

**Revised Attachment - Item 1.C  
March 15, 2016 Council Meeting**

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Office of the City Clerk  
(209) 831-6105

## Memorandum

Date: March 9, 2016  
To: Honorable Mayor and City Council Members  
From: Nora Pimentel, City Clerk  
Subject: Agenda Item 1C

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Attached is a revised Attachment B and Resolution that pertain to Item 1C (Conflict of Interest Code). The classification "Division Manager II – Cultural Arts and Recreation" was not added. Attachment B has been revised to reflect that addition as well as the Exhibit to the Resolution for your approval.

Hard copies will be placed at the dais.

Thank you

/s/  
Nora Pimentel, CMC  
City Clerk



## Appendix II

## CITY OF TRACY CONFLICT OF INTEREST CODE

## DESIGNATED POSITIONS AND ASSIGNED DISCLOSURE CATEGORIES

Government Code section 87200 requires certain City officials and employees (Council Members, Planning Commissioners, City Attorney, City Manager, and City Treasurer) to file "Statement of Economic Interests." In addition, these designated City officials, employees and consultants listed are required, pursuant to Government Code section 87302 to file Statement of Economic Interests:

Designated Positions	Disclosure Category
<b><u>Governing Bodies/Commissions</u></b>	
*Mayor	1
*City Council Members	1
*Planning Commission	1
Tracy Arts Commission	1
Transportation Advisory Commission	1
Parks and Community Services Commission	1
Measure E Residents' Oversight Committee	1
<b><u>City Employees</u></b>	
Administrative Services Director	1
Animal Services Supervisor	3,4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Civil Engineer	2,3,4
Assistant Director of Development Services	1
Assistant Director of DS /City Engineer	1
Associate Planner	3,4
Budget Officer	1
Chief Building Official	1
*City Attorney	1
City Clerk	3,4
*City Manager	1
*City Treasurer	1
Communications Supervisor	1
Community Access Coordinator (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1

Designated Positions	Disclosure Categories
<b><u>City Employees – Cont</u></b>	
Cultural Arts Manager— Performing Arts	1
Deputy City Attorney I/II	1
Development Services Director	1
Division Manager II – Cultural Arts and Recreation	1
Economic Development Manager	3,4
Economic Development management Analyst	3,4
Facilities Maintenance Superintendent	3,4
Finance and Administration Director Finance Division Manager	1
Fire Chief	1
Fire Division Chief	2,3,4
Human Resources Division Manager II	3,4
Human Resources Analyst I/-II	3,4
Information Technology Specialist	3,4
Information Technology Manager	3,4
Laboratory Supervisor	3,4
Management Analyst I/II	3,4
Parks and Community Services Director	1
Police Captain	3,4
Police Chief	1
Police Lieutenant	3,4
Professional Standards Officer – part-time	3,4
Police Support Operations Manager	1
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3,4
Recreation Program Coordinator	3,4
Recreation Services Program Manager	3,4
Senior Accountant	3,4
Senior Civil Engineer	1
Senior Human Resources Analyst	3,4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
Utilities Director	1
Utilities Line Maintenance and Operation	3,4
Wastewater Operations Superintendent	3,4
Water Plan Superintendent	3,4
<b><u>Consultants</u></b>	
Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the Fair Political Practices Commission.	
Legal Consultant	3,4

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\*These positions required to file pursuant to Government Code section 87200

RESOLUTION 2016-

ADOPT A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY OFFICERS AND EMPLOYEE CLASSIFICATIONS AS REQUIRED BY THE POLITICAL REFORM ACT

WHEREAS, the Political Reform Act, Government code section 81000 et seq., requires state and local government agencies to adopt and promulgate a conflict of interest code that designates the disclosure filing requirements for officials and employment positions that are involved in making or participating in making of governmental decisions; and

WHEREAS, the conflict of interest code in effect for the City of Tracy was adopted by Resolution 2014-037 ; and

WHEREAS, Government Code section 87306.5 requires the City to review and revise its conflict of interest code biennially in even numbered years.

NOW, THEREFORE, be it resolved by the City Council of Tracy that

1. Resolution 2014-037 is hereby repealed in its entirety.
2. The City of Tracy Amend Conflict of Interest Code, attached as appendix II to this Resolution, is hereby adopted.
3. This Resolution shall be effective upon its adoption.

The foregoing Resolution 2016- , was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Appendix II

CITY OF TRACY CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS AND ASSIGNED DISCLOURE CATEGORIES

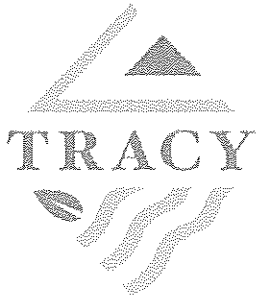
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<b>City Employees</b>	
Administrative Services Department Director	1
Animal Services Supervisor	3,4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Civil Engineer	2,3,4
Assistant Director of Development Services	1
Assistant Director of DS /City Engineer	1
Associate Planner	1
Budget Officer	3,4
Chief Building Official	1
*City Attorney	1
City Clerk	3,4
*City Manager	1
*City Treasurer	1
Communications Supervisor	1
Community Access Coordinator (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1
Cultural Arts Manager – Performing Arts	1
Deputy City Attorney I/II	1
Development Services Director	1
Division Manager II – Cultural Arts and Recreation	1
Economic Development Manager	3,4
Economic Development management Analyst	3,4
Facilities Maintenance Superintendent	3,4
Finance Division Manager	1
Fire Chief	1

Designated Positions	Disclosure Categories
<b>City Employees – Cont</b>	
Fire Division Chief	2,3,4
Human Resource Division Manager II	3,4
Human Resources Analyst I/II	3,4
Information Technology Specialist	3,4
Information Technology Manager	3,4
Laboratory Supervisor	3,4
Management Analyst I/II	3,4
Parks and Community Services Director	1
Police Captain	3,4
Police Chief	1
Police Lieutenant	3,4
Professional Standards Officer – part-time	3,4
Police Support Operations Manager	3,4
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3,4
Recreation Program Coordinator	3,4
Recreation Services Program Manager	3,4
Senior Accountant	3,4
Senior Civil Engineer	1
Senior Human Resources Analyst	3,4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
Utilities Director	1
Utilities Line Maintenance Superintendent	3,4
Wastewater Operations Superintendent	3,4
Water Plan Superintendent	3,4
<b>Consultants</b>	
Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the Fair Political Practices Commission.	
Legal Consultant	3,4

\*These positions required to file pursuant to Government Code section 87200





**Revised Attachment - Item 1.E  
March 15, 2016 Council Meeting**

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Office of the City Clerk  
(209) 831-6105

## Memorandum

Date: March 14, 2016  
To: Honorable Mayor and City Council Members  
From: Nora Pimentel, City Clerk  
Subject: Agenda Item 1E

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Attached is a revised Attachment A (Tracy Firefighters Association Salary Schedules) to the MOU for item 1E on the consent calendar. The Hourly Rate column was revised to reflect accurate figures. All other columns are correct.

Hard copies will be placed at the dais.

*/s/*  
Nora Pimentel, CMC  
City Clerk



Attachment A: Tracy Firefighters Association						
Salary Schedules						
2% COLA Effective January 2016						
Class Code	Position Title...		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
70102	Firefighter	A	2,523.93	5,047.88	60,574.56	20.8017
		B	2,650.13	5,300.26	63,603.12	21.8417
		C	2,782.64	5,565.28	66,783.36	22.9338
		D	2,921.77	5,843.54	70,122.48	24.0805
		E	3,067.86	6,135.72	73,628.64	25.2846
			<b>383.48</b>	<b>Paramedic Pay per pay period</b>		
70108	Firefighter/Paramedic	A	2839.60	5679.20	68150.40	23.4033
		B	2981.58	5963.16	71557.92	24.5735
		C	3130.66	6261.32	75135.84	25.8021
		D	3287.19	6574.38	78892.56	27.0922
		E	3451.55	6903.10	82837.20	28.4468
70103	Fire Engineer	A	2848.94	5697.88	68374.56	23.4803
		B	2991.39	5982.78	71793.36	24.6543
		C	3140.96	6281.92	75383.04	25.8870
		D	3298.01	6596.02	79152.24	27.1814
		E	3462.91	6925.82	83109.84	28.5405
70105	Fire Captain	A	3237.03	6474.06	77688.72	26.6788
		B	3398.88	6797.76	81573.12	28.0127
		C	3568.83	7137.66	85651.92	29.4134
		D	3747.28	7494.56	89934.72	30.8842
		E	3934.63	7869.26	94431.12	32.4283
3% COLA Effective July 2016						
Class Code	Position Title...		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
70102	Firefighter	A	2,599.66	5,199.30	62,391.60	21.4257
		B	2,729.64	5,459.28	65,511.36	22.4970
		C	2,866.12	5,732.24	68,786.88	23.6219
		D	3,009.43	6,018.86	72,226.32	24.8030
		E	3,159.90	6,319.80	75,837.60	26.0431
			<b>394.99</b>	<b>Paramedic Pay per pay period</b>		
70108	Firefighter/Paramedic	A	2924.79	5849.58	70194.96	24.1054
		B	3071.03	6142.06	73704.72	25.3107
		C	3224.58	6449.16	77389.92	26.5762
		D	3385.81	6771.62	81259.44	27.9050
		E	3555.10	7110.20	85322.40	29.3003

Class Code	Position Title...	3% COLA Effective July 2016				
		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate	
70103	Fire Engineer	A	2934.41	5868.82	70425.84	24.1847
		B	3081.13	6162.26	73947.12	25.3939
		C	3235.19	6470.38	77644.56	26.6637
		D	3396.95	6793.90	81526.80	27.9968
		E	3566.80	7133.60	85603.20	29.3967
70105	Fire Captain	A	3334.15	6668.30	80019.36	27.4792
		B	3500.86	7001.72	84020.40	28.8532
		C	3675.90	7351.80	88221.60	30.2959
		D	3859.69	7719.36	92632.32	31.8105
		E	4052.67	8105.34	97264.08	33.4011

# JUSTICE AT TAYLOR FARMS

## Fact Sheet

### COMPANY BACKGROUND

- Taylor Fresh Foods (dba Taylor Farms) is a private company engaged in the manufacture and distribution of prepackaged salads and fresh-cut fruits and vegetables through retail, foodservice and deli segments. The company is the foodservice industry's largest supplier of value-added fresh produce.
- The headquarters are located at 911 Blanco Circle, Suite B in Salinas, California 93901-4449. Phone: 831-754-0471. [www.taylorfarms.com](http://www.taylorfarms.com). Bruce Taylor, CEO.
- Taylor Farms is the largest fresh-cut producer in the U.S. It has operations in Arizona, California, Colorado, Florida, Georgia, Illinois, Tennessee, Texas, New Jersey, Maryland and Mexico.
- Taylor Farms' 2012 revenue was \$1.8 billion, a five-fold increase from 2005.
- Taylor Farms supplies fresh-cut produce and salad kits to McDonald's, Chipotle, Starbucks, Target, Costco, Vons, 7-11, King Sooper, Pantry, Raley's, Savemart, Tony's, and union grocery chains like Albertsons and Safeway. Its products are distributed to big-box retailers including Walmart and Sam's Club.
- Taylor Fresh Foods has joint ventures with Sunkist Growers and with Golden State Foods in Australia and Asia.
- Taylor Farms distributes through third parties, including Golden State Foods, Sysco, FreshPoint, and Pro-Act. Golden State Foods is one of Taylor Farms' largest wholesale distributors, sending their products to McDonalds, Chipotle, etc. Golden State Food's CEO, Mark Wetterau, spent many years on Taylor Farms' Board of Directors.
- Several school districts in California source from Taylor Farms.
- CEO Bruce Taylor is on the Board of Directors of the Western Growers Association. His grandfather, Bruce Church, sued Cesar Chavez and the United Farm Workers for their lettuce boycott against his company, Bruce Church, Inc.
- Taylor Farms has had 25 recalls in the last four years; the *New York Times* has noted that this is "unusual" and "frequent." Taylor Farms de Mexico was also the target of an FDA investigation involving a cyclospora outbreak at Darden restaurants.

### WORKING CONDITIONS IN TRACY, CALIFORNIA

- Taylor Farms employs 7,000 workers. Approximately 2,500 workers are members of Teamsters Local 890 in Salinas, CA. In 2014, Salinas workers ratified a new contract securing an 11 percent wage increase over 4 years, stronger seniority protections, benefits, and other improvements.
- At the company's non-union plants in Tracy, CA, Taylor Farms staffs almost 50 percent of its workforce with workers from the employment agencies Vensure (formerly SlingShot) — whose offices are on Taylor Farms' property in Tracy — and Abel Mendoza. These "contingent" workers are paid less than their direct Taylor Farms counterparts, and some have worked at Taylor Farms for up to 14 years.
- Taylor Farms' workers in Tracy make an average of \$2.50 less per hour than their counterparts in Salinas.
- In 2011, workers brought a class-action lawsuit against Taylor Farms for wage theft. In February 2015, a judge certified that the workers can move forward with their lawsuit, which claims that the company denied them meal breaks as required by law.
- In Tracy, CA, Taylor Farms pays many of its workers barely above minimum wage, offering health benefits that most workers can't afford. One worker lived in his car to pay out-of-pocket costs for healthcare bills.
- Taylor Farms has used child labor. One young man reported working at Taylor Farms since he was 9 years old.
- Taylor Farms has fired injured workers and denied them workers' compensation benefits. The company has refused to provide basic accommodations to a pregnant worker.
- California Assembly member Roger Hernandez introduced the "Temp Worker Protection Bill," highlighting the conditions of contingent workers at Taylor Farms in Tracy. The bill increases the legal responsibility of companies that utilize temporary workers. The bill, which passed and was signed by Calif. Governor Brown in 2014, took effect in 2015.

## **ORGANIZING AND RETALIATION**

- In Tracy, 900 Taylor Farms workers – employees and temps – have been organizing for union representation with Teamsters Local 601. After an election in March 2014, the NLRB impounded the votes and investigated nearly 100 unfair labor practices charges.
- On the day of the election, Taylor Farms brought in armed security guards.
- Taylor Farms has fired workers and harassed and punished others in retaliation for organizing. The company has threatened immigrant workers with deportation and has hired professional consultants, at a cost of over \$800,000 who design and coordinate methods to interfere, threaten and intimidate workers from having a fair union election. The company permits a “goon squad” of anti-union workers free rein to harass pro-union workers. A climate of fear and intimidation has been intentionally created at the plants.
- Region 32 of the NLRB has issued determinations that Taylor Farms, Abel Mendoza and SlingShot committed 58 labor law violations. In January 2016, the General Counsel of the NLRB authorized Region 32 to begin prosecuting Taylor Farms for these violations and to seek an order requiring Taylor Farms to bargain a contract with its workers.

