutter Laboratories, supra*.)

Employer, in its appeal of the citation, asserts that "Appellant had no actual knowledge, nor, with the exercise of reasonable diligence, could have known, of the existence of the alleged violation." In *Issue 2* above, the Division established that Snodgrass was a "supervisor" when he performed the servicing operation on the BST machine. Under *Greene and Hemly, Inc.*, *supra*, a foreman's knowledge of a violative condition could be imputed to his employer even though upper management had no actual knowledge. And, under *Contra Costa Electric, Inc.*, *supra*, an employer must ensure that their agents in the workplace "are knowledgeable of the safety orders and are diligent in enforcing and following them."

Snodgrass's testimony that he "used bad judgment that day" does not absolve Employer from responsibility for the violation of the safety order. The Division did not need to establish that Snodgrass, in his capacity as a supervisor, knew that any of the conditions related to his accident were unlawful. Knowledge by a foreman that a condition is unlawful is immaterial, since ignorance of a specific safety order's mandates is no defense (See *McKee Electric Company, supra*). Employer failed to present evidence sufficient to demonstrate that it did not, and could not with the exercise of reasonable diligence, have known the presence of the violation in the citation. As such, Employer failed to meet its burden to rebut the presumption that the violation was properly classified as serious.

Finally, even if it had not been established that Snodgrass was a supervisor, Employer failed to establish on the record that it did not and could not with the exercise of reasonable diligence, know of the existence of the violation. At issue here is Employer's failure to train Snodgrass on the hazards presented by the BST machine while it was energized and in operation. Snodgrass did acknowledge training related to Employer's general lockout/tagout procedures (Exhibit B). However, Snodgrass did not receive training specific to the BST machine at issue. Snodgrass received no training related to conveyor belt tracking. Snodgrass testified that he was not invited to attend safety meetings although, at times, he would "stumble in" to those meetings. None of the safety meeting attendance rosters presented by Employer included Snodgrass as an attendee (Exhibit E). These factors demonstrate a lack of employee training, which is tantamount to exercising a lack of supervision of the employee. As in *Stone Container Corporation, supra*, Employer's failure to adequately supervise Snodgrass to ensure his safety was equivalent to failing to exercise reasonable diligence, and does not excuse a violation on a claim of lack of employer knowledge. As such, the serious classification is sustained.

5. Was there a causal connection between the violation and the occurrence of employee Snodgrass's serious injury?

In order for a citation to be classified as accident related, there must be a showing by the Division of a "causal nexus between the violation and the serious injury". The violation need not be the only cause of the accident, but the Division must make a "showing [that] the violation more likely than not was a cause of the injury. (*MCM Construction, Inc.* Cal/OSHA App. 13-3851, Decision After Reconsideration (Feb. 22, 2016), citing *Mascon, Inc.*, Cal/OSHA App. 08-4278, Denial of Petition for Reconsideration (Mar. 4, 2011).)

The record supports a finding that Employer failed to ensure that an employee stop and de-energize the power source of a BST machine prior to performing a servicing operation. The record also supports a finding that if the injured employee had stopped and de-energized the BST machine prior to performing a servicing operation he would not have sustained serious physical harm. In this matter, Snodgrass's failure to stop and de-energize the BST machine prior to performing a service operation was the sole factor which led to his injuries. The Division has met its burden to demonstrate a causal nexus between the violation of section 3314, subdivision (c), and the serious injury sustained by Snodgrass. As such, the accident-related characterization of the serious violation is sustained.

6. Was the proposed penalty reasonable?

Where a serious violation causes a serious injury, the only penalty reduction allowable is for size. (Labor Code section 6319, subdivision (d); section 336, subdivision (c)(3); *Dennis J. Amoroso Construction Co., Inc.*, Cal/OSHA App. 98-4256, Decision After Reconsideration (Dec. 20, 2001).)

Here, a serious violation caused a serious injury. The parties stipulated that the penalty was calculated in accordance with the Division's policies and procedures. The gravity-based penalty was set at \$18,000 which was, based on the size of Employer, reduced by 20 percent (Exhibit 2). Therefore, the \$14,400 proposed penalty was properly calculated and is found reasonable.

Conclusions

The evidence supports a finding that Employer violated section 3314, subdivision (c), by failing to stop and de-energize the power source of a BST machine, and if necessary, block or lock out the moveable parts to prevent inadvertent movement, prior to performing a servicing operation. Employer failed to present sufficient evidence to establish the Independent Employee Action Defense. The Division established the serious classification of the violation and a causal nexus between the violation and the serious physical harm sustained by the injured employee. The assessed penalty is reasonable and correctly calculated.

ORDER

It is hereby ordered that Citation 1 is upheld and the associated penalty of \$14,400 is sustained as indicated above and as set forth in the attached Summary Table.

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

Dated: March _____, 2016

KR:kav

KEVIN J. REEDY
Administrative Law Judge

The attached decision was issued on the date indicated therein. If you are dissatisfied with the decision, you have thirty days from the date of service of the decision in which to petition for reconsideration.

Your petition for reconsideration must fully comply with the requirements of Labor Code Section 6616, 6617, 6618 and 6619, and with Title 8, California Code of Regulations, Section 390.1.

For further information, call: (916) 274-5751.

APPENDIX A
SUMMARY OF EVIDENTIARY RECORD
P&L SPECIALTIES
DOCKET 14-R2D1-3855

Date of Hearing: September 9, 2015

Division's Exhibits

Exh. No.	<u>Exhibit Description</u>	
1	Jurisdictional documents	ADMITTED
2	Cal/OSHA 10 Proposed Penalty Worksheet	ADMITTED
3	Letter, dated 9/2/15, related to Division- mandated training of Mike Buzdas	ADMITTED
4	Stipulations of the parties	ADMITTED
5	Cal/OSHA Accident Report	ADMITTED
6	Photo of machinery including Material Other than Grapes (MOG) machine and Berry Sorting Table (BST) machine	ADMITTED
7	Photo of BST machine where employee sustained injury	ADMITTED
8	Close-up photo of BST machine where employee sustained injury	ADMITTED
9	Cal/OSHA Document Request	ADMITTED
10	Emails related to document requests	ADMITTED
11	Job description for Supervisor of Engineering - Wes Snodgrass	ADMITTED
12	Main Job Tasks and Responsibilities for Crush Pad Designer and Project Manager - Wes Snodgrass	ADMITTED
13	Employer Lock Out/Tag Out Procedure	ADMITTED
14	Employer IIPP	ADMITTED
15	Employer CSP	ADMITTED
16	Copy of Cal/OSHA "Notice of Intent to Classify Citation as Serious" and Employer response	ADMITTED

Employer's Exhibits

A	Cal/OSHA inspection notes	ADMITTED
B	Employer Lock Out/Tag Out Procedure, with attached signed acknowledgement by Wes	ADMITTED

	Snodgrass, dated 9/10/13.	
C	Employer Receipt and Review of IIPP and Code of Safe Practices acknowledgement by Wes Snodgrass, dated 9/10/13.	ADMITTED
D	Employer Monthly Safety Walkthrough Inspection records	ADMITTED
E	Employer Monthly Safety Meeting records	ADMITTED
F	Employer Supervisor Record of Discussion and Actions and Employee Warning Notices	ADMITTED
G	Written Warning Copy of Reproduction of original dated 10/9/14.	ADMITTED
H	Employer's employee Performance Evaluations	ADMITTED

Witnesses Testifying at Hearing

Michael Buzdas
Edwin Barr
Wesley Snodgrass

CERTIFICATION OF RECORDING

*I, **Kevin J. Reedy**, 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

