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# California Legislature

Senate Committee

on

Labor and Industrial Relations

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Wednesday, May 13, 2009  
Rose Ann Vuich Hearing Room (2040)  
-Following bills hearing -

## **"The Occupational Safety and Health Appeals Board (OSHAB): Does the appeals process keep California's workforce safe?"**

### BACKGROUND

The California Occupational Safety and Health Act of 1973 was enacted to ensure safe and healthful working conditions for all California workers by, among other things, authorizing the enforcement of effective standards as well as assisting and encouraging employers to maintain safe and healthful working conditions. The Division of Occupational Safety and Health (DOSH, also known as Cal/OSHA), within the state Department of Industrial Relations (DIR), is charged with enforcing occupational health and safety laws, orders, and standards, including the investigation of alleged violations of those provisions.

Also within DIR is the Occupational Safety and Health Appeals Board (OSHAB), a three-member judicial body appointed by the Governor and confirmed by the Senate, which handles appeals from private and public-sector employers regarding citations issued by DOSH for alleged violations of workplace safety and health laws. Employers may contest the existence of violations alleged in a citation, as well as the amount of any proposed civil penalty, within 15 working days of its receipt. After review and/or a hearing, OSHAB must issue a decision, based on findings of fact, affirming, modifying, or vacating DOSH's citation, order, or proposed penalty, or directing other appropriate relief.

During testimony provided at the January 7, 2009 Senate Rules Committee confirmation hearing for Candice Traeger, several questions arose regarding the actions and procedures of the appeals board in reducing the backlog of appeals cases that existed. Beginning in the year 2000, OSHAB began to see an increased number of appeals filed as a result of AB 1127 (Steinberg, 1999), which increased penalties for certain violations of occupational safety and health standards, and the number continued to rise creating a backlog of cases that the appeals board has been tackling for the past several years. During Candice Traeger's testimony she stated that her background

was put to a test when she first arrived at OSHAB in 2004 because of the backlog that existed as well as a federal Complaint About State Program Administration (CASPA) that had been filed against OSHAB. The CASPA alleged that OSHAB was not resolving appeals on a timely manner and included examples of appeal cases not resolved in three to six years. Candice Traeger testified that with the help of staff and the implementing of many new ideas, OSHAB has been able to reduce the backlog of appeals cases from 4,000 to 87 (about 197 appeals) cases during her tenure. In addition, she told the committee that the former 24 months it took to resolve appeals is now down to nine months, giving all parties a timely opportunity to have their cases heard. The board continues to receive more than 200 new appeal cases every month, but Candice Traeger testified that with the backlog now in the past, the board will now embark on customer service.

While Candice Traeger as Chair of OSHAB has successfully reduced the backlog of appeals, the process that the board utilized in doing this has raised multiple concerns. Some worker advocates expressed concerns with OSHAB's operational practices of over-scheduling the prosecutors, denying or even ignoring justified continuance requests, and booking cases in inconvenient venues all allegedly designed to "encourage" the parties to settle their cases through negotiation rather than going through litigation. Many claim that OSHAB's operational practices have made it very difficult for both the division and employers to litigate appeal cases to the point where many have been forced into settlements they otherwise would not have agreed to.

Senate President Pro Tem Darrell Steinberg requested that the Senate Labor and Industrial Relations Committee conduct an oversight hearing to study these concerns. Below is a summary of the issues raised during the January 7<sup>th</sup> hearing.

### ***Drastic Penalty Reductions***

By and large, a key concern raised by advocates during the hearing was a pattern of employers getting penalties on a citation reduced to the point where they are unlikely to change unsafe practices. According to some worker advocates, penalties are being significantly reduced in forced settlements and OSHAB decisions. Several examples are outlined in the background materials specifically revealing a big number of cases with high penalty reductions. At the Senate Rules Committee hearing the issue of penalty reductions was illustrated in various cases involving heat illness violations in which there was sometimes a fatality, and yet many of these cases were concluded with drastic penalty reductions. Whether the reduction in penalties occurs at the division level through settlements or at the appeals board level, making such reductions may not be achieving its purpose of deterring unsafe behavior making the citation meaningless and contributing to unsafe working environments.