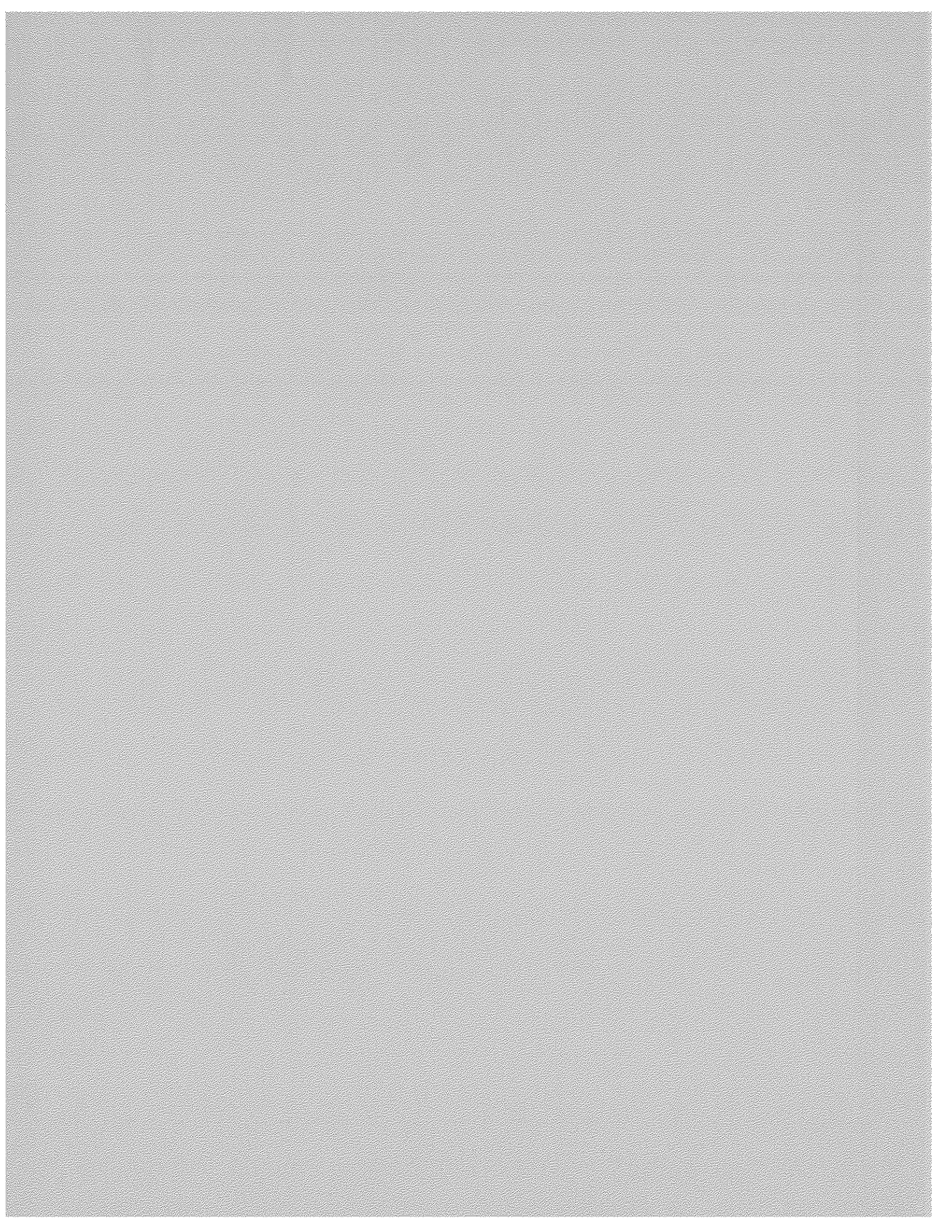
## **SAFETY ISSUES**

- Taylor Farms has amassed over \$93,000 in OSHA penalties in the last five years. This past year California OSHA issued 44 citations, including serious violations, against the Taylor Farms Tracy facility. Two OSHA complaints are pending, including charges of retaliating against workers who raise safety complaints.
- Taylor Farms workers have faced unprotected chemical exposures. Employees are required to use hazardous chemicals without adequate protective gear to shield them from fumes in the plants, causing dizziness and gagging. One employee was fired because he said the chemicals were harming his health.
- A chemical spill at the Tracy plant on Oct. 15, 2015 sent 20 workers to the hospital with nose-bleeding, abdominal pain, vomiting and fainting, including two pregnant women. When the mixture of acetic acid and chlorine caused fumes to spread in the facility, supervisors ordered workers to put on dust masks and return to work. Workers were forced to call 911 when management refused to do so.
- Sanitation workers were ordered to clean up pigeon and bat feces in a small room off the production lines without protective gear. They removed the feces through the production area and later cleaned the lines without sanitizing or cleaning their clothing or hands.
- Two University of California interns investigating worker safety issues at Taylor Farms in Tracy found that workers who are injured face mistreatment, including punishment and termination.
- The company pressured workers to not use the bathroom and encourages them to work when they are sick.

## **SEXUAL HARASSMENT AND OTHER ABUSE**

- Taylor Farms supervisors have physically abused and verbally degraded workers.
- Workers have complained about and suffered sexual harassment. They are readily retaliated against once they complain of sexual harassment. In the most abusive case, a gay man was taunted and touched for months. On one occasion his genitals were grabbed and he was told by the coworker that she could make him straight. When he complained, the company retaliated against him by making false accusations about him.
- Another gay Taylor Farms worker was told by a coworker that he hated gays and was then sucker punched. When he complained, nothing was done.
- Two young women complained that a manager kept asking them out and engaged in unwanted touching – both received disciplinary action after they complained (the first disciplinary actions they had ever received). Two other workers who observed sexual harassment and brought it to management's attention were ignored and then retaliated against by being disciplined after they made their complaints.
- According to union supporters, management has referred to workers as “jackasses,” “motherf\*\*\*ers,” “Latino pieces of s\*\*t”, and a “bunch of idiots,” and posted pictures of a burro dressed as a Mexican worker all over the facility.
- The 900 Taylor Farms workers in Tracy are seeking justice under a campaign led by Teamsters Joint Council 7. Joint Council 7 is led by Teamsters International Vice President, Rome Aloise.







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# Official: Hazmat Situation In Tracy Sends 17 People To Hospital

October 15, 2015 7:39 AM

Filed Under: Tracy



Photo by Eric Kayne/Getty Images

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TRACY (CBS13) – A hazardous chemical situation in Tracy has sent more than a dozen people to the hospital.

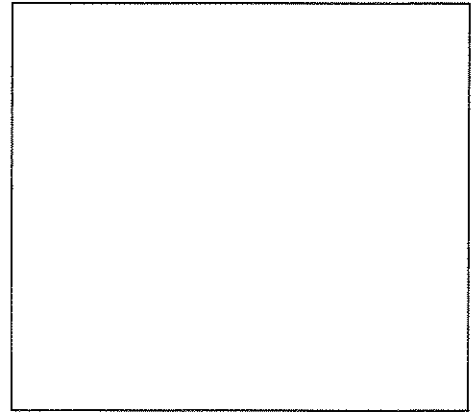
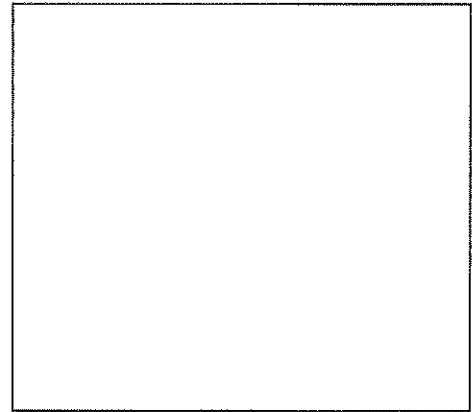
According to the Tracy Fire Department, the scene is at Taylor Farms along the 100 block of West Valpico Road. Crews were first called to the scene around 6 a.m.



An official with the department says the patients inhaled some sort of chemical. A total of 17 people had to be taken to the hospital.

The chemical has been contained.

Valpico Road is closed between Tracy Boulevard and Pebblebrook for the time being, Tracy Police say.





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# Hazmat accident closes Valpico Road

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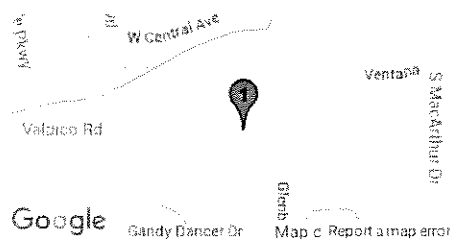
Glenn Moore/Tracy Press

## Chemical spill at Taylor Farms

An American Medical Response ambulance leaves Taylor Farms, 100 W. Valpico Road, after a chemical spill injured 20 people at the facility Thursday morning.



### Location



Posted: Thursday, October 15, 2015 7:28 am

Press staff report | 1 comment

The mixture of two chemicals by a cleaning crew at Taylor Farms, 100 W. Valpico Road, created a hazardous vapor that sent 20 people to the hospital this morning.

According to Tracy Fire Department Division Chief Andrew Kellogg, the accident happened before 6 a.m. He said the two chemicals were acetic acid and chlorine. According to the U.S. Poison Control Center, the mixture of those two substances — chlorine can be found in bleach and acetic acid is common in vinegar — can create a chlorine gas that attacks the mucous membranes inside the nose and lungs.

The hazmat team from the Defense Logistics Agency depot is inside the building to determine how far the vapor spread and how to clean it up.

Kellogg said the vapor does not pose a danger outside the Taylor Farms building to homes and businesses nearby. He said the 20 people with moderate to serious injuries were taken to several area hospitals by six ambulances, including one from Alameda County.

Tracy police officers have closed Valpico Road from Glenbriar Drive to the intersection between Raley's and the AWP gas station just east of Tracy Boulevard.

At 9:45 a.m., the Tracy Fire Department turned over the cleanup of the chemical spill at Taylor Farms to the business owners and Valpico Road was reopened.

ACTIVE. INNOVATIVE. CONNECTED.

SOLUTIONS RECREATION THE TRACY ADVANTAGE

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March 17th  
9AM – 12PM at Grand Theatre  
Tickets \$25 available at Grand Theatre & Chamber office  
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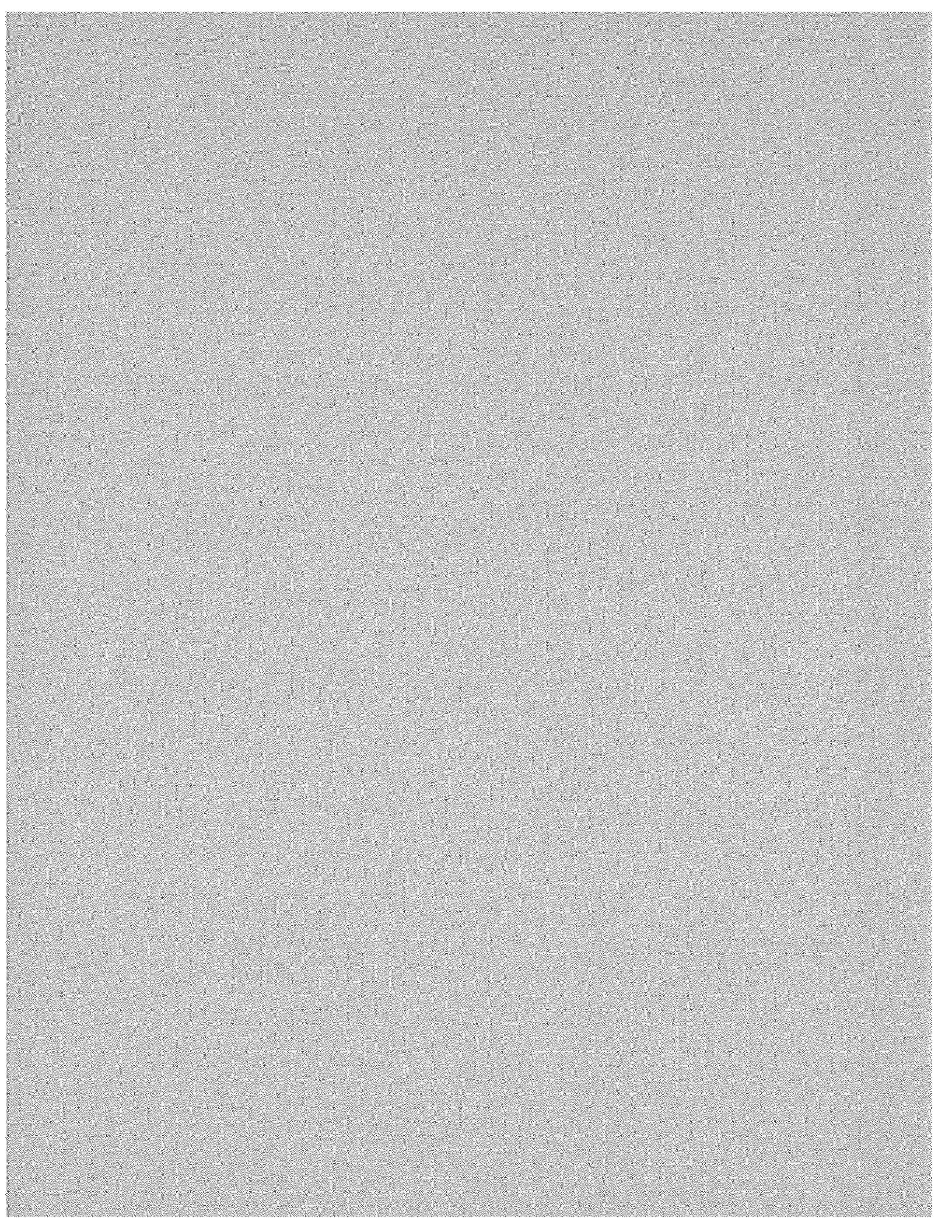
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More about Taylor Farms

• ARTICLE: E. coli outbreak prompts Taylor Farms recall



Department of Industrial Relations  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Telephone: (209) 545-7310  
Fax: (209) 545-7313



**CONFIDENTIAL**

1/22/2015

Robert Bonsall  
520 Capitol Mall, Ste 300  
Sacramento, CA 95814

Dear Complainant:

The Division of Occupational Safety and Health received your complaint of hazardous condition(s) at Taylor Farms Pacific, Inc., 1820 N MacArthur Dr, Tracy:

The Division conducted an inspection of the item(s) referenced in your complaint with the following results:

Citations were issued to all three employers at the site. They have been included for reference.

If you do not agree that the hazards you complained about have been satisfactorily corrected, please contact me within ten (10) days of the date of this letter or I will assume that the hazard(s) has been corrected. If I do not hear from you I will assume that the hazard has been corrected and will close the case file.

