

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 17, 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: November 4, 2022

RE: Closed Session of the Board to be held on November 17, 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.)

1537831	A.M.B.E.H. Industries, Inc.
1380273	Bigge Crane & Rigging, Co.
1404375	Conceptual Management, Inc.
1366119	Montbleau & Associates, Inc.
1203336	Three-D Services Co., Inc.

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.)

1515891	Brentwood Home LLC
1262720	General Dynamics NASSCO

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- 1436480 Interline Brands, Inc.
- 1565034 J's Automotive Repair
- 1371294 KPRS Construction Services, Inc.
- 1430976 Precision Custom Conversion, Inc.
- 1462745 Wonderful Citrus, LLC

Orders Dismissing Appeal:

- 1494588 Aurora Behavioral Healthcare - Santa Rosa, LLC
- 1545684 Cast Parts, Inc.
- 1562245 Fabretti & Dedini, a Partnership
- 1333883 Miranda Bros Iron Works, LLC
- 1408249 Wag Hotels, Inc.

Orders Denying Leave To File Late Appeal:

There are no Orders Denying Leave to File Late Appeal.

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.

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- 1340591 Lennar Corporation
Whether Employer committed the violations alleged.
- 313381584 Modern Pro Builder
- 1465354 Natural Alternatives International, Inc.
- 1336276 Rios Farming Company, LLC
- 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. Hill Crane Service Inc., 34-2021-80003744 (1135350)
9. Sierra Forest Products, VCU290996 (1291481)
10. USA Waste of California, Inc., 34-2022-80003841 (1384029)
11. Ranch of the Golden Hawk, 22STCP02302 (1224802)
12. 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.

1307423	A. Munoz Landscape Construction, Inc.
1552038	Ajinomoto Foods North America, Inc.
1579174	Alameda County Probation Department - Juvenile
1554103	Alaskan Copper Companies, Inc.
1436397	Amazon.com Services, LLC dba SMF1
1596939	American Tire Distributors, Inc.
1574755	Amy's Kitchen, Inc.
1581630	Anthem United Homes Construction, LP
1565877	Aqua Tri
1564198	Aspire Bakeries, LLC
1538859	Barry Callebaut USA LLC
1534502	Bentley Construction Remodeling Inc.
1591444	Berry Petroleum Company, LLC
1584325	Brian Anthony Walker, an Individual
1569693	Briven Construction, Inc.
1558371	Butler Amusements, Inc.

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1338523	C&K Form Fabrication, Inc.
1507858	CA Corrections and Rehabilitation, California
1361296	Ca Dept. of Transportation
1463356	Charter Communications Holdings, LLC
1447944	Che Anthony Coho, an Individual
1532898	Chino Meat Provisions Corporation
1562251	City of Suisun Public Works
1513830	Continental Vitamin Company
1509203	Contra Costa County - Office of the Sheriff
1496224	Core Contracting, Inc.
1478365	Costco Wholesale Corp
1415221	Crisalida Berry Farms, LLC
1441088	Del Pacifico Farm Labor Services, Inc.
1497540	Del Pacifico Farm Labor Services, Inc.
1578379	Dirt Cheap, Inc.
1584182	Diversified Distributors, Inc.
1416236	Ds Services of America, Inc.
1556215	Dynacast, LLC
1548899	Edsal Sandusky, LLC
1505937	Excellent Window Cleaning, Inc.
1560628	Fairway Staffing Services
1491469	Famous Oasis Ice Cream Parlor LLC
1506336	FedEx Ground Package System, Inc.
1528469	FedEx Ground Package System, Inc.
1583112	Ferrous Studios Incorporated
1552829	Forde Mazzola Assoc., Inc.
1603423	Forensiclean, LLC
1603913	Forterra Pipe & Precast, LLC
1598660	Foster Poultry Farms, Inc.
1494585	GHC of Pleasanton, LLC
1528648	Gotworx Staffing, Inc.
1591769	Habib Cash & Carry, Inc.
1559278	Heathtrust Workforce Solutions, LLC
1502752	Hilltown Packing Co., Inc.
1596170	J & J Farms, LLC
1493172	J.F. Prieto Engineering Construction, Inc.
1450249	Jacmar Foodservice Distribution North, LLC
1562465	John Mourier Construction, Inc.
1478389	Kaiser Foundation Hospitals
1488938	Kaiser Foundation Hospitals

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1498055	Kruppa Farms
1563910	Lone Eagle Partners, LLC
1482707	Los Angeles County Registrar Recorder Office
1603572	Lowe's Home Centers, LLC
1539758	Madriaga Construction Service, Inc.
1557328	Magparts
1585954	Main Street Auto Vallejo, Inc.
1559595	Marble USA, Inc.
1550782	Matson Logistics Warehousing, Inc.
1444292	Maxim Crane Works, Inc.
1510770	MMI Services, Inc.
1497915	Northstar Cabinet Construction, Inc.
1613093	ORR Builders
1498840	Otis Elevator
1491455	Pancho Villa, Inc.
1540917	Partner's Personnel Temp
1561127	Partnership 2 Inc.
1555516	Patriot Roofing, LLC
1438940	Prospect Medical Holdings, Inc.
1351328	PTI Technologies, Inc.
1546697	Ralph's Grocery Company Riverside Distribution
1546893	Rancho Encantado, Inc.
1503898	RMS Supply, Inc.
1594123	Robert Bullis
1557011	Roy Miller Painting, Inc.
1586305	Royal Smog & Mechanic, LLC
1561976	San Luis Ambulance Service, Inc.
1571902	Santa Clara County Office of the Sheriff
1424939	Securitas Security Services USA, Inc.
1554356	Shoreline Builders, Inc.
1588872	Sierra West Construction, Inc.
1527850	Simon Golden Mountain Group, Inc.
1535219	Smith & Vandiver Corporation
1559231	Smithfield Foods, Inc.
1491630	Steelbuilt Framing Technologies
1568205	Steven Woodlief Plastering, Inc.
1483023	Stoll Metalcraft Inc.
1503112	Superior Court of California - County of Fresno
1514497	Sutter Bay Hospitals
1583320	Target Corporation

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1593285	Tecta America Sacramento, Inc.
1492554	The Alamo Rotisserie, Inc.
1584989	The Museum of Art and History
1567977	Timber Ridge Framing, Inc.
1486691	Tom & Perry Charter
1583419	Torrance Refining Company, LLC
1531089	Tree Wise
1517235	Type 7 Manufacturing, Inc.
1537485	UC Davis
1570105	UC Davis
1550269	United Metal Products, Inc.
1606983	Urata & Sons Concrete, LLC
1397212	Wash Depot Holdings, Inc.
1496775	Westwood Products
1527817	Williams Tree Service, Inc.
1558620	XL Staffing, Inc.

Personnel:

(Issues regarding staff.)

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