### ***Scheduling Multiple Hearings Simultaneously***

Also of concern is the way that OSHAB calendars its hearings, many times scheduling three or four hearings on the same day, at the same time, same location, same judge and same DOSH

attorneys or district managers. This practice of over-scheduling is making it difficult for DOSH attorneys to prepare for and attend all hearings, creating a situation in which DOSH is having to pick the most pressing cases to prepare and go to trial with, while settling the less pressing cases in negotiations. According to information provided to Committee, many times DOSH attorneys and employers will appear for hearing fully prepared to litigate, including having their witnesses present, only to be sent home by the judge who is double-booked. In other cases, parties must sit and wait for hours for the assigned judge to hear other cases first. Many argue that this practice is resulting in citations and penalties for real workplace hazards being withdrawn, downgraded and severely reduced in coerced settlements.

### ***Limited Hearing Locations***

As resources have dwindled, the board has reduced the number of hearing locations where appeal hearings are held, thus requiring parties to travel longer distances to attend an appeal hearing. By law, OSHAB is required to set hearings at a location as near as practicable to the place of employment where the violation is alleged to have occurred. According to witnesses, several years ago OSHAB used to set hearing in cities throughout the state, including Eureka, Redding, Fresno and Bakersfield. Now, the only sites for hearings in Northern California take place in either Oakland or Sacramento, therefore, DOSH inspectors, worker witnesses and employers from other parts of Northern California must now travel for hours to be physically present at a hearing. Eliminating hearing locations has contributed to the increase in settlements since parties are unable to travel to a hearing they have no choice but to abandon their case or settle in negotiations for less than the case is worth.

### ***Denied Continuances***

According to OSHAB, continuances are disfavored and a hearing will only be postponed if an emergency arises or a party, its representative, or a witness has a preexisting scheduling conflict. Another concern raised during the Senate Rules Committee hearing is OSHAB's denial (or even ignoring) of motions to continue appeals hearings when DOSH inspectors and attorneys, worker witnesses and even employers have legitimate reasons for not being able to appear on the original hearing date. According to information provided to Committee, traditionally OSHAB would rule on motions for a continuance within a few hours - or at most a few days - of filing. However, some are concerned that in the past several years, OSHAB has begun a practice of denying almost every motion for a continuance, even upon a showing of good cause such as a death or medical emergency in the immediate family, and often waits to rule on a motion until the eve of the hearing. According to witnesses, refusing to grant continuances, or the refusal to rule until the last minute, also contributes to the coercion of settlements because it places litigants in the position of defaulting on an appeal, accepting a disadvantageous settlement, or missing a funeral or other important commitment.

## ***\$5,000 Accident Non-Reporting Penalty***

A key issue of discussion during the Senate Rules Committee hearing was a recent OSHAB decision in which the appeals board affirmed the administrative law judge's (ALJs) decision to reduce the penalty for failure to report an injury from \$5,000 to \$750 (Bill Callaway case, Docket number 03-R2D1-2400). By law, employers are required to report serious occupational injuries and illnesses to DOSH within an eight-hour period so that DOSH can initiate in a timely manner its mandated investigations. In 2002, the Legislature made amendments to the law in order to address concerns of failed investigations due to numerous serious workplace accidents never being reported. In order to encourage timely reporting, the Legislature voted to impose a "civil penalty of not less than \$5,000" for an employer's failure to report a serious occupational injury or illness.

Senators at the January hearing argued that the statute that sets this penalty [Labor Code §6409.1 (b)] states that a "civil penalty of not less than \$5,000" may be assessed, thus setting a minimum penalty assessment for that violation and preventing such penalty reductions for these violations. OSHAB, however, issued the Bill Callaway/Redi-Mix Decision After Reconsideration (DAR) holding that the board *does* have the authority to set aside the mandatory \$5,000 penalty and instead impose whichever civil penalty it deems fair. According to a Legislative Counsel opinion on the issue, "the principles of statutory construction warrant the conclusion that the Appeals Board was incorrect in the Callaway decision and that the Appeals Board is required to adhere to the statutory minimum for a civil penalty set forth in Section 6409.1." (Legislative Counsel Opinion Letter, May 7, 2009) By not adhering to the minimum \$5,000 penalty for this violation, OSHAB is in apparent violation of the law and, in addition, is probably weakening the deterrent effect that the \$5,000 penalty was intended to have.