California law protects any person who makes a complaint about a workplace safety or health hazard from being treated differently, discharged or discriminated against in any manner by their employer. If you believe that you have been discriminated against because you made a complaint to the Division of Occupational Safety and Health, you may file a discrimination complaint with the nearest office of the Division of Labor Standards Enforcement (Labor Commissioner). However, you must file your complaint within six (6) months of the discriminatory action.

Thank you for your concern about workplace safety and health.

Sincerely,

  
John Caynak  
District Manager

/gm

Reference: File #714 209372630-h

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310 Fax: (209) 545-7313



## Citation and Notification of Penalty

To:  
Abel Mendoza, Inc.,

and its successors  
24711 S. Chrisman Road  
Tracy, CA 95304

**Inspection Site:**  
Taylor Farms-1820 N. MacArthur Dr  
Tracy, CA 95376

**Inspection Number:** 316705813  
**Inspection Date(s):** 06/18/2014 - 12/15/2014

**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Report #:** 80-14  
**Reporting ID:** 0950624

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

**This Citation and Notification of Penalty** (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.



**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751 or (877) 252-1987

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been reduced by 50%** on the assumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note:** Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Telephone: (209) 545-7310

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

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**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 1 Type of Violation: **Regulatory****

T8 CCR 14300.10. Recording Criteria for Cases Involving Occupational Hearing Loss.

(a) Basic requirement. If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the Cal/OSHA Form 300.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to record One (1) case of employee who has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, on the Cal/OSHA Form 300 for the 2013 year.

b) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to record One (1) case of employee who has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, on the Cal/OSHA Form 300 for the 2014 year.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705813  
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**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 2 Type of Violation: General**

T8 CCR 2340.26. Mechanical Protection

In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: In Loading Dock Area, between Loading Dock #1 and #2, two electrical switch boxes that would be exposed to physical damage, did not have either enclosures or guards so arranged and of such strength as to prevent such damage.

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: \$ 185.00

**Citation 1 Item 3 Type of Violation: General**

T8 CCR 2510.5. Wet and Damp Locations

(d) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (for example, portable tools) shall have an enclosure that is weatherproof when the attachment plug cap is removed.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Receptacles/Plug Pendants installed in the PFR, Salad and Fruit Prep Rooms were found to not have enclosures that were weatherproof when the attachment plug cap was removed.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 4 Type of Violation: **General****

T8 CCR 3203 Illness and Injury Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to establish, implement and maintain an effective Written Illness and Injury Prevention Program at the site as required by T8 CCR 3203.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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Issuance Date: 12/16/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Abel Mendoza, Inc.,  
Inspection Site: Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 5 Type of Violation: General**

T8 CCR 3203 Illness and Injury Prevention Program

(7) Provide training and instruction:

- (A) When the program is first established;
- (B) To all new employees;
- (C) To all employees given new job assignments for which training has not previously been received;
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to provide information and training to all of their employees on their written illness and injury prevention program when the program was first established; to all new employees; to all employees given new job assignments for which training has not previously been received; whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; whenever the employer is made aware of a new or previously unrecognized hazard; and, for supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed as required by T8 CCR 3203.

Date By Which Violation Must be Abated:

Abated

Proposed Penalty:

\$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

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**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 6 Type of Violation: **General****

T8 CCR 3225 Maintenance and Access to Exits

(a) Exits shall be so located and arranged that they are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel shall be maintained, except as a single exit or limited dead ends are permitted by other provisions of these regulations.

(1) Every required exit shall be maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Modesto, CA: One (1) designated emergency exit in the Fruit Prep Area was blocked and not being maintained free off all obstructions or impediments to full instant use in case of fire or other emergency.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

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**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 7 Type of Violation: **General****

T8 CCR 3337. Dock Plates and Loading Ramps.

(d) Adequate and safe means shall be provided for moving dock plates and loading ramps.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Loading Dock Ramps #5, #6, #7, #8 and #13 were found to get stuck when being operated by employees prohibiting an adequate and safe means for moving the dock plates and loading ramps.

**Date By Which Violation Must be Abated:** 01/18/2015  
**Proposed Penalty:** \$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 8 Type of Violation: **General****

T8 CCR 3380. Personal Protective Devices  
(f) Hazard assessment and equipment selection.

(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present for the employees working in the plant and exposed to chemicals, noise and cold temperatures.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**Inspection Dates:** 06/18/2014-12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 9 Type of Violation: General**

T8 CCR 3380. Personal Protective Devices.  
(f) Hazard assessment and equipment selection.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that the required workplace had been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 10 Type of Violation: **General****

T8 CCR 3380. Personal Protective Devices

(f) Hazard assessment and equipment selection.

(4) Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

- (A) When PPE is necessary;
- (B) What PPE is necessary;
- (C) How to properly don, doff, adjust, and wear PPE;
- (D) The limitations of the PPE; and,
- (E) The proper care, maintenance, useful life and disposal of the PPE.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to provide information and training to each employee who is provided and required to wear cold weather PPE gear to know at least the following: when and what cold weather PPE gear is necessary; how to properly don, doff, adjust, and wear the cold weather PPE gear; what the limitations of the cold weather PPE gear is; and what is the proper care, maintenance, useful life of the cold weather PPE gear.

Date By Which Violation Must be Abated:	01/18/2015
Proposed Penalty:	\$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**State of California**

Division of Occupational Safety and Health  
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**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 11 Type of Violation: **General****

T8 CCR 3380. Personal Protective Devices  
(f) Hazard assessment and equipment selection.

(7) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

**Date By Which Violation Must be Abated:** 01/18/2015  
**Proposed Penalty:** \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 12 Type of Violation: **General****

T8 CCR 3385 Foot Protection

(a) Appropriate foot protection shall be required for employees who are exposed to foot injuries from electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions, which may cause injuries or who are required to work in abnormally wet locations.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to provide the required appropriate foot protection to all their employees who are exposed to falling objects, crushing or penetrating actions such as those operating industrial vehicles such as forklifts and tow motors at this site.

**Date by Which Violation Must be Abated:** 01/18/2015  
**Proposed Penalty:** \$ 560.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 13 Type of Violation: **General****

T8 CCR 5194. Hazard Communication  
(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and (B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(2) In multi-employer workplaces, the written hazard communication program shall include the methods employers will use to inform any employers sharing the same work area of the hazardous chemicals to which their employees may be exposed while performing their work, and any suggestions for appropriate protective measures, including the following:

(A) The methods the employer will use to provide the other employer(s) with access to the safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(B) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and (C) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to develop, implement, and maintain at the workplace a written hazard communication program for their employees.

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
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**Optional Inspection Nbr:** 80-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

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b) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer was using another employer's written hazard communication as their own which had not been updated to meet the current requirements of the T8 CCR 5194 Standard such as safety data sheets, methods to use to inform their employees of the hazards; methods used to provide access to the safety data sheets; and methods used to inform employees of the labeling system used in the workplace.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

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**Citation and Notification of Penalty**

**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376

**Citation 2 Item 1 Type of Violation: **Serious****

T8 CCR 3999. Conveyors

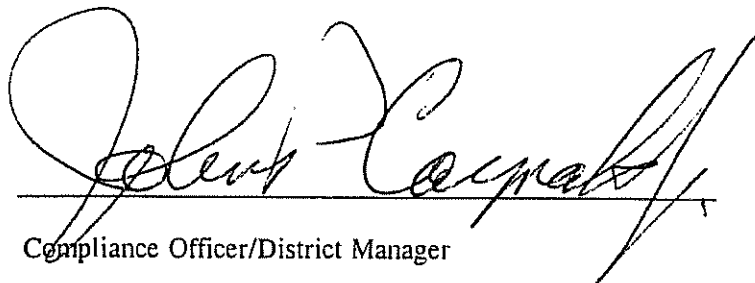
(b) Belt conveyor head pulleys, tail pulleys, single tension pulleys, dip take-up pulleys, chain conveyor head drums or sprockets and dip take-up drums and sprockets shall be guarded. The guard shall be such that a person cannot reach behind it and become caught in the nip point between the belt, chain, drum, pulley or sprocket.

a) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Salad and Pasta Food Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

b) Abel Mendoza, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Fruit Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Abated  
\$ 5060.00

  
\_\_\_\_\_  
Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** Abel Mendoza, Inc.,  
**Inspection Site:** Taylor Farms-1820 N. MacArthur Dr, Tracy, CA 95376  
**Mailing Address:** 24711 S. Chrisman Road, Tracy, CA 95304

**Issuance Date:** 12/16/2014

**Reporting ID:** 0950624  
**Index Code:** 4024

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### Summary of Penalties for Inspection Number 316705813

Citation 1, General	= \$	3855.00
Citation 2, Serious	= \$	5060.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>8915.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.



**DEPARTMENT OF INDUSTRIAL RELATIONS**  
**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA**  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

**PENALTY REMITTANCE FORM**

<b>CIVIL PENALTY INFORMATION</b>	INSPECTION NUMBER <u>316705813</u>	REPORTING ID <u>0950624</u> INDEX CODE <u>4024</u>
ESTABLISHMENT NAME	<u>Abel Mendoza, Inc.,</u>	
CONTACT PERSON	_____	
PHONE NO.	_____	FAX NO. _____
SITE ADDRESS	<u>Taylor Farms-1820 N. MacArthur Dr. Tracy</u>	
MAILING ADDRESS	<u>24711 S. Chrisman Road. Tracy, CA. 95304</u>	

**CITATION INFORMATION** (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

\_\_\_\_\_

**TYPE OF PAYMENT ENCLOSED**

<b>CHECK OR MONEY ORDER INFORMATION</b>	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the on-line third party secure payment processing site  
OR Complete this section and fax to (415) 703-3037

**CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES**

MASTERCARD CREDIT CARD NO. \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

CREDIT CARD SECURITY CODE (last 3 digits on back of card) \_\_\_\_\_

NAME OF CARDHOLDER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

CARDHOLDER PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_

AMOUNT OF PAYMENT \$ \_\_\_\_\_

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. \_\_\_\_\_ DATE PROCESSED \_\_\_\_\_

PROCESSED BY \_\_\_\_\_

Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037  
ELECTRONIC FUNDS TRANSFER EFT OPTION: NO CONVENIENCE FEE APPLIES: GO TO [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh)

Cal/OSHA-2 PRF REV 7/08

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

Abel Mendoza, Inc.,  
24711 S. Chrisman Road  
Tracy, CA

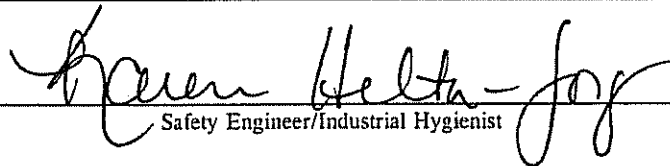
During the course of an inspection or reinspection at a place located at:

Taylor Farms-1820 N. MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature: \_\_\_\_\_

  
Safety Engineer/Industrial Hygienist

Date of Issuance: \_\_\_\_\_

12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705813	U2792	80-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

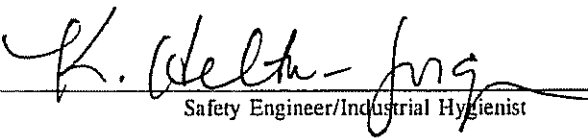
Abel Mendoza, Inc.,  
24711 S. Chrisman Road  
Tracy, CA

During the course of an inspection or reinspection at a place located at:

Taylor Farms-1820 N. MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature:   
Safety Engineer/Industrial Hygienist

Date of Issuance: 12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705813	U2792	80-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

Abel Mendoza, Inc.,  
24711 S. Chrisman Road  
Tracy, CA

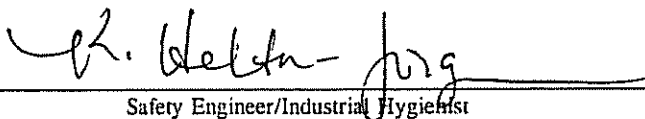
During the course of an inspection or reinspection at a place located at:

Taylor Farms-1820 N. MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature: \_\_\_\_\_

  
Safety Engineer/Industrial Hygienist

Date of Issuance: \_\_\_\_\_

12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705813	U2792	80-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Abel Mendoza, Inc.,  
ADDRESS: 24711 S. Chrisman Road  
Tracy, CA 95304

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at Taylor Farms-1820 N. MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 01/20/2015

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

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LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705813</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>80-14</u>	

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Abel Mendoza, Inc.,  
ADDRESS: 24711 S. Chrisman Road  
Tracy, CA 95304

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at Taylor Farms-1820 N. MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 01/20/2015

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

\*\*\*\*\*

**LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.**

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705813</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>80-14</u>	

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Abel Mendoza, Inc.,  
ADDRESS: 24711 S. Chrisman Road  
Tracy, CA 95304

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at Taylor Farms-1820 N. MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 01/20/2015

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LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705813</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>80-14</u>	

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310 Fax: (209) 545-7313



# AMENDED

## Citation and Notification of Penalty

To:  
Slingshot Connections, Inc.

Inspection Number: 316705722  
Inspection Date(s): 06/18/2014 - 12/15/2014

and its successors  
4340 Stevens Creek Blvd #288  
San Jose, CA 95129

Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Report #: 79-14  
Reporting ID: 0950624

Inspection Site:  
Taylor Farms-1820 N MacArthur Drive  
Tracy, CA 95376

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

AMENDED

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.



**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751 or (877) 252-1987

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations has already been reduced by 50% on the assumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note:** Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Telephone: (209) 545-7310

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

### DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

### Citation and Notification of Penalty

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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#### Citation 1 Item 1 Type of Violation: **Regulatory**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 14300.10. Recording Criteria for Cases Involving Occupational Hearing Loss.

(a) Basic requirement. If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the Cal/OSHA Form 300.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to record one (1) case of an employee who has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, on the Cal/OSHA Form 300 for the 2013 year.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to record two (2) cases of employees who have experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, on the Cal/OSHA Form 300 for the 2013 year.

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/19/2015  
\$ 500.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 1 Item 2 Type of Violation: Regulatory**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 14300.29. Forms

(a) Basic requirement. You must use Cal/OSHA 300, 300A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The Cal/OSHA Form 300 is called the Log of Work-Related Injuries and Illnesses, the Cal/OSHA Form 300A is called the Summary of Work-Related Injuries and Illnesses, and the Cal/OSHA Form 301 is called the Injury and Illness Incident Report. Appendices A through C give samples of the Cal/OSHA forms. Appendices D through F provide elements for development of equivalent forms consistent with Section 14300.29(b)(4) requirements. Appendix G is a worksheet to assist in completing the Cal/OSHA Form 300A.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to use and maintain a CAL/OSHA 300, 300A, and 301 Forms, or equivalent forms, for recordable injuries and illnesses as required by T8 CCR 14300 thru 14400.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014- 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 1 Item 3 Type of Violation: Regulatory**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

**T8 CCR 14300.40. Providing Records to Government Representatives**

(a) Basic requirement. When an authorized government representative asks for the records you keep under the provisions of this article, you must provide within four (4) business hours, access to the original recordkeeping documents requested as well as, if requested, one set of copies free of charge.

