

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

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

Wednesday, June 18, 2025

9:30 a.m.

Sacramento, California

Alternate locations:
West Covina, California
&

Held on Zoom

To: Members of the California Occupational Safety & Health Appeals Board
From: Aaron R. Jackson, Chief Counsel
Date: June 6, 2025
RE: Closed Session of the Board to be held on June 18, 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.)

1626625 Kenyon Plastering of Southern California, Inc.

1620468 OWB Packers, LLC

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.)

1728192 Westech Systems, LLC

1759903 Woodmont Real Estate Services LP

Orders Dismissing Appeal:

1699342 Infinity Structures Inc.

1714885 Trenchless Tech, 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 the authority provided in Labor Code sections 6620 through 6623.18.

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| 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.
Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.</i> |
| 1488312 | Indiana Finish Line, Inc.
<i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i> |
| 1436480 | Interline Brands, Inc.
<i>Whether the employer violated foot protection standards.</i> |
| 1371294 | KPRS Construction Services, Inc.
<i>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.</i> |

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- 1486257 Kroger Company
Whether the cited employer adequately trained employees regarding workplace hazards.
- 1692964 L & S Framing, Inc.
Whether Employer committed the violations alleged in the citations, including alleged violations of section 1704, subdivision (f) [failure to adopt a compliant Code of Safe Practices]; section 1704, subdivision (b)(2) [failure to ensure that nailers and staplers were operated in accordance with manufacturer's recommendations], and section 1704, subdivision (g), 1509, and section 3203 [inadequate safety training on the use of nailers and staplers].
- 1235941 McCarthy Building Companies, Inc.
Whether the Division proved exposure to Valley Fever.
- 1549611 Metcalf, Inc.
Whether Employer committed the violations alleged in the citations, including alleged violations of section 3203, subdivision (a)(6) [failure to correct an unsafe condition]; section 1621, subdivision (b) [failure to provide toeboards on scaffolding]; and (3) section 3276, subdivision (e)(15)(B) [safe use of ladders], and whether Employer established its affirmative defense.
- 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.
- 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.
- 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)?
- 1454931 Tesla, Inc.
Whether the ALJ properly affirmed the citations and, if so, whether Employer established the due diligence defense?
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.

Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).

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. USA Waste of California, Inc., 34-2022-80003841 (1384029)
2. Angelus Block Co., Inc., CIVSB2417796 (1113026)
3. Hamilton Iron Works, Inc., 24WM000100 (1497263)
4. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
5. Western Oilfields Supply Company, 24WM000169 (1498595)
6. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
7. The Geo Group, Inc., 25WM000023 (1609228)
8. Uber Technologies Inc, 30-2025-01462427 (1594663)
9. Employbridge Holding Company, 25CHCP00143 (1499137)

Appellate Court:

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (1300984).

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.)

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| 1768991 | Aircraft Carrier Hornet Foundation |
| 1661275 | All Seasons Roofing & Waterproofing, Inc. |
| 1722913 | Allstate Roofing Specialists, Inc. |

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1790733	American Masonry Specialists
1591498	Ave Sheet Metal and Rain Gutter, Inc.
1799820	Bengard Ranch, Inc.
1768671	Big Rig Tires and Alignment, Inc.
1758835	Blue Mountain Construction Services, Inc.
1712221	Boston Barricade Company, Inc.
1798893	California Department of Corrections and Rehabilitation
1525551	Covanta Long Beach Renewable Energy
1798654	Danco Builders
1747672	Davis Wire Corporation
1580815	Dollar Tree
1798892	Don Lee Meek
1767488	Dualatpur Inc
1720308	Early Morning LLC
1650235	Eclipse Pro
1780932	Epic Bros Enterprise, Inc.
1716441	FedEx Ground Package System, Inc.
1748944	G.B. Construction, Inc.
1627914	Goodwill of Silicon Valley
1400299	GXO Warehouse Company, Inc.
1743523	Heritage Grocers Group
1597477	Innovative Construction Solutions
1766790	JC Painting SSA
1414626	Jeld-Wen, Inc.
1765808	Jordan Tree Service, Inc.

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1795771	Kyochon USA Inc
1572646	L& S Framing, Inc.
1777185	McClarty Farms, LLC
1631945	MCDCC VIII, LP
1556502	Meyers Constructors, Inc.
1783371	National Community Renaissance of California
1630497	Pacific Plastics Injection Molding
1602891	Pacific Steel Group, Inc.
1692265	Phillips 66 Pipeline LLC
1788427	Planasa, LLC
1785012	Prime AG Labor Source, Inc.
1760702	PWLC II, Inc.
1766222	Richard O'Sullivan
1773336	Rick Slater Construction, Inc.
1748396	Safeway, Inc.
1652037	Santa Cruz County Fire Department
1630669	Save Mart Supermarkets
1776763	Sebastian Antonio
1792265	Sepulveda Superb Framing
1776585	Shasta Services Inc
1781573	Shasta Services Inc
1634401	State Foods Supermarket
1767463	Storage Management Solutions, LLC
1805588	Sunrun Installation Services, Inc.
1769496	Thermalito Water and Sewer District

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1771481	Travel + Leisure
1757760	Turlock Sheet Metal and Welding, Inc.
1586240	Uber Technologies, Inc.
1680550	United Foods International (USA), Inc.
1536935	United Parcel Service, Inc.
1698663	Van G Trucking Inc.
1569761	Walmart Inc. Store #2245
136827	Walt Oxley Enterprises, Inc.
1673185	Westco Roofing Company, Inc.
1772693	Western Industrial Contractors, Inc.
1799309	Wholesale Solar and Consulting 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 adjourn.