## ***Cases Dismissed on Technicalities***

Several concerns have been raised regarding OSHAB's dismissal of cases based on technicalities without giving parties an opportunity to make any amendments to correct the citation in order to continue to litigate the case. Committee was provided with information regarding a case (Shimmick Obayashi, Docket #03-R1D1-725/728) in which an employer was cited for serious accident-related violations after a fatal fall of a carpenter. The administrative law judge dismissed the citation because the name on the employer's business cards and safety program (Shimmick Obayashi) was not the registered legal name of the employer (Shimmick Construction Company/Obayashi Corporation, A Joint Venture). Dismissing cases on technicalities such as this one does not contribute to the enforcement of the health and safety laws our state requires, instead it allows employers to evade paying for a citation they may have rightfully received.

## ***OSHAB: Moving forward***

The purpose of doing inspections and issuing violation-by-violation citations for non-compliance with health and safety laws is to encourage employers to comply and voluntarily maintain a safe

workplace for their employees. If a citation is appealed, it is OSHAB's responsibility to fairly, timely, and efficiently resolve those cases, thereby promoting workplace safety and health.

Last year, AB 1988 (Swanson), was introduced to address the problem of abatement while a case is under appeal and would have required employers to abate those conditions for which they were cited while an appeal was under way. That bill died in the Senate Appropriations Committee, but it led to OSHAB taking aim at the issue and creating the Expedited Abatement Hearing Pilot Project which began April 1, 2009. The five-month project will deal only with cases involving serious, willful and/or repeat violations and is expected to complete the appeal process for those cases within four months. This pilot project will enable OSHAB to gather valuable information on the viability of expediting hearings.

As discussed during the Senate Rules Committee hearing in January, all the previously stated concerns could be preventing fair hearings, maybe encouraging settlements and allowing penalty reductions to a point where they are unlikely to change unsafe practices. These concerns have also prompted the introduction of AB 1561 (Assembly Committee on Labor and Employment, 2009), to take a closer look at these issues by requiring DOSH to collaborate with OSHAB and prepare an annual report analyzing the outcome of citations and notifications appealed by employers. OSHAB has attempted to address some of these concerns by holding their first ever Advisory Committee meetings with stakeholders in February and May of this year. With the backlog now in the past, moving forward OSHAB has the opportunity to address more of these concerns and create an operation that better meet the needs of our workforce.

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## **\$5,000 Penalty for Employer Non-Reporting of Accidents: November 2007 – February 2009 Citation Penalties Summary Chart**

The table below includes all employer appeals of Title 8, CCR, Section 342 [Labor Code §6409.1 (b)], citations heard from November 2007 to February 2009, where the Board upheld the violation. In only three cases in 33 decisions was the original \$5,000 penalty maintained by the Administrative Law Judge or Appeals Board.

<b>Employer Name</b>	<b>Docket Number</b>	<b>ALJ or Board Decision -- Date</b>	<b>Final Penalty Amount</b>
Brydenscot Metal Products	03-R3D3-3554/3555	ALJ & Board Recon – 11/2/2007	\$1,000
Frontier Fence	05-R2D3-4378/4379	ALJ – 11/7/2007	\$3,500
Merco Construction Engineers Inc.	04-R4D3-3377/3378	ALJ – 11/7/2007	\$500
E.O. Construction, dba E.J.O. Construction Inc.	05-R3D7-3983/3984	ALJ – 11/9/2007	\$750
The Wildlands Conservancy, dba Wind Wolves Preserve	04-R4D3-1967/1968	ALJ – 11/20/2007	\$500
Gayle Manufacturing Company Inc.	06-R2D1-3062/3063	ALJ – 12/28/2007	\$1,500
21 <sup>st</sup> Century Gunitite	05-R4D2-4573	ALJ – 1/7/2008	\$750
Santa Cruz Animal Services	05-R1D2-2606/2607	ALJ – 2/7/2008	\$1,000
General Truss Company, Inc.	06-R2D1-0782/0784	ALJ – 2/14/2008	\$5,000
PG&H Contracting Inc., dba Royal Roof	06-R4D3-1657/1658	ALJ – 2/28/2008	\$750
Innovative Construction	05-R4D4-1113 & 08-R4D4-652/0653	ALJ – 3/11/2008	\$750
Command Access Technologies	07-R3D1-0567/0569	ALJ – 3/11/2008	\$3,500
Ezra Construction	06-R1D4-0009/0012	ALJ – 3/25/2008	\$500
Sun Valley Skylights Inc.	03-R4D1-2613/2614	ALJ – 3/28/2008	\$500
Gamboa & Company, Inc., dba La Components Inc.	06-R6D2-2529/2541	ALJ – 3/28/2008	\$1,000
Borden Manufacturing Inc.	06-R2D3-465	ALJ – 5/8/2008	\$4,500