Exception: If your establishment is in SIC Code 781, you must make a reasonable effort to comply as required by this section within 4 business hours of receiving the request. If it is not possible to comply with that deadline with reasonable effort, you must comply no later than by the end of the next business day.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to provide access to the original recordkeeping documents requested June 18, 2014, involving employee occupational illness and injury log for the 2012, 2013 and 2014 years.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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**Citation 1 Item 4 Type of Violation: General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

**T8 CCR 2340.26. Mechanical Protection**

In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: In Loading Dock Area, between Loading Dock #1 and #2, two electrical switch boxes that would be exposed to physical damage, did not have either enclosures or guards so arranged and of such strength as to prevent such damage.

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

### Citation and Notification of Penalty

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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#### Citation 1 Item 5 Type of Violation: General

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

#### T8 CCR 2510.5. Wet and Damp Locations

(d) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (for example, portable tools) shall have an enclosure that is weatherproof when the attachment plug cap is removed.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Receptacles/Plug Pendants installed in the PFR, Salad and Fruit Prep Rooms were found to not have enclosures that were weatherproof when the attachment plug cap was removed.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 1 Item 6 Type of Violation: General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3203 Illness and Injury Prevention Program  
(7) Provide training and instruction:

- (A) When the program is first established;
- (B) To all new employees;
- (C) To all employees given new job assignments for which training has not previously been received;
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to provide information and training to all of their employees on their written illness and injury prevention program when the program was first established; to all new employees; to all employees given new job assignments for which training has not previously been received; whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; whenever the employer is made aware of a new or previously unrecognized hazard; and, for supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed as required by T8 CCR 3203.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705722  
**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/17/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Slingshot Connections, Inc.  
**Inspection Site:** Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

---

**Citation 1 Item 7 Type of Violation: General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3380. Personal Protective Devices  
(f) Hazard assessment and equipment selection.

(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present for employees working in the plant and exposed to chemicals, noise and cold temperatures.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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**Citation 1 Item 8 Type of Violation: General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3380. Personal Protective Devices.  
(f) Hazard assessment and equipment selection.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that the required workplace had been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014- 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 1 Item 9 Type of Violation: General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3380. Personal Protective Devices

- (f) Hazard assessment and equipment selection.
- (4) Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:
  - (A) When PPE is necessary;
  - (B) What PPE is necessary;
  - (C) How to properly don, doff, adjust, and wear PPE;
  - (D) The limitations of the PPE; and,
  - (E) The proper care, maintenance, useful life and disposal of the PPE.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to provide information and training to each employee who is provided and required to wear cold weather PPE gear to know at least the following: when and what cold weather PPE gear is necessary; how to properly don, doff, adjust, and wear the cold weather PPE gear; what the limitations of the cold weather PPE gear is; and what is the proper care, maintenance, useful life of the cold weather PPE gear.

Date By Which Violation Must be Abated:	01/19/2015
Proposed Penalty:	\$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

### Citation and Notification of Penalty

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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#### Citation 1 Item 10 Type of Violation: **General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3380. Personal Protective Devices  
(f) Hazard assessment and equipment selection.

(7) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014-12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

---

**Citation 1 Item 11** Type of Violation: **General** .

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3225 Maintenance and Access to Exits

(a) Exits shall be so located and arranged that they are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel shall be maintained, except as a single exit or limited dead ends are permitted by other provisions of these regulations.

(1) Every required exit shall be maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

a) Slingshot Connections, Inc., site is the Taylor Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Modesto, CA: One (1) designated emergency exit in the Fruit Prep Area was blocked and not being maintained free off all obstructions or impediments to full instant use in case of fire or other emergency.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

### Citation and Notification of Penalty

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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#### Citation 1 Item 12 Type of Violation: **General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3337. Dock Plates and Loading Ramps.

(d) Adequate and safe means shall be provided for moving dock plates and loading ramps.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Loading Dock Ramps #5, #6, #7, #8 and #13 were found to get stuck when being operated by employees prohibiting an adequate and safe means for moving the dock plates and loading ramps.

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/19/2015  
\$ 375.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014- 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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**Citation 1 Item 13** Type of Violation: **General**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3385 Foot Protection

(a) Appropriate foot protection shall be required for employees who are exposed to foot injuries from electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions, which may cause injuries or who are required to work in abnormally wet locations.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to provide the required appropriate foot protection to all their employees who are exposed to falling objects, crushing or penetrating actions such as those operating industrial vehicles such as forklifts and tow motors and those employees working around moveable equipment and machinery at this site.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 560.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 1 Item 14 Type of Violation: **General****

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 5194. Hazard Communication  
(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and (B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(2) In multi-employer workplaces, the written hazard communication program shall include the methods employers will use to inform any employers sharing the same work area of the hazardous chemicals to which their employees may be exposed while performing their work, and any suggestions for appropriate protective measures, including the following:

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
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Inspection Number: 316705722  
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Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

(A) The methods the employer will use to provide the other employer(s) with access to the safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(B) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and (C) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to develop, implement and maintain at the workplace a written hazard communication program for their employees.

b) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: The Employer was using another employer's written hazard communication as their own which had not been updated to meet the current requirements of the T8 CCR 5194 Standard such as safety data sheets, methods to use to inform their employees of the hazards; methods used to provide access to the safety data sheets; and methods used to inform employees of the labeling system used in the workplace.

Date By Which Violation Must be Abated: 01/19/2015  
Proposed Penalty: \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
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CSHO ID: U2792  
Optional Inspection Nbr: 79-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

**Citation 2 Item 1** Type of Violation: **Serious**

"THIS CITATION AMENDS PREVIOUS CITATION TO BE INCLUSIVE OF DISTRICT MANAGER SIGNATURE.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

T8 CCR 3999. Conveyors

(b) Belt conveyor head pulleys, tail pulleys, single tension pulleys, dip take-up pulleys, chain conveyor head drums or sprockets and dip take-up drums and sprockets shall be guarded. The guard shall be such that a person cannot reach behind it and become caught in the nip point between the belt, chain, drum, pulley or sprocket.

a) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Salad and Pasta Food Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

b) Slingshot Connections, Inc., site is the Tracy Farms Pacific, Inc., plant located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Fruit Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

Date By Which Violation Must be Abated:

Proposed Penalty:

Abated  
\$ 5060.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705722  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/17/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 79-14

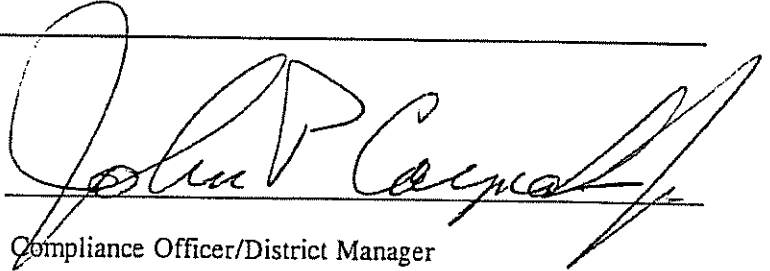


Telephone: (209) 545-7310

**Citation and Notification of Penalty**

Company Name: Slingshot Connections, Inc.  
Inspection Site: Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376

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John P. Cayrol

Compliance Officer/District Manager

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** Slingshot Connections, Inc.  
**Inspection Site:** Taylor Farms-1820 N MacArthur Drive, Tracy, CA 95376  
**Mailing Address:** 4340 Stevens Creek Blvd #288, San Jose, CA 95129

**Issuance Date:** 12/17/2014

**Reporting ID:** 0950624  
**Index Code:** 4024

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### Summary of Penalties for Inspection Number 316705722

Citation 1, General	= \$	4480.00
Citation 2, Serious	= \$	5060.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>9540.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION    INSPECTION NUMBER 316705722    REPORTING ID 0950624    INDEX CODE 4024

ESTABLISHMENT NAME    Slingshot Connections, Inc.

CONTACT PERSON    \_\_\_\_\_

PHONE NO.    \_\_\_\_\_    FAX NO.    \_\_\_\_\_

SITE ADDRESS    Taylor Farms-1820 N MacArthur Drive, Tracy

MAILING ADDRESS    4340 Stevens Creek Blvd #288, San Jose, CA, 95129

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

\_\_\_\_\_

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF    \$ \_\_\_\_\_

MONEY ORDER ENCLOSED IN THE AMOUNT OF    \$ \_\_\_\_\_

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the on-line third party secure payment processing site  
OR Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

MASTERCARD CREDIT CARD NO. \_\_\_\_\_    EXPIRATION DATE \_\_\_\_\_

CREDIT CARD SECURITY CODE (last 3 digits on back of card) \_\_\_\_\_

NAME OF CARDHOLDER \_\_\_\_\_    SIGNATURE \_\_\_\_\_

CARDHOLDER PHONE NO. \_\_\_\_\_    FAX NO. \_\_\_\_\_

AMOUNT OF PAYMENT \$ \_\_\_\_\_

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. \_\_\_\_\_    DATE PROCESSED \_\_\_\_\_

PROCESSED BY \_\_\_\_\_

Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037  
ELECTRONIC FUNDS TRANSFER EFT OPTION: NO CONVENIENCE FEE APPLIES: GO TO [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh)

Cal/OSHA-2.PRF REV 7/08



### EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: Slingshot Connections, Inc.  
ADDRESS: 4340 Stevens Creek Blvd #288  
San Jose, CA 95129

The law requires that violations observed during the inspection/investigation completed on 12/15/2014 of the place of employment located at Taylor Farms-1820 N MacArthur Drive, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 01/19/2015

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

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LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/17/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705722</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>79-14</u>	

Date mailed or delivered: 12/17/2014

Cal/OSHA 160 (09/01/2000)

### EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: Slingshot Connections, Inc.  
ADDRESS: 4340 Stevens Creek Blvd #288  
San Jose, CA 95129

The law requires that violations observed during the inspection/investigation completed on 12/15/2014 of the place of employment located at Taylor Farms-1820 N MacArthur Drive, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 01/19/2015

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LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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[ ] Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). [ ] Yes [ ] No

This certifies that all unsafe conditions listed in the Division's citation dated 12/17/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
[ ] Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705722</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>79-14</u>	

Date mailed or delivered: 12/17/2014

Cal/OSHA 160 (09/01/2000)

### EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: Slingshot Connections, Inc.  
ADDRESS: 4340 Stevens Creek Blvd #288  
San Jose, CA 95129

The law requires that violations observed during the inspection/investigation completed on 12/15/2014 of the place of employment located at Taylor Farms-1820 N MacArthur Drive, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 01/19/2015

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

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LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/17/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705722</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>79-14</u>	

Date mailed or delivered: 12/17/2014

Cal/OSHA 160 (09/01/2000)

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310 Fax: (209) 545-7313



## Citation and Notification of Penalty

To:  
Taylor Farms Pacific, Inc.

Inspection Number: 316705730  
Inspection Date(s): 06/18/2014 - 12/15/2014

and its successors  
1820 N MacArthur Drive  
Tracy, CA 95376

Issuance Date: 12/16/2014  
CSHO ID: U2792  
Optional Report #: 78-14  
Reporting ID: 0950624

Inspection Site:  
1820 N MacArthur Dr  
Tracy, CA 95376

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## **APPEAL RIGHTS**

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751 or (877) 252-1987

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the assumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note:** Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Telephone: (209) 545-7310

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 1 Type of Violation: **Regulatory****

T8 CCR 14300.30. Multiple Establishments

(a) Basic requirement. You must keep a separate Cal/OSHA Form 300 for each establishment that is expected to be in operation for one year or longer.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: For the year 2012, the Employer failed to keep a separate Cal/OSHA Form 300 for each establishment that is expected to be in operation for one year or longer.

b) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: For the year 2013, the Employer failed to keep a separate Cal/OSHA Form 300 for each establishment that is expected to be in operation for one year or longer.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 2 Type of Violation: **Regulatory****

T8 CCR 14300.10. Recording Criteria for Cases Involving Occupational Hearing Loss.

(a) Basic requirement. If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the Cal/OSHA Form 300.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to record Five (5) cases of employees has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, on the Cal/OSHA Form 300 for the 2013 year.

**Date By Which Violation Must be Abated:** 01/18/2015  
**Proposed Penalty:** \$ 500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014-12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

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**Citation 1 Item 3 Type of Violation: General**

T8 CCR 2340.26. Mechanical Protection

In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: In Loading Dock Area, between Loading Dock #1 and #2, two electrical switch boxes that would be exposed to physical damage, did not have either enclosures or guards so arranged and of such strength as to prevent such damage.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 185.00

**Citation 1 Item 4 Type of Violation: General**

T8 CCR 2510.5. Wet and Damp Locations

(d) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (for example, portable tools) shall have an enclosure that is weatherproof when the attachment plug cap is removed.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: Receptacles/Pulg Pendants installed in the PFR, Salad and Fruit Prep Rooms were found to not have enclosures that were weatherproof when the attachment plug cap was removed.

Date By Which Violation Must be Abated:	01/18/2015
Proposed Penalty:	\$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014- 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 5 Type of Violation: **General****

T8 CCR 3225 Maintenance and Access to Exits

(a) Exits shall be so located and arranged that they are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel shall be maintained, except as a single exit or limited dead ends are permitted by other provisions of these regulations.

(1) Every required exit shall be maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

a) Taylor Farms Pacific, Inc., located at 1820 N. MacArthur Drive in Modesto, CA: One (1) designated emergency exit in the Fruit Prep Area was blocked and not being maintained free off all obstructions or impediments to full instant use in case of fire or other emergency.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

Inspection Number: 316705730  
Inspection Dates: 06/18/2014 - 12/15/2014  
Issuance Date: 12/16/2014  
CSHO ID: U2792  
Optional Inspection Nbr: 78-14



Telephone: (209) 545-7310

### Citation and Notification of Penalty

Company Name: Taylor Farms Pacific, Inc.  
Inspection Site: 1820 N MacArthur Dr, Tracy, CA 95376

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#### Citation 1 Item 6 Type of Violation: **General**

T8 CCR 3337. Dock Plates and Loading Ramps.

(d) Adequate and safe means shall be provided for moving dock plates and loading ramps.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: Loading Dock Ramps #5, #6, #7, #8 and #13 were found to get stuck when being operated by employees prohibiting an adequate and safe means for moving the dock plates and loading ramps.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 375.00

#### Citation 1 Item 7 Type of Violation: **General**

T8 CCR 3380. Personal Protective Devices

(f) Hazard assessment and equipment selection.

(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer's Hazard Analysis and Cold Weather Gear Addendum do not ensure selection and use of PPE that will protect the affected employee from hazards identified in the hazard assessment.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 8 Type of Violation: General**

T8 CCR 3380. Personal Protective Devices.  
(f) Hazard assessment and equipment selection.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that the required workplace had been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014- 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 9 Type of Violation: **General****

T8 CCR 3380. Personal Protective Devices

- (f) Hazard assessment and equipment selection.
- (4) Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:
  - (A) When PPE is necessary;
  - (B) What PPE is necessary;
  - (C) How to properly don, doff, adjust, and wear PPE;
  - (D) The limitations of the PPE; and,
  - (E) The proper care, maintenance, useful life and disposal of the PPE.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to provide information and training to each employee who is provided and required to wear cold weather PPE gear to know at least the following: when and what cold weather PPE gear is necessary; how to properly don, doff, adjust, and wear the cold weather PPE gear; what the limitations of the cold weather PPE gear is; and what is the proper care, maintenance, useful life of the cold weather PPE gear.

Date By Which Violation Must be Abated:	01/18/2015
Proposed Penalty:	\$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014- 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 10 Type of Violation: **General****

T8 CCR 3380. Personal Protective Devices  
(f) Hazard assessment and equipment selection.

(7) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The Employer failed to verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

**Date By Which Violation Must be Abated:** 01/18/2015  
**Proposed Penalty:** \$ 185.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014 - 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 11** Type of Violation: **General**

T8 CCR 3385 Foot Protection

(a) Appropriate foot protection shall be required for employees who are exposed to foot injuries from electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions, which may cause injuries or who are required to work in abnormally wet locations.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The employer failed to provide the required appropriate foot protection to all their employees who are exposed to falling objects, crushing or penetrating actions such as those operating industrial vehicles such as forklifts and tow motors at this site.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 560.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014-12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 1 Item 12 Type of Violation: **General****

T8 CCR 5194. Hazard Communication  
(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and (B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(2) In multi-employer workplaces, the written hazard communication program shall include the methods employers will use to inform any employers sharing the same work area of the hazardous chemicals to which their employees may be exposed while performing their work, and any suggestions for appropriate protective measures, including the following:

(A) The methods the employer will use to provide the other employer(s) with access to the safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(B) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and

(C) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014-12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

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a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: The employer written hazard communication program had not been updated to meet the current requirements of the T8 CCR 5194 Standard such as safety data sheets, methods used to inform their employees of the hazards, methods used to provide with access to the safety data sheets, methods used to inform employees of any precautionary measures needed to be taken, and methods used to inform employees of the labeling system used in the workplace.

Date By Which Violation Must be Abated: 01/18/2015  
Proposed Penalty: \$ 185.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950624; 4024)  
4206 Technology Drive, Suite 3  
Modesto, CA 95356

**Inspection Number:** 316705730  
**Inspection Dates:** 06/18/2014- 12/15/2014  
**Issuance Date:** 12/16/2014  
**CSHO ID:** U2792  
**Optional Inspection Nbr:** 78-14



Telephone: (209) 545-7310

**Citation and Notification of Penalty**

**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376

**Citation 2 Item 1 Type of Violation: **Serious****

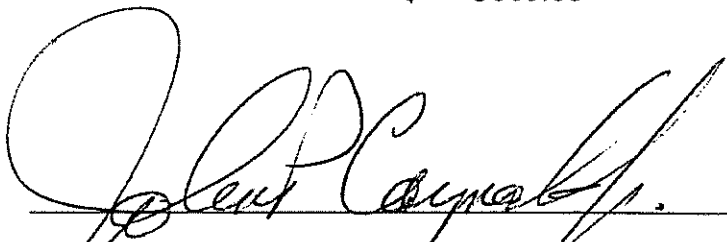
T8 CCR 3999. Conveyors

(b) Belt conveyor head pulleys, tail pulleys, single tension pulleys, dip take-up pulleys, chain conveyor head drums or sprockets and dip take-up drums and sprockets shall be guarded. The guard shall be such that a person cannot reach behind it and become caught in the nip point between the belt, chain, drum, pulley or sprocket.

a) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Salad and Pasta Food Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

b) Taylor Farms Pacific, Inc., site is located at 1820 N. MacArthur Drive in Tracy, CA: Belt conveyors located in the Fruit Prep Room were not guarded to prevent a person from reaching behind them and being caught in the nip point between the belt, chain, drum, pulley or sprocket.

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: \$ 5060.00

  
\_\_\_\_\_  
Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
4206 Technology Drive, Suite 3  
Modesto, CA 95356  
Phone: (209) 545-7310

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** Taylor Farms Pacific, Inc.  
**Inspection Site:** 1820 N MacArthur Dr, Tracy, CA 95376  
**Mailing Address:** 1820 N MacArthur Drive, Tracy, CA 95376  
  
**Issuance Date:** 12/16/2014  
  
**Reporting ID:** 0950624  
**Index Code:** 4024

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**Summary of Penalties for Inspection Number 316705730**

Citation 1, General	= \$	3605.00
Citation 2, Serious	= \$	5060.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>8665.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS**  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

**PENALTY REMITTANCE FORM**

<b>CIVIL PENALTY INFORMATION</b>	INSPECTION NUMBER <u>316705730</u>	REPORTING ID <u>0950624</u> INDEX CODE <u>4024</u>
ESTABLISHMENT NAME	<u>Taylor Farms Pacific, Inc.</u>	
CONTACT PERSON	_____	
PHONE NO.	_____	FAX NO. _____
SITE ADDRESS	<u>1820 N MacArthur Dr. Tracy</u>	
MAILING ADDRESS	<u>1820 N MacArthur Drive, Tracy, CA. 95376</u>	

<b>CITATION INFORMATION</b> (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)
Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)
_____

**TYPE OF PAYMENT ENCLOSED**

<b>CHECK OR MONEY ORDER INFORMATION</b>	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____
(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)	

Go to <a href="http://www.dir.ca.gov/dosh">www.dir.ca.gov/dosh</a> to access the on-line third party secure payment processing site OR Complete this section and fax to (415) 703-3037	
<b>CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES</b>	
MASTERCARD CREDIT CARD NO. _____	EXPIRATION DATE _____
CREDIT CARD SECURITY CODE (last 3 digits on back of card) _____	
NAME OF CARDHOLDER _____	SIGNATURE _____
CARDHOLDER PHONE NO. _____	FAX NO. _____
AMOUNT OF PAYMENT \$ _____	
----- FOR OFFICE USE ONLY -----	
AUTHORIZATION NO. _____	DATE PROCESSED _____
PROCESSED BY _____	
Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037 ELECTRONIC FUNDS TRANSFER EFT OPTION: NO CONVENIENCE FEE APPLIES: GO TO <a href="http://www.dir.ca.gov/dosh">www.dir.ca.gov/dosh</a>	

Cal/OSHA-2 PRFREV 7/08

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Taylor Farms Pacific, Inc.  
ADDRESS: 1820 N MacArthur Drive  
Tracy, CA 95376

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at 1820 N MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 01/20/2015

\*\*\*\*\*

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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[ ] Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section.340.4(g). [ ] Yes [ ] No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
[ ] Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705730</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>78-14</u>	

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Taylor Farms Pacific, Inc.  
ADDRESS: 1820 N MacArthur Drive  
Tracy, CA 95376

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at 1820 N MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 01/20/2015

\*\*\*\*\*

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705730</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>78-14</u>	



**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: Taylor Farms Pacific, Inc.  
ADDRESS: 1820 N MacArthur Drive  
Tracy, CA 95376

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at 1820 N MacArthur Dr, Tracy, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 01/20/2015

\*\*\*\*\*

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated 12/16/2014 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>316705730</u> Identification No. <u>U2792</u> Cal/OSHA Rpt. No. & Fiscal Year <u>78-14</u>	

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

**Taylor Farms Pacific, Inc.**  
1820 N MacArthur Drive  
Tracy, CA

During the course of an inspection or reinspection at a place located at:

1820 N MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature: \_\_\_\_\_

*R. Johnston - jmg*  
Safety Engineer/Industrial Hygienist

Date of Issuance: \_\_\_\_\_

12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705730	U2792	78-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

**Taylor Farms Pacific, Inc.**  
1820 N MacArthur Drive  
Tracy, CA

During the course of an inspection or reinspection at a place located at:

1820 N MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature: \_\_\_\_\_



Safety Engineer/Industrial Hygienist

Date of Issuance: \_\_\_\_\_

12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705730	U2792	78-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year

### NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

Taylor Farms Pacific, Inc.  
1820 N MacArthur Drive  
Tracy, CA

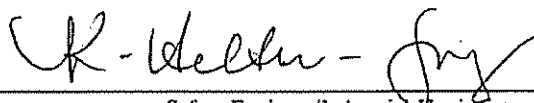
During the course of an inspection or reinspection at a place located at:

1820 N MacArthur Dr  
Tracy, CA 95376

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
Cit. 2, Item. 1	One	10-01-2014

Signature:



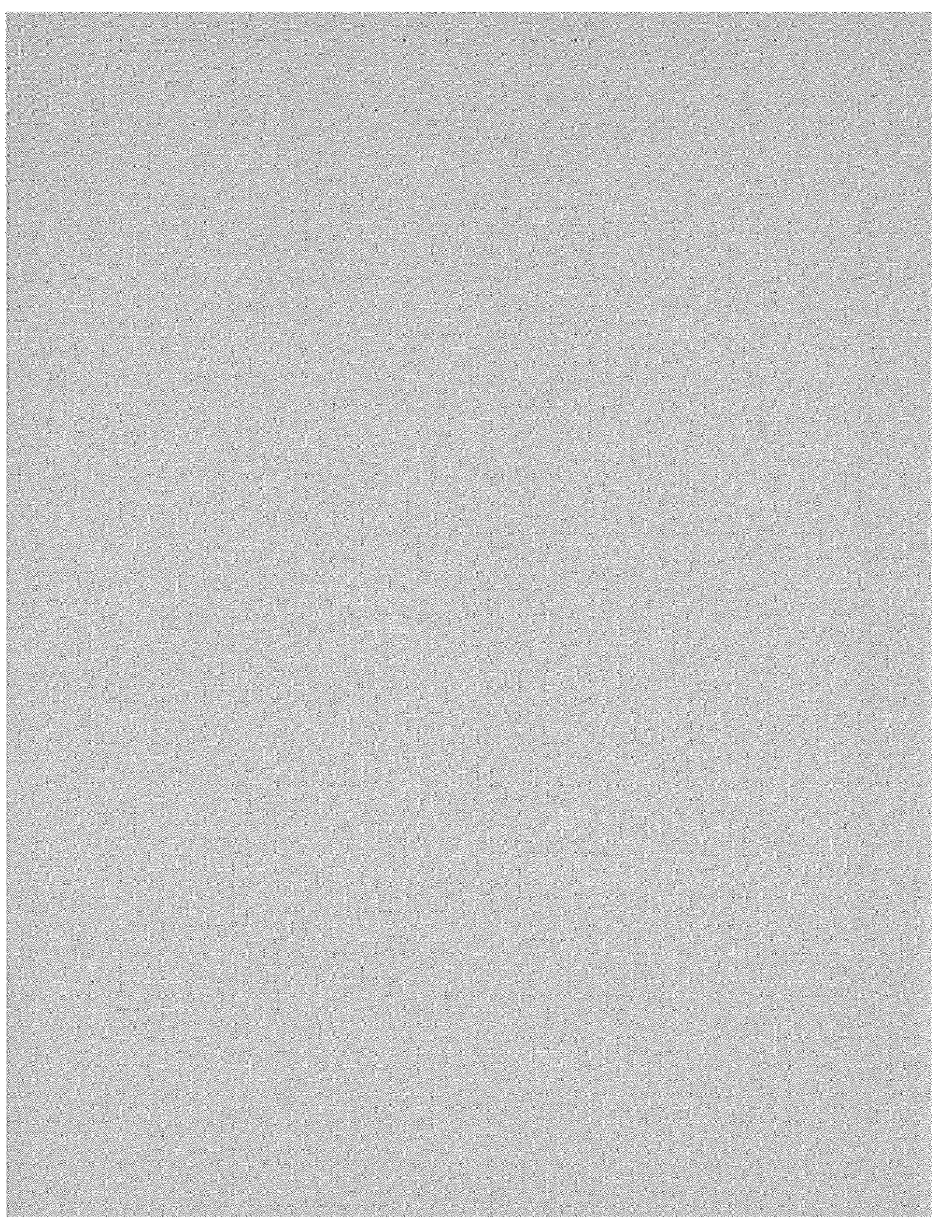
Safety Engineer/Industrial Hygienist

Date of Issuance:

12/16/2014

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

2	4	316705730	U2792	78-14
Region	District	Inspection No.	Identification No.	Cal/OSHA Rpt. No. & Fiscal Year



## NOTICE

You will note that the enclosed complaint has a Notice of Hearing for a specific date. Please compare that date now with your calendar and those of your parties and witnesses, for current conflicts. Requests for a brief postponement made within 10 days of complaint issuance will normally be honored. If no such request for a postponement is made to the undersigned, it will be assumed that no party has any objections to the hearing date. Thereafter, it can be assumed that any postponement requests will be denied by the undersigned (or resisted before an Administrative Law Judge), absent truly unforeseeable and unpreventable conflicts that arose following the ten-day period. In this regard, Board hearing dates are not considered to be subordinate to other social, business, or legal interests of the parties that may thereafter arise. Postponement requests for "settlement negotiations" are ordinarily denied (or resisted).

Any postponement request must be made in writing and give (a) the reason for the request; (b) the opposing party's position on postponement; and (c) suggested alternative dates of the requester and opposing party.