Argonaut Constructors	06-R1D5-2675	ALJ – 5/27/2008	\$2,500
George E. Masker Inc.	06-R2D4-4356	ALJ – 6/17/2008	\$3,500
Moti Amir	07-R2D5-3037	ALJ – 6/17/2008	\$1,000
Carpet Guys Flooring	07-R4D1-2966/2968	ALJ-6/19/2008	\$750
Goodrich	07-R3D2-2207/2208	ALJ – 6/30/2008	\$2,500
American Textile Maintenance Company	07-R4D1-1574/1575	ALJ – 7/2/2008	\$2,000
Borden Manufacturing Inc.	06-R2D3-465	Board Recon – 7/16/2008	\$4,500
Armando Chavira, dba Industrial Equipment	07-R3D3-2947/2951	ALJ – 7/17/2008	\$500
Estenson Logistics LLC	07-R1D4-1755/1756	ALJ – 7/28/2008	\$4,000
Imia, LLC	07-R6D2-3278/3279	ALJ – 7/28/2008	\$5,000
Long Beach City College	03-R3D5-2747	Board Recon – 8/8/2008	\$5,000
Northland Control Systems Inc.	06-R1D4-3345	ALJ – 9/19/2008	\$1,000
Green Lofts LLC	07-R4D2-3213/3216	ALJ – 11/13/2008	\$750
Urbach Roofing Inc.	08-R3D2-2074/2075	ALJ – 12/22/2008	\$500
Hill Rebar Inc.	06-R3D3-1428/1430	ALJ – 1/6/2009	\$500
Vernon Melvin Antonsen & Colleen K. Antonsen and dba Antonsen Construction	06-R2D3-1272/1273	ALJ – 2/5/2009	\$4,000
Luu's Brothers Corp., dba A&A Supermarket	07-R2D1-5156/5157	ALJ & Board DAR – 2/23/2009	\$3,000

\* Information taken from the “Decisions” section of the *Cal/OSHA Reporter*, issues dated January 11, 2008, through April 3, 2009.

## Sample Cases of Heat Illness Violations:

### Citations Penalty Summary Chart

The table below provides a brief synopsis of appealed cases relating to health illness violations.

<b>Employer</b>	<b>IMIS Number</b>	<b>Comment</b>
Durant Harvest Inc.	126065937	2007 case; DOSH settlement; reduced from \$14,000 to \$300
Llamas Farm Labor Contracting	310811229	2007 case; ALJ decision; heat training cite reduced from \$8,100 to \$2,700; guard rail cite reduced from \$6,700 to \$900
George Perry & Sons Inc.	310544051	2006 fatality; reduced from \$7,310 to \$3,150
Hall Management Corporation	306362575	2006 case; DOSH settlement; shade violation reduced from \$9,000 to \$0; training and program cites reduced from \$9,000 to \$500
Empire Farm Labor Contracting	306364019	2006 case; DOSH settlement; reduced from \$6,750 to \$200
Ismael S. Nunez Contracting	306363706	2006 case; DOSH settlement; reduced from \$5,500 to \$1,200
M&J Farm Labor Contractor	306363722	2006 case; DOSH settlement; reduced from \$4,950 to \$200
James G. Garcia Inc.	309372084	2006 case; ALJ decision; heat training cite reduced from \$6,750 to \$2,700
Sarnail & Terry Chima, dba Chima Harvesting	309372092	2006 case; ALJ decision; heat training cite reduced from \$5,400 to \$350

\* Case names and information provided to Committee staff by the California Rural Legal Assistance Foundation.



## Sample Chart of Cases Affected by OSHAB Policies

The table below includes cases dismissed on technicalities, OSHAB ignoring Court rulings, extended delays in writing Decisions After Reconsideration (DARs), rewriting ALJ decisions, and denying party status to dead workers' families.

\* Cases dismissed on technicalities.