  
George Velastegui  
Regional Director

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32**

**TAYLOR FARMS PACIFIC, INC.,  
ABEL MENDOZA, INC.,  
SLINGSHOT CONNECTIONS, LLC,  
TAYLOR FARMS PACIFIC, INC. AND ABEL  
MENDOZA, INC., A JOINT EMPLOYER,  
TAYLOR FARMS PACIFIC, INC. AND  
SLINGSHOT CONNECTIONS, LLC, A JOINT  
EMPLOYER**

**and**

**CANNERY, WAREHOUSEMEN, FOOD  
PROCESSORS, DRIVERS AND HELPERS,  
LOCAL UNION NO. 601, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

**Cases: 32-CA-116582  
32-CA-116590  
32-CA-116854  
32-CA-117660  
32-CA-118739  
32-CA-120079  
32-CA-122787  
32-CA-123277  
32-CA-123920  
32-CA-126460  
32-CA-126474  
32-CA-126583  
32-CA-129265  
32-CA-131954  
32-CA-142740  
32-CA-144618  
32-CA-147098**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 32-32-CA-116582, 32-CA-116590, 32-CA-116854, 32-CA-117660, 32-CA-118739, 32-CA-120079, 32-CA-122787, 32-CA-123277, 32-CA-123920, 32-CA-126460, 32-CA-126474, 32-CA-126583, 32-CA-129265, 32-CA-131954, 32-CA-142740, 32-CA-144618, and 32-CA-147098, which are based on charges filed by CANNERY, WAREHOUSEMEN, FOOD PROCESSORS, DRIVERS AND HELPERS, LOCAL UNION NO. 601, INTERNATIONAL BROTHERHOOD OF TEAMSTERS (the Union), against TAYLOR FARMS PACIFIC, INC.



(RESPONDENT TFP); ABEL MENDOZA, INC. (RESPONDENT AMI) and/or SLINGSHOT CONNECTIONS, LLC (RESPONDENT SS), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent TFP, Respondent TFP and Respondent AMI, a joint employer (Respondent TFP/AMI), Respondent TFP and Respondent SS, a joint employer (Respondent TFP/SS), Respondent AMI, and Respondent SS have violated the Act as described below.

1.

(a) The charge in Case 32-CA-116582 was filed by the Union on November 5, 2013, and a copy was served on Respondent TFP by regular mail on November 7, 2013.

(b) The charge in Case 32-CA-116590 was filed by the Union on November 5, 2013, and copies were served on Respondent TFP by regular mail on November 7, 2013, and on Respondent AMI by regular mail on November 21, 2013.

(c) The original charge in Case 32-CA-116854 was filed by the Union on November 12, 2013, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on November 21, 2013.

(d) The first-amended charge in Case 32-CA-116854 was filed on June 6, 2014, and a copy was served on Respondent TFP, Respondent AMI, and Respondent SS that same date.

(e) The charge in Case 32-CA-117660 was filed by the Union on November 22, 2013, and copies were served on Respondent TFP and on Respondent AMI by regular mail on November 22, 2013.



(f) The charge in Case 32-CA-118739 was filed by the Union on December 10, 2013, and copies were served on Respondent TFP by regular mail on December 11, 2013, and Respondent AMI by regular mail on December 13, 2013.

(g) The charge in Case 32-CA-120079 was filed by the Union on January 6, 2014, and copies were served on Respondent TFP and Respondent AMI by regular mail on January 7, 2014.

(h) The original charge in Case 32-CA-122787 was filed by the Union on February 18, 2014, and a copy was served on Respondent TFP and Respondent AMI by regular mail on February 19, 2014.

(i) The first-amended charge in Case 32-CA-122787 was filed by the Union on March 19, 2014, and copies were served on Respondent TFP and Respondent SS by regular mail on March 20, 2014.

(j) The original charge in Case 32-CA-123277 was filed by the Union on February 26, 2014, and a copy was served on Respondent TFP by regular mail on February 27, 2014.

(k) The first-amended charge in Case 32-CA-123277 was filed by the Union on March 25, 2014, and a copy was served on Respondent TFP by regular mail on March 25, 2014.

(l) The original charge in Case 32-CA-123920 was filed by the Union on March 5, 2014, and a copy was served on Respondent TFP by regular mail on March 7, 2014.

(m) The first-amended charge in Case 32-CA-123920 was filed by the Union on March 25, 2014, and a copy was served on Respondent TFP by regular mail on March 26, 2014.

(n) The charge in Case 32-CA-126460 was filed by the Union on April 11, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on April 14, 2014.

(o) The charge in Case 32-CA-126474 was filed by the Union on April 11, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on April 14, 2014.

(p) The charge in Case 32-CA-126583 was filed by the Union on April 11, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on April 15, 2014.

(q) The charge in Case 32-CA-129265 was filed by the Union on May 22, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on May 23, 2014.

(r) The charge in Case 32-CA-131954 was filed by the Union on July 1, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on July 1, 2014.

(s) The charge in Case 32-CA-142740 was filed by the Union on December 10, 2014, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on December 12, 2014.

(t) The charge in Case 32-CA-144618 was filed by the Union on January 16, 2015, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on January 20, 2015.

(u) The charge in Case 32-CA-147098 was filed by the Union on February 25, 2015, and copies were served on Respondent TFP, Respondent AMI, and Respondent SS by regular mail on February 26, 2015.

2.

(a) At all material times, Respondent TFP has been a Delaware corporation with facilities located at 1820 N. MacArthur Drive (the MacArthur Facility), 24500 S. MacArthur

Drive (the S. MacArthur Facility), and 100 W. Valpico Road (the Valpico Facility) in Tracy, California (collectively the Facilities), where it has been engaged in the processing and distribution of value-added fruit and vegetable products.

(b) During the past calendar year, Respondent TFP has sold and shipped goods valued in excess of \$50,000 directly to customers located outside the State of California.

(c) At all material times, Respondent TFP has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3.

(a) At all material times, Respondent AMI has been a California corporation with a principal office in Tracy, California, where it has been engaged in business as an employment/staffing agency.

(b) During the past calendar year, Respondent AMI provided services valued in excess of \$50,000 to Respondent TFP at the Facilities.

(c) At all material times, Respondent AMI has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4.

(a) At all material times, Respondent SS has been a California limited liability corporation with a principal location in San Jose, California, where it has been engaged in business as an employment/staffing agency.

(b) During the past calendar year, Respondent SS provided services valued in excess of \$50,000 to Respondent TFP at the Facilities.

(c) At all material times, Respondent SS has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5.

(a) At all material times, Respondent TFP and Respondent AMI have been in a business relationship pursuant to which Respondent AMI provides employees to perform work for Respondent TFP at the Facilities.

(b) At all material times, Respondent TFP has possessed and exercised control over the labor relations policy of Respondent AMI's employees working at the Facilities, and/or administered a common labor policy with Respondent AMI with respect to Respondent AMI's employees working at the Facilities.

(c) At all material times, Respondent TFP and Respondent AMI (Respondent TFP/AMI) have been a joint employer of Respondent AMI's employees working at the Facilities.

(d) At all material times, Respondent TFP/AMI has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6.

(a) At all material times, Respondent TFP and Respondent SS have been in a business relationship pursuant to which Respondent SS provides employees to perform work for Respondent TFP at the Facilities.

(b) At all material times, Respondent TFP has possessed and exercised control over the labor relations policy of Respondent SS's employees working at the Facilities, and/or administered a common labor policy with Respondent SS with respect to Respondent SS's employees working at the Facilities.

(c) At all material times, Respondent TFP and Respondent SS (Respondent TFP/SS) have been a joint employer of Respondent SS's employees working at the Facilities.

(d) At all material times, Respondent TFP/SS has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act

7.

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

8.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent TFP within the meaning of Section 2(11) of the Act and/or agents of Respondent TFP within the meaning of Section 2(13) of the Act):

Bruce Taylor	-	Chief Executive Officer
Alan Applonie	-	Chief Operating Officer/General Manager
Garth Borman	-	President
Joseph Mallobox	-	Human Resources Manager
Alfredo Gomez	-	MacArthur Facility Plant Manager
Omar Estrada	-	Valpico Facility Plant Manager
Martin Carranza	-	Warehouse Manager
Esperanza Farias	-	Production Supervisor
Ruby Lopez	-	Human Resources Specialist
Gerardo (Jerry) Hernandez	-	Production Supervisor
Antonio Vega	-	Production Supervisor
Teresa Rea	-	Production Supervisor
Melissa Hernandez	-	Production Supervisor
Mauricio Alvarado	-	Production PM Shift Supervisor

Carolyn Van Arle	-	Safety Manager
Connie Borjon	-	Production Manager
Ahmed Santana	-	Labor Consultant
Ana Lilia Ramirez Sharpe	-	Assistant to Plant Manager
Susan England	-	QA Manager
John Does 1-10	-	Security Guards

(b) At all material times, the individuals named above in paragraph 8(a) have been supervisors of Respondent TFP/AMI within the meaning of Section 2(11) of the Act and/or agents of Respondent TFP/AMI within the meaning of Section 2(13) of the Act.

(c) At all material times, the individuals named above in paragraph 8(a) have been supervisors of Respondent TFP/SS within the meaning of Section 2(11) of the Act and/or agents of Respondent TFP/SS within the meaning of Section 2(13) of the Act.

9.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent AMI within the meaning of Section 2(11) of the Act and/or agents of Respondent AMI within the meaning of Section 2(13) of the Act:

Joseph Navarro	-	General Manager
Luis Ceja	-	Account Manager/Representative

(b) At all material times, the individuals named above in paragraph 9(a) have been supervisors of TFP/AMI within the meaning of Section 2(11) of the Act and/or agents of TFP/AMI within the meaning of Section 2(13) of the Act.

10.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent SS within the meaning of Section 2(11) of the Act and/or agents of Respondent SS within the meaning of Section 2(13) of the Act):

Diana Carmona	-	Onsite Manager
Jackie Mahoney	-	Manager

(b) At all material times, the individuals named above in paragraph 10(a) have been supervisors of Respondent TFP/SS within the meaning of Section 2(11) of the Act and/or agents of Respondent TFP/SS within the meaning of Section 2(13) of the Act.

11.

Respondent TFP, about:

(a) October, November, and December 2013, at the Facilities, distributed flyers to Respondent TFP, Respondent AMI, and Respondent SS employees which (1) threatened them with plant closure and/or job loss if they selected the Union to be their collective-bargaining representative; (2) threatened them with plant closure and/or job loss if the Union's campaign caused Respondent TFP to lose customers; and (3) threatened them that if employees selected the Union as their collective-bargaining representative it will be easier to terminate any employee because the supervisors will document any violation of company rules.

(b) October 2013, by Esperanza Farias, at the MacArthur Facility, directed Respondent TFP employees to engage in anti-Union activities.

(c) October 2013, by Esperanza Farias, at the MacArthur Facility, interrogated a Respondent TFP employee concerning the employee's sentiments toward and support for the Union.

(d) October 2013, by Joseph Mallobox, interrogated Respondent AMI employees regarding their sentiments toward and support for the Union and about other employees' sentiments toward and support for the Union.

(e) October 2013, by Omar Estrada, at the Valpico Facility, told a Respondent TFP employee not to discuss the Union with other employees.

(f) October 2013, by Alfredo Gomez, at the MacArthur Facility, interrogated a Respondent AMI employee concerning the employee's and other employees' Union activities and told the employee that employees' selection of the Union to be their collective-bargaining representative could affect the employee's job security.

(g) October 30, 2013, by Omar Estrada, at the Valpico facility, interrogated a Respondent AMI employee concerning the employee's activities on behalf of the Union.

(h) Late October/early November 2013, by Omar Estrada, at the Valpico Facility, told a Respondent SS employee that another employee's Union activities would cause that other employee to lose his job.

(i) Late October/early November 2013, by Alfredo Gomez, at the MacArthur Facility, in the presence of Respondent AMI managers Joseph Navarro and Luis Ceja, threatened Respondent AMI employees with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(j) November 2013, by Alan Applonie, at the Valpico Facility, told Respondent TFP employees that their selection of the Union to be their collective bargaining representative would require the Respondent AMI and Respondent SS employees working at the Facilities to become employees of Respondent TFP and subject them to possible loss of employment because of Respondent TFP's use of E-Verify.



(k) Early November 2013, by Alfredo Gomez and Martin Carranza, at the MacArthur Facility, told a Respondent AMI employee not to encourage other employees to support the Union.

(l) Mid-November 2013, by Melissa Hernandez, at the MacArthur Facility, surveilled Respondent TFP, Respondent AMI, and Respondent SS employees' Union activities.

(m) November 2013, at the Facilities, gave \$20 Thanksgiving gift cards to Respondent AMI and Respondent SS employees in order to discourage their support of the Union.

(n) December 2013, by Omar Estrada, at the Valpico Facility, threatened Respondent TFP employees with plant closure and/or loss of employment if they selected the Union to be their collective-bargaining representative.

(o) December 2013, at the Facilities, began enforcing a previously-unenforced Respondent TFP rule banning the wearing of stickers on helmets and clothing against Respondent TPF, Respondent AMI, and Respondent SS employees by prohibiting them from wearing stickers with Union insignia in response to employees' activities on behalf of the Union.

(p) Mid-December 2013, at the MacArthur Facility, polled and/or interrogated Respondent TFP, Respondent AMI, and Respondent SS employees concerning their support of the Union by offering them pro-company T-shirts and asking them to attend an anti-Union rally.

(q) Mid-December 2013, by Alfredo Gomez, at the MacArthur Facility, threatened Respondent TFP, Respondent AMI, and Respondent SS employees with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(r) Mid-December 2013, by Martin Carranza, at the MacArthur Facility, threatened a Respondent TFP employee with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(s) January 2014, by Martin Carranza, at the MacArthur Facility, told a Respondent SS employee not to talk to another employee who was a known Union supporter because he was trying to start a union.

(t) Late January 2014, by Alfredo Gomez, at the MacArthur Facility, interrogated a Respondent SS employee concerning the employee's Union activities.

(u) February 2014, by Geraldo (Jerry) Hernandez, at the MacArthur Facility, told a Respondent SS employee that the employee was not being promoted to a crew leader position because of the employee's Union and/or other protected concerted activities.

(v) March 2014, by Ahmed Santana, at employee meetings held at the MacArthur Facility and the Valpico Facility, threatened Respondent TFP, Respondent AMI, and Respondent SS employees that their selection of the Union to be their collective-bargaining representative would result in plant closure, job loss, and/or loss of employment because of E-Verify.

(w) March 2014, by Bruce Taylor, at an employee meeting held at the Valpico Facility, threatened Respondent TFP, Respondent AMI, and Respondent SS employees that their selection of the Union to be their collective-bargaining representative would result in closure of the Facilities.

(x) June 12, 2014, by its Security Guards, at the MacArthur Facility, surveilled Respondent TFP, Respondent AMI, and Respondent SS employees' Union activities.

12.

(a) November 1, 2013, Respondent TFP suspended its employee David Kimbrue.

(b) Late February 2014, Respondent TFP failed to promote Respondent SS employee Arold Haro to the position of crew leader.

(c) About September 24, 2014, Respondent TFP terminated its employee David Kimbrue.

(d) Respondent TFP engaged in the conduct described above in paragraphs 12(a), 12(b), and 12(c) because the employees named therein joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

13.

Respondent TFP/AMI, about:

(a) October, November, and December 2013, at the Facilities, distributed flyers to Respondent AMI employees which (1) threatened them with plant closure and/or job loss if they selected the Union to be their collective-bargaining representative; (2) threatened them with plant closure and/or job loss if the Union's campaign caused Respondent TFP to lose customers; and (3) threatened them that if employees selected the Union as their collective-bargaining representative it will be easier to terminate any employee because the supervisors will document any violation of company rules.

(b) October 2013, by Alfredo Gomez, at the MacArthur Facility, interrogated a Respondent AMI employee concerning the employee's and other employees' Union activities and told the employee that employees' selection of the Union to be their collective-bargaining representative could affect the employee's job security.

(c) October 2013, by Joseph Mallobox, interrogated Respondent AMI employees regarding their sympathies toward and support for the Union and regarding other employees' sympathies toward and support for the Union.

(d) October 30, 2013, by Omar Estrada, at the Valpico Facility, interrogated a Respondent AMI employee concerning the employee's activities on behalf of the Union.

(e) Late October/early November 2013, by Alfredo Gomez, at the MacArthur Facility, in the presence of Respondent AMI managers Joseph Navarro and Luis Ceja, threatened Respondent AMI employees with plant closure and/or loss of employment if employees selected

the Union to be their collective-bargaining representative and/or if the Union's campaign caused Respondent TFP to lose customers.

(f) November 2013, by Alan Applonie, at the Valpico Facility, told Respondent TFP employees that their selection of the Union to be their collective bargaining representative would require Respondent AMI and Respondent SS employees working at the Facilities to become employees of Respondent TFP and subject them to possible loss of employment because of Respondent TFP's use of E-Verify.

(g) Early November 2013, by Alfredo Gomez and Martin Carranza, at the MacArthur Facility, told a Respondent AMI employee not to encourage other employees to support the Union.

(h) Mid-November 2013, by Melissa Hernandez, at the MacArthur Facility, surveilled Respondent TFP, Respondent AMI, and Respondent SS employees' Union activities.

(i) November 2013, at the Facilities, gave \$20 Thanksgiving gift cards to Respondent AMI employees in order to discourage their support of the Union.

(j) December 2013, by Omar Estrada, at the Valpico Facility, threatened Respondent TFP employees with plant closure and/or loss of employment if they selected the Union to be their collective-bargaining representative.

(k) December 2013, at the Facilities, began enforcing a previously-unenforced Respondent TFP rule banning the wearing of stickers on helmets and clothing by prohibiting Respondent AMI employees from wearing stickers with Union insignia in response to employees' activities on behalf of the Union.

(l) Mid-December 2013, at the MacArthur Facility, polled and/or interrogated Respondent AMI employees concerning their support of the Union by offering them pro-company T-shirts and asking them to attend an anti-Union rally.

(m) Mid-December 2013, by Alfredo Gomez, at the MacArthur Facility, threatened Respondent AMI employees with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(n) March 2014, by Ahmed Santana, at employee meetings held at the MacArthur Facility and the Valpico Facility, threatened Respondent AMI employees that their selection of the Union to be their collective-bargaining representative would result in plant closure, job loss, and/or loss of employment because of E-Verify.

(o) March 2014, by Bruce Taylor, at an employee meeting held at the Valpico Facility, threatened Respondent AMI employees that their selection of the Union to be their collective-bargaining representative would result in closure of the Facilities.

(p) June 12, 2014, by its Security Guards, at the MacArthur Facility, surveilled Respondent AMI employees' Union activities.

14.

(a) About October 31, 2013, Respondent TFP/AMI terminated Respondent AMI employee Edibray Rodriguez.

(b) About November 22, 2013, Respondent TFP/AMI terminated Respondent AMI employee Julian Camacho.

(c) About August 1, 2014, Respondent TFP/AMI terminated Respondent AMI employee Fernando Espinoza.

(d) Respondent TFP/AMI engaged in the conduct described above in paragraphs 14(a), 14(b), and 14(c), because the employees named therein joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

Respondent TFP/SS, about:

(a) October, November, and December 2013, at the Facilities, distributed flyers to Respondent SS employees which (1) threatened them with plant closure and/or job loss if they selected the Union to be their collective-bargaining representative; (2) threatened them with plant closure and/or job loss if the Union's campaign caused Respondent TFP to lose customers; and (3) threatened them that if employees selected the Union as their collective-bargaining representative it will be easier to terminate any employee because the supervisors will document any violation of company rules.

(b) Late October/early November 2013, by Omar Estrada, at the Valpico Facility, told a Respondent SS employee that another employee's Union activities would cause that other employee to lose his job.

(c) November 2013, by Omar Estrada, at the Valpico Facility, condoned and ratified statements by Respondent SS manager Diana Carmona that Respondent SS employees could not demand anything because they were just temporary employees; that any Respondent SS employees who wanted to become Respondent TFP employees would have their immigration status checked; that Respondent SS did not want any Respondent SS employees to engage in any Union activities; and that if Respondent SS employees did not like their work situation they should quit and find employment elsewhere.

(d) November 2013, by Alan Applonie, at the Valpico Facility, told Respondent TFP employees that their selection of the Union to be their collective-bargaining representative would require the Respondent AMI and Respondent SS employees working at the Facilities to become employees of Respondent TFP and subject them to possible loss of employment because of Respondent TFP's use of E-Verify.

(e) Mid-November 2013, by Melissa Hernandez, at the MacArthur Facility, surveilled Respondent SS employees' Union activities.

(f) November 2013, at the Facilities, gave \$20 Thanksgiving gift cards to Respondent SS employees in order to discourage their support of the Union.

(g) December 2013, by Omar Estrada, at the Valpico Facility, threatened Respondent TFP employees with plant closure and/or loss of employment if they selected the Union to be their collective-bargaining representative.

(h) December 2013, at the Facilities, began enforcing a previously-unenforced Respondent TFP rule banning the wearing of stickers on helmets and clothing against Respondent SS employees by prohibiting the wearing of stickers with Union insignia in response to employees' activities on behalf of the Union.

(i) Mid-December 2013, at the MacArthur Facility, polled and/or interrogated Respondent SS employees concerning their support of the Union by offering them pro-company T-shirts and asking them to attend an anti-Union rally.

(j) Mid-December 2013, by Alfredo Gomez, at the MacArthur Facility, threatened Respondent SS employees with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(k) Mid-December 2013, by Martin Carranza, at the MacArthur Facility, threatened a Respondent TFP employee with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative.

(l) January 2014, by Martin Carranza, at the MacArthur Facility, told a Respondent SS employee not to talk to another employee who was a known Union supporter because he was trying to bring in a union.

(m) Late January 2014, by Alfredo Gomez, at the MacArthur Facility, interrogated a Respondent SS employee concerning the employee's Union activities.

(n) February 2014, by Geraldo (Jerry) Hernandez, at the MacArthur Facility, told a Respondent SS employee that the employee was not being promoted to a crew leader position because of the employee's Union and/or protected concerted activities.

(o) March 2014, by Ahmed Santana, at employee meetings held at the MacArthur Facility and the Valpico Facility, threatened Respondent SS employees that their selection of the Union to be their collective-bargaining representative would result in plant closure, job loss, and/or loss of employment because of E-Verify.

(p) March 2014, by Bruce Taylor, at an employee meeting held at the Valpico Facility, threatened Respondent SS employees that their selection of the Union to be their collective-bargaining representative would result in closure of the Facilities.

(q) June 12, 2014, by its Security Guards, at the MacArthur Facility, surveilled Respondent SS employees' Union activities.

16.

(a) About December 18, 2013, Respondent TFP/SS terminated Respondent SS employee Oscar Reynoso.

(b) About late February 2014, Respondent TFP/SS failed to promote Respondent SS employee Arold Haro to the position of a crew leader.

(c) About March 14, 2014, Respondent TFP/SS suspended Respondent SS employee Armida Galeana for two days.

(d) Respondent TFP/SS engaged in the conduct described above in paragraphs 16(a), 16(b), and 16(c) because the employees named therein joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.



17.

Respondent AMI, about:

(a) Late October/early November 2013, by Joseph Navarro and Luis Ceja, in the presence of Respondent TFP manager Alfredo Gomez, at the MacArthur Facility, threatened Respondent AMI employees with plant closure and/or loss of employment if employees selected the Union to be their collective-bargaining representative and/or if the Union's campaign caused Respondent TFP to lose customers.

(b) Late November 2013, by Luis Ceja, at the McArthur Facility, interrogated a Respondent AMI employee regarding the employee's Union activities and sympathies and impliedly threatened that the employee might be left without a job if he supported the Union.

(c) Early March 2014, by Luis Ceja, at the MacArthur Facility, interrogated a Respondent AMI employee concerning the employee's and other employees' support for the Union.

(d) Mid-May 2014, by Luis Ceja, at the Valpico Facility, told a Respondent AMI employee to stop engaging in Union activities or there would be adverse consequences to the employees' relative who was also a Respondent AMI employee working at the Facilities.

18.

(a) About October 31, 2013, Respondent AMI terminated its employee Edibray Rodriguez.

(b) About November 22, 2013, Respondent AMI terminated its employee Julian Camacho.

(c) About August 1, 2014, Respondent AMI terminated its employee Fernando Espinoza.

(d) Respondent AMI engaged in the conduct described above in paragraphs 18(a), 18(b), and 18(c) because the employees named therein joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

19.

Respondent SS, about November 2013, by Diana Carmona, at the Valpico Facility, in the presence of Respondent TFP manager Omar Estrada, told Respondent SS employees that they could not demand anything because they were just temporary employees; that any Respondent SS employees who wanted to become Respondent TFP employees would have their immigration status checked; that Respondent SS did not want any Respondent SS employees to engage in any Union activities; and that if Respondent SS employees did not like their work situation they should quit and find employment elsewhere.

20.

(a) About December 18, 2013, Respondent SS terminated its employee Oscar Reynoso.

(b) On March 14, 2014, Respondent SS suspended its employee Armida Galeana for two days.

(c) Respondent SS engaged in the conduct describe above in paragraphs 20(a) and 20(b) because the employees named therein joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

21.

(a) The following employees of Respondent TFP (the Respondent TFP Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production, maintenance, quality control, sanitation, packaging, shipping and receiving employees and drivers employed at the Facilities; excluding managers, office clerical employees, guards, and supervisors as defined by the Act.

(b) About December 17, 2013, the Union, by letter, requested that Respondent TFP recognize it and bargain collectively with it as the exclusive collective-bargaining representative of the Unit.

(c) On February 19, 2014, the Union filed a petition in Case 32-RC-122794, seeking to represent the Respondent TFP Unit.

(d) About February 21, 2014, the Union submitted a "Request for Bargaining Order" to the undersigned seeking a *Gissel* bargaining order in Case 32-RC-122794 to remedy Respondent TFP's, Respondent TFP/AMI's, and Respondent TFP/SS's conduct alleged in the charges described above in paragraphs 1(a) through 1(h).

(e) About May 8, 2014, the Union submitted a "Renewed Request for Bargaining Order" to the undersigned seeking a *Gissel* bargaining order in Case 32-RC-122794 to remedy Respondent TFP's, Respondent TFP/AMI's, and Respondent TFP/SS's conduct alleged in the charges described above in paragraphs 1(a) through 1(p).

(f) Since at least July 2014, Respondent TFP has been on notice that the Union requested the undersigned to seek a remedial *Gissel* bargaining order and, on September 5, 2014, Respondent TFP submitted a position statement to the undersigned with respect to the appropriateness of a *Gissel* bargaining order to remedy Respondent TFP's alleged unlawful conduct.

(g) On January 4, 2016, Respondent TFP, Respondent TFP/AMI, and Respondent TFP/SS were advised, in a letter, that the undersigned would seek a *Gissel* bargaining order to remedy the alleged unfair labor practices.

(h) Since about December 17, 2013, Respondent has failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the Respondent TFP Unit.

22.

By the conduct described above in paragraph 11, Respondent TFP has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

23.

By the conduct described above in paragraph 12, Respondent TFP has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

24.

By the conduct described above in paragraph 13, Respondent TFP/AMI has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

25.

By the conduct described above in paragraph 14, Respondent TFP/AMI has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

26.

By the conduct described above in paragraph 15, Respondent TFP/SS has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

27.

By the conduct described above in paragraph 16, Respondent TFP/SS has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

28.

By the conduct described above in paragraph 17, Respondent AMI has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

29.

By the conduct described above in paragraph 18, Respondent AMI has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

30.

By the conduct described above in paragraph 19, Respondent SS has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

31.

By the conduct described above in paragraph 20, Respondent SS has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

32.

The unfair labor practices of Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI and/or Respondent SS described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### **REMEDY SOUGHT**

33.

**WHEREFORE**, as party of the remedy sought for the serious and substantial unfair labor practice conduct by Respondent TFP, as described above in paragraphs 11 and 12, and by Respondent TFP in its role as a joint employer with Respondent AMI and as a joint employer with Respondent SS, as described above in paragraphs 13 and 14 and paragraphs 15 and 16 respectively, the General Counsel urges that it be found that there is only a slight possibility of traditional remedies erasing their effects and conducting a fair election. Therefore, on balance, the Respondent TFP Unit employees' sentiments regarding representation, having been expressed through authorization cards, would be protected better by issuance of a *Gissel* bargaining order against Respondent TFP.

34.

The allegations described above in paragraph 33 warrant the issuance of a *Gissel* bargaining order and are supported by, among other things:

(a) Bruce Taylor, Alan Applonie, Garth Borman, Joseph Mallobox, Alfredo Gomez, Ormar Estrada, Ruby Lopez, Carolyn Van Arle, Connie Borjon, Joseph Navarro, Luis Ceja, and Diana Carmona are high ranking supervisors responsible for the discriminatory conduct described above in paragraphs 11, 12, 13, 14, 15, and 16;

(b) The conduct has not been retracted;

(c) There are approximately 422 employees in the Respondent TFP Unit described above in paragraph 21(a);

(d) The conduct described above in paragraphs 11(a) through 11(w), 12(a) and 12(b), 13(a) through 13(o), 14, and 15(a) through 15(p), and 16 impacted, directly and indirectly, approximately 422 Respondent TFP Unit employees in the Respondent TFP Unit;

(e) Respondent TFP Unit Employees learned or were likely to learn of the conduct described above in paragraphs 11(a) through 11(w), 12(a) and 12(b), 13(a) through 13(o), 14, and 15(a) through 15(p), and 16;

(f) The conduct above followed immediately on the heels of Respondent TFP's knowledge of the Union's campaign;

(g) Respondent TFP, Respondent TFP/AMI, and/or Respondent TFP/SS employees described above in paragraphs 12(a) and 12(b), 14, and 16 were leading organizers and/or supporters of the Union; and

(h) Respondent TFP has been on notice, since at least July 2014, that the Union seeks a *Gissel* bargaining order to remedy the conduct alleged above in paragraphs 11, 12, 13, 14, 15, and 16.