Employer name	Docket Number	Problem
<b>Shimmick Obayashi</b>  [Employer name issue]	03-R1D1-725/728	The employer was cited after a fatal fall of a carpenter for general, serious and accident-related serious violations. The ALJ dismissed the citations on the basis that the name on the employer's business cards and safety program ("Shimmick Obayashi") was not the registered legal name of the employer ("Shimmick Construction Company/Obayashi Corporation, A Joint Venture").
<b>A. Teichert &amp; Son, Inc.</b>  [Employer name issue]	04-R5D1-2982 and 04-R5D1-0850/0851	The employer was issued general and serious citations after two investigations. The ALJ hearing the cases upheld the cites, but the Appeals Board "on its own motion" took the case under reconsideration and dismissed the citations because the citations were issued to "Teichert Aggregates" and "Teichert Construction" rather than the registered legal name of "A. Teichert & Son, Inc."

\* Cases where hearings were scheduled for the same day, same location, and same judge as other cases involving same DOSH attorneys.

<b>Home Depot</b>	05-R1D4-1572/1573	Three cases had hearings scheduled for the same day/location/judge. Case #2 also involved the same DOSH attorney and was cited as a multiple employer with Home Depot with the same injured employee for hearings to be held on top of one another. Home Depot was represented by an attorney from Texas and the other employers also had attorneys. The Home Depot hearing was delayed while the attorneys discussed which case would be heard, and in the end, all three cases were continued.
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<b>Betts Spring</b>	06-R1D4-3504/3505	Three cases had hearings schedule for the same day/location/judge. Case #2 was a high profile case and Case #3 had out of state witnesses coming for the hearing. Staff was told Cases #2 and #3 would have priority so witnesses for the Betts Spring case were not prepared. On the day of the hearing, cases #2 and #3 were continued. Betts Spring began but was continued because witnesses did not appear.
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\* Cases where hearings were set at locations distant from employer, witnesses and DOSH district offices.

<b>Almanor Manufacturing</b>	06-R2D3-3510/3511	The Board denied a change of venue request from this employer in Chester, CA, forcing five witnesses to travel 154 miles to Sacramento for the hearing.
<b>Jim Burke Ford</b>	07-R2D5-4362/4364	The Board denied a change of venue request from the employer in Bakersfield, CA, requiring witnesses and attorneys to travel 286 miles to Sacramento. The employer settled the appeal rather than make the trip.

\* Cases where OSHAB denied or ignored requests for continuances.

<b>Webcor Builders</b>  [Delay in issuing decisions on a continuance]	06-R1D1-3030	DOSH subpoenaed a willing witness to testify at hearing. The witness was out of town with his family immediately prior to the hearing when his wife had a medical emergency on the day before the hearing. DOSH requested a continuance that morning seeking a quick ruling from the Board so that the witness could make travel arrangements if compelled to appear. The Board did not issue a decision until the close of business on the day before the hearing date and denied the motion for continuance.
<b>Joseph Albanese, Inc.</b>	07-R1D1-2144	Appeals Board denied a request for continuance from a small employer who was scheduled to take the California Bar Exam. The employer requested the continuance weeks in advance of the hearing, yet the Board did not rule on the request until the eve of the

		hearing, when the request was denied. The employer attempted to settle the case immediately after learning the request for continuance was denied, but the Board rejected the settlement because it was called in "too close to the hearing date." A hearing was held by the Board.
<b>NTK Construction</b>	07-R2D2-2822	The employer's attorney requested a hearing because his father had died in southern California. Both the employer and DOSH repeatedly contacted the Board to request a ruling so the attorney could be with his family. The Board never ruled on the request and the attorney had to leave southern California to attend the hearing.

\* Other sample cases of issues raised regarding OSHAB policies.

<b>Kimes Morris Construction Inc.</b>  [Years-long delays in Decisions after Reconsideration (DAR)]	02-R1D4-1204/1209 and 02-R1D4-1273	In March 2002, DOSH issued willful citations related to asbestos exposures to construction workers. In December 2003, an ALJ upheld the willful cites, but the employer filed for reconsideration by the Board. In August 2008, 4.5 years later, the Board upheld the citations, but the employer was not required to obey the law for 6.5 years between citation issuance and the DAR.  As of March 18, 2009, there were 67 reconsideration cases pending with the Board where the employer was not required to obey the law for years: 1 case each from 2000 and 2002, 18 cases from 2003, 5 cases from 2004, 14 cases from 2005, and 12 cases from 2006.
<b>Overaa and Harris cases</b>  [Defying court orders]	C. Overaa & Company, Docket 01-3560; DAR on April 1, 2004  and  Harris, Docket 03-R2D5-3914	The employers were issued citations under DOSH's "multi-employer" policy for safety violation on a construction site. The ALJ in the Overaa case upheld the citations that held Overaa responsible as the general contractor that exercised control over the overall worksite. Overaa took the DOSH citation into civil court, but both the Superior Court and Third District Court of Appeal upheld the citations and DOSH policy. The current Appeals Board, however, reversed course and petitioned the California Supreme

		<p>Court to “de-publish” the court rulings on Overaa so that the Board would not be bound by the court decisions. The Supreme Court denied the Appeals Board’s petition.</p> <p>In the subsequent Harris case, the Appeals Board ignored the rulings of the Superior, Appeals and Supreme Courts in the Overaa case to issue Decision After Reconsideration in the Harris case to reverse the court rulings on Overaa. The Appeals Board is now back in Superior Court to defend its Harris decision in defiance of previous court rulings.</p>
<p><b>Pre-Press International and Brunton Enterprises</b></p> <p>[Denial of party status to dead workers’ families]</p>	<p>Pre-Press International, dba Digital Pre-Press International, Docket 08-R1D1-3255/3362 and Brunton Enterprises Inc., dba Plastal Manufacturing, Co., Docket 08-R3D3-3445/3448</p>	<p>In both cases the surviving family members of workers killed at work the Appeals Board denied “party status” to the appeal case file by the employer of the dead family member. The denial of party status to dead workers’ families contradicts party status routinely given to injured workers and provides fewer rights to workers’ families who were killed than to workers who are injured but alive.</p>

## Summary Chart of Cases before OSHAB – January 2009

Hearings scheduled on the same day, same location and same ALJ

The tables below include appeals heard by OSHAB in January of this year. OSHAB staff provided the Committee with the “summary table orders” for all cases which includes the penalty amount proposed by DOSH in the citation, the penalty proposed by DOSH at pre-hearing, and the final penalty assessed by the board.

### January 7, 2009 – Sacramento

Employer	Docket Number	Original Issued Penalty	DOSH Pre-Hearing Revision	Final Order Penalty
Farmers Rice Cooperative	06-1770	\$32,115	\$21,900	\$21,900
B-12 Drywall	07-2895	\$3,685	\$550	\$550
Fonseca & Fonseca Inc.	07-3552	\$16,140	\$8,575	\$5,075

### January 8, 2009 – Oakland

Employer	Docket Number	Original Issued Penalty	DOSH Pre-Hearing Revision	Final Order Penalty
Scherzar Shepards	06-4507	\$5,350	\$5,075	\$375
Bellcore Construction	07-2564	\$20,750	\$1,310	\$1,310
Kwan Wo Ironworks Inc.	08-0015	Case Pending		
Economy Lumber Co of Oakland	08-2825	\$17,335	\$7,485	\$7,485

### January 8, 2009 – West Covina

Employer	Docket Number	Original Issued Penalty	DOSH Pre-Hearing Revision	Final Order Penalty
Walker Wood Products Corporation	08-1506	Appeal Dismissed		
Robinson Calf Ranch	08-1508	\$19,500	\$6,800	\$2,800
Clark Pacific	08-1610	\$18,000	\$300	\$300

**January 8, 2009 – West Covina**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
General Mills Inc	08-2659	\$22,500	\$1,350	\$1,350
Arnie's Supply Service	08-2784	Case Pending		
Marspring Corp., dba Los Angeles Fiber Co. 08-2914	08-2914	\$12,020	\$2,675	\$2,675
Bay Construction	08-3536	\$16,685	\$2,500	\$2,500

**January 12, 2009 – Sacramento**

**\*See attached schedule of hearings for this date. All hearings on this table were scheduled for the same day at 10:00AM with administrative law judge MJF.**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Ryan Herco Products Corp	06-4920	Case Not Located		
Pacific Gas & Electric Co.	06-4599	\$150	Unknown	\$0
John Birdsell Construction	06-5162	\$28,625	Unknown	\$6,875
Conoco Phillips Company	07-4788	\$114,100	Unknown	\$70,000