**WHEREFORE**, as a further part of the remedy for Respondent TFP's, Respondent TFP/AMI's, Respondent TFP/SS's, Respondent AMI's, and Respondent SS's unfair labor

practices alleged above in paragraphs 11 through 20, the General Counsel seeks an Order requiring Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, and Respondent SS to post notices in Spanish at their facilities in addition to English as the majority of the workforce has limited English proficiency and speaks Spanish.

As a further part of the remedy for the unfair labor practices alleged above in paragraphs 11 through 20, the General Counsel seeks an order requiring that at a meeting or meetings at the Facilities scheduled to ensure the widest possible attendance, Respondent TFP Chief Executive Officer Bruce Taylor, Chief Operating Officer Alan Applonie, and/or President Garth Borman read the notice to employees of Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, and Respondent SS in English and in Spanish on worktime in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, and Respondent SS promptly have a Board agent read the notice to employees during work time in the presence of Respondent TFP's, Respondent TFP/AMI's, Respondent TFP/SS's, Respondent AMI's, and Respondent SS's managers, supervisors, and agents identified above in paragraph 8.

As a further part of the remedy for Respondent TFP's, Respondent TFP/SS's, and Respondent SS's unfair labor practices described above in paragraphs 12(a), 16(c), and 20(b), the General Counsel seeks an order requiring that Respondent TFP make David Kimbrue whole for any losses suffered as a result of his suspension; that Respondent TFP and Respondent TFP/SS make Arold Haro whole for any losses he suffered as a result of their failure to promote him to the position of crew lead; and that Respondent TFP/SS and Respondent SS make Armida Galeana whole for any losses she suffered as a result of her suspension.



As a further part of the remedy for the unfair labor practices described above in paragraphs 12(c), the General Counsel seeks an order requiring Respondent TFP to make whole David Kimbrue for all losses incurred as a result of his unlawful termination, including (1) making him whole for all search-for-work and work-related expenses or costs during any given quarter, or during the overall back pay period, and (2) making him whole for reasonable consequential damages incurred as a result of Respondent TFP's unlawful conduct.

As a further part of the remedy for the unfair labor practices described above in paragraphs 14(a), 14(b), 14(c), 18(a), 18(b), and 18(c), the General Counsel seeks an order making Respondent TFP, Respondent TFP/AMI, and Respondent AMI jointly and severally liable for making whole Edibray Rodriguez, Julian Camacho, and Fernando Espinoza for all losses as a result of Respondent TFP's, Respondent TFP/AMI's, and Respondent AMI's termination of them, including (1) making them whole for all search-for-work and work related expenses or costs during and given quarter, or during the overall back pay period, and (2) making them whole for reasonable consequential damages incurred as a result of Respondent TFP's, Respondent TFP/AMI's, and Respondent AMI's unlawful conduct.

As a further part of the remedy for the unfair labor practices described above in paragraphs 16(a) and 20(a), the General Counsel seeks an order making Respondent TFP/SS and Respondent SS jointly and severally liable for making Oscar Reynoso whole for all loses as a result of Respondent TFP/SS's and Respondent SS's termination of him, including (1) making him whole for all search-for-work and work related expenses and costs during any given quarter, or during the overall back pay period, and (2) making him whole for reasonable consequential damages incurred as a result of Respondent TFP/SS's and Respondent SS's unlawful conduct.

### ANSWER REQUIREMENT

Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, and Respondent SS is each notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, each must file an answer to the Consolidated Complaint's allegations pertaining to their respective selves. The answer must be received by this office on or before February 16, 2016, or postmarked on or before February 15, 2016. Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, and Respondent SS should each file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

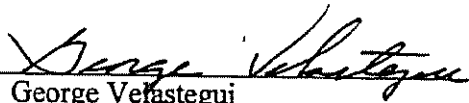
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT** on March 28, 2016, at 9:00 a.m. at 1301 Clay Street, Suite 300N, Oakland, California 94612-5224, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent TFP, Respondent TFP/AMI, Respondent TFP/SS, Respondent AMI, Respondent SS, and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

**DATED AT** Oakland, California this 2<sup>nd</sup> day of February 2016.

  
George Velastegui  
Regional Director  
National Labor Relations Board  
Region 32  
1301 Clay Street, Suite 300N  
Oakland, CA 94612-5224

Attachments

## NATIONAL LABOR RELATIONS BOARD

### NOTICE

Cases: 32-CA-116582  
32-CA-116590  
32-CA-116854  
32-CA-117660  
32-CA-118739  
32-CA-120079  
32-CA-122787  
32-CA-123277  
32-CA-123920  
32-CA-126460  
32-CA-126474  
32-CA-126583  
32-CA-129265  
32-CA-131954  
32-CA-142740  
32-CA-144618  
32-CA-147098

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Alan Applonie  
Taylor Farms Pacific, Inc.  
1820 North MacArthur Drive  
Tracy, CA 95376

Alan Applonie  
Taylor Farms Pacific, Inc.  
100 W. Valpico Road, Suite A  
Tracy, CA 95376

Joe Navarro, General Manager  
Abel Mendoza, Inc.  
24711 S. Chrisman Rd  
Tracy, CA 95304

Jan Sonneman, President and CEO  
Slingshot Connections, LLC  
4340 Stevens Creek Blvd., Suite 288  
San Jose, CA 95129

Kim Keller  
Teamsters Local 601  
745 E. Miner Avenue  
Stockton, CA 95202-2609

Christopher Hammer  
Beeson Tayer & Bodine  
520 Capitol Mall, Suite 300  
Sacramento, CA 95814

Christopher J. Martin  
Law Office of Christopher J. Martin  
400 Hamilton Avenue, 4<sup>th</sup> Floor  
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Beeson, Tayer & Bodine  
520 Capitol Mall, Suite 300  
Sacramento, CA 95814

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

RECEIVED

FEB 04 2016

BTB Sac Office



3-15-16  
Item 3

**Parents**  
**1977**

Original Purchase Price  
\$80,000 est.



**2016**

City Tax Revenue: \$207  
Park and Landscape Tax: \$0

**Children**  
**2016**

Purchase Price of  
\$470,000



**2016**

City Tax Revenue: \$630  
Park and Landscape Tax: \$900

3-15-16  
#Item 3 - CFD

## pressdemocrat<sup>ca</sup>

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### Santa Rosa development tax ruled invalid

By *Kevin McCallum*  
THE PRESS DEMOCRAT

Published: Friday, December 17, 2010 at 5:41 p.m.

A special property tax passed by Santa Rosa is unconstitutional because it forces property owners to give up their voting rights in exchange for the right to subdivide their property, a judge ruled today.

Judge Mark Tansil sided with the Homebuilders Association of Northern California in its suit seeking to overturn the 2008 tax surcharge on most new home construction in Santa Rosa.

The city argued the ordinance is legal under the state's 1982 Mello-Roos Act, which allows cities to collect taxes from those placing additional demands on services by new construction.

But Tansil agreed with the home builders that it was unfair for the city to require property owners to vote in favor of annexation into a special taxing district in order to get approval to construct new homes.

"City officials were trying to arm-twist property owners into accepting new taxes without a vote, and the judge has called them on it," said Paul Beard, the Pacific Legal Foundation attorney representing the home builders. "All property owners, all taxpayers, all voters, can claim a victory today."

City Attorney Caroline Fowler said she disagreed with Tansil's interpretation and will recommend to the city council that it appeal his ruling.

"I think the judge is wrong," she said.

The city passed ordinance 3902 in late 2008 at a time when plummeting revenues was forcing it to slash millions from its budget.

The idea for the tax arose after environmental impact reports for several large development proposals concluded that the projects would not generate enough property tax revenue to pay for city services, particularly police and fire protection.

The city created a special taxing district over the entire city, and then required certain property owners to vote in favor of annexation into the district in order to get development approvals.

The law applies only to property owners seeking to intensify the land use of their property, such as proposing a 20-home subdivision on pastureland. Owners of lots where development rights already exist are not impacted, Fowler explained.

The annual surcharge is passed on to future home buyers, initially set at \$430 for new homes and \$310 for units in multifamily buildings.

The Mello-Roos Act allows so-called community facilities districts to be formed with a two-thirds vote of affected property owners. But the city chose a mechanism that allows such districts to be formed without an election, and then required property owners to agree to be annexed into the special taxing district as a condition of project approval.

Tansil found that that city's ordinance "unfairly tampers with the elective process" because it was a "legislative effort to induce certain property owners to cast a vote in favor of the government's position on the subject of special taxation."

The decision was not a surprise. Tansil had issued three tentative rulings in the matter, all indicating his inclination to side with the home builders.

The impact of the ruling is unclear. In 2008, then city manager Jeff Kolin, aware of opposition to the ordinance, said the money raised from the tax would be set aside in a separate fund in the event the city were forced to reimburse homeowners who've been paying it.

Chief Financial Officer Bruce McConnell said he doesn't know how much has been set aside, but doubts it'll be much given the collapse of the real estate market.

Fowler said it's premature to discuss other options the city has to raise revenue needed to offset the cost of additional services.

If the city wants to impose a development fee on new home construction, it first needs to be able to demonstrate that there is a "nexus" between that new fee and the alleged impact of the development on public services, Beard said.

It should do so on a case-by-case basis, not a blanket law that assumes all developments have the same impacts, he said.

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**BUILDING INDUSTRY ASSOCIATION  
OF THE BAY AREA fka HOME BUILDERS  
ASSOCIATION OF NORTHERN  
CALIFORNIA, INC.,**

**Plaintiff and Respondent,**

**A132839**

**v.**

**(Sonoma County  
Super.Ct.No.  
SCV244441)**

**CITY OF SANTA ROSA,**

**Defendant and Appellant.**

\_\_\_\_\_ /  
The City of Santa Rosa (the City) adopted Ordinance 3902 (the Ordinance) requiring certain applicants for residential development permits to annex their property into a special tax district and pay a tax. The tax was intended to help “close the gap between the revenue generated by new development and the cost of providing [ ] needed public services” for the development.

The Home Builders Association of Northern California, Inc. (the Association) sued the City and others to invalidate the Ordinance. The trial court granted the Association’s motion for summary judgment — concluding the Ordinance was unconstitutional — and entered judgment for the Association. The court also awarded

the Association \$243,417.50 in attorney fees pursuant to Code of Civil Procedure section 1021.5.<sup>1</sup>

The City appeals the order awarding attorney fees. It contends: (1) the court erred by concluding the litigation conferred a “significant benefit . . . on the general public or a large class of persons” under section 1021.5; (2) the court did not conduct the “financial burden” analysis required by section 1021.5; (3) the amount of fees awarded was excessive; and (4) the court abused its discretion by denying the City’s request for discovery.

We agree with the City the award of attorney fees for unexplained attorney travel time to file the complaint was an abuse of discretion, and we modify the court’s order to reduce the fee award by \$1,800. In all other respects we affirm the order.

#### FACTUAL AND PROCEDURAL BACKGROUND

##### *The City Adopts the Ordinance*

In a 2006 resolution, property owners in two areas of the City voted to establish a special tax district and to levy special taxes on the properties in the district to “fund public services.” In addition, the resolution established a future annexation area covering other parts of the City; it allowed the City to annex property to the future annexation area and to levy special taxes on that property ““subject to the [u]nanimous [a]pproval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.””

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<sup>1</sup> Unless otherwise noted, all further statutory references are to the Code of Civil Procedure. Section 1021.5 — the private attorney general statute — provides in pertinent part: “Upon motion, a court may award attorneys’ fees to a successful party against one or more opposing parties in any action which has resulted in the enforcement of an important right affecting the public interest if: (a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons, (b) the necessity and financial burden of private enforcement, or of enforcement by one public entity against another public entity, are such as to make the award appropriate, and (c) such fees should not in the interest of justice be paid out of the recovery, if any.”

Later, the City identified a “gap between . . . revenues generated by residential development” in the City and “costs associated with providing the services to such developments. It was determined that the inclusion of new developments into the [s]pecial [t]ax [d]istrict would provide revenues to partially finance the needed public services, thereby reducing the impact of these developments.” In December 2008, City enacted the Ordinance. It required new residential developments to become part of the special tax district to eliminate the gap between revenue and costs. With certain exceptions, the Ordinance provided “[t]he real property of all new residential units for which any discretionary permit or approval is needed from the City is required to be annexed into [the] City . . . Special Tax District . . . and, as applicable, pay its annual STD-Wide Special Tax.”

### *The Litigation*

The Association is “comprised of hundreds of home builders, developers, property owners, contractors, subcontractors, building trades, suppliers, engineers and design professionals . . . involved in the business of providing housing in . . . Sonoma County.” The Association’s mission includes, among other things, “legal representation of the interests of its members . . . and enforcement of California law governing housing and residential development.” The Association sued the City and others to invalidate the Ordinance. It contended the Ordinance: (1) impaired the Association’s members’ voting rights under California law; (2) violated the Association’s federal equal protection rights; and (3) violated the California Mello-Roos Community Facilities Act of 1982 (Mello-Roos Act). The complaint sought declaratory and injunctive relief and a writ of mandate. The Association claimed the City’s actions “directly affect and impair the interests of [Association] and its members, and the public interest in providing housing opportunities consistently with State law.”

The Association proceeded with the lawsuit as a reverse validation action pursuant to the procedures set forth in section 860, et seq. because the Ordinance seemed to compel a vote. The Association failed to timely publish the summons pursuant to section 863 and moved, ex parte, for an extension of time to publish the summons. The City

opposed the ex parte application and the court denied it. The parties engaged in discovery. The City originally took the position that the Ordinance contemplated a vote on annexation and special taxation; later, however, the City conceded the Ordinance forced affected applicants to waive their right to vote. At that point, the Association admitted the lawsuit was not a reverse validation action.

The parties filed cross summary judgment motions. After several hearings and extensive briefing, the court granted the Association's motion, denied the City's cross-motion, and entered judgment for the Association. The court determined the Ordinance violated the equal protection rights of property owners "in a geographically-defined electoral unit" because it was a "legislative effort to induce certain property owners to cast a vote in favor of the government's position on the subject of special taxation . . . it unfairly tampers with the elective process." The court explained the Ordinance was "invalid because it inevitably denie[d] some local voters their right to equal protection under the law." The court also concluded the Ordinance was "not supported by the Mello-Roos Act."

*The Order Awarding Section 1021.5 Attorney Fees*

The Association moved for \$226,737.50 in attorney fees pursuant to section 1021.5.<sup>2</sup> The Association argued it was entitled to attorney fees because the litigation vindicated important rights affecting the public interest and a large class of persons and because it had no financial interest in the litigation. The Association supported the motion with numerous declarations from local attorneys averring the fees incurred were reasonable and the