**January 13, 2009 – West Covina**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Paulino Payan	07-0539	\$15,225	\$0	\$0
Cal State Poly, Pomona	07-5226	\$3,800	\$2,700	\$2,700
Welding Unlimited	08-1236	\$6,700	\$375	\$375

**January 14, 2009 – Sacramento**

**\*See attached schedule of hearings for this date. All hearings on this table were scheduled for the same day at 10:00AM with administrative law judge BF.**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Daniel L Ellison dba Auburn Concrete	07-2507	\$14,175	\$10,850	\$10,850
Almanor Mfg. Inc.	07-0146	\$80,060	\$80,060	\$67,500
Pacific Gas & Electric Co.	08-2907	\$36,900	Unknown	\$10,000

**January 14, 2009 – Oakland**

\*See attached schedule of hearings for this date. All hearings on this table were scheduled for the same day at 10:00AM with administrative law judge MJF.

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Uni-Fab Industries Inc	07-1346	Case Pending		
Ash Construction	07-3637	Appeal Dismissed		
Emerging Markets of North America	07-3906	Case Not Located		
Cedar Fair, dba Great America	08-0373	\$18,000	\$10,000	\$10,000

**January 15, 2009 -- Oakland**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Central Chevrolet	05-2615	\$26,425	\$3,100	\$3,100
Conco Cement Company	06-5248	\$23,000	\$5,000	\$0
Architectural Glass & Aluminum	07-3924	\$17,990	\$0	\$0
Russo Environmental Service	08-0677	\$560	\$0	\$0

**January 21, 2009 – Stockton**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
West Coast Infrastructure	05-3594	Case Pending		
Fordel, Inc.	07-0560	\$15,185	Unknown	\$4,000
Custom Wood Products	07-0563	\$14,400	\$4,725	\$4,725
TNJ Electric, dba Harris Electric	07-5334	\$14,675	\$3,875	\$3,875

**January 21, 2009 – West Covina**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Marco Crane & Rigging Co.	08-1425	\$15,740	\$0	\$0
Cabral Roofing &	08-1533	\$1,600	\$0	\$0

Waterproofing Corp.				
Essential Pharmaceutical Corp.	08-1764	\$25,620	\$10,800	\$10,800

**January 22, 2009 – West Covina**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
7 Up Company of Socal	08-3431	\$5,375	\$5,375	\$2,875
Niagra Bottling LLC	08-3432	\$22,120	\$7,370	\$7,370
Records Storage Services Inc	08-3692	\$5,085	\$0	\$0

**January 22, 2009 – Van Nuys**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Catalina Espana, dba Espana Metal Craft	08-0464	\$22,350	\$5,550	\$5,550
William James Licha	08-1529	\$5,000	\$5,000	\$500
Weeks Wholesale Rose Grower	08-1751	Case Pending		

**January 22, 2009 – Stockton**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Central Valley Concrete Inc	07-1375	Case Not Located		
Belco Cabinets Inc	07--3774	Case Pending		
Weldway Construction Inc	07-4230	\$2,880	\$500	\$500

**January 23, 2009 – Stockton**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Linneman Ranches	07-0494	\$12,600	Unknown	\$7,000
Pacific Gas & Electric Co.	07-0559	\$18,000	\$6,750	\$6,750
Ayala Corporation	07-0564	\$24,125	\$7,000	\$7,000



Pedro's Drywall	08-2574	\$2,785	\$950	\$950
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**January 23, 2009 – Oakland**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Nature Quality	07-0548	\$16,200	\$375	\$375
DR Horton Inc.	07-5268	\$375	\$150	\$150
Taylor Farms Inc.	08-0366	\$26,375	\$5,700	\$3,700

**January 27, 2009 – Sacramento**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Pacific Coast Building Products Inc	07-2509	\$2,475	\$500	\$500
Tahoe Truckee Sierra Disposal Co.	07-4327	\$1,125	\$0	\$0
Duncan McCormack, III	08-2304	\$10,800	\$5,400	\$5,400

**January 27, 2009 – Van Nuys**

<b>Employer</b>	<b>Docket Number</b>	<b>Original Issued Penalty</b>	<b>DOSH Pre-Hearing Revision</b>	<b>Final Order Penalty</b>
Select Staffing Services	08-1358	\$750	\$90	\$90
Hacienda Harvesting Inc	08-1373	\$650	\$0	\$280
Volt Temporary Staffing	08-1645	\$485	\$325	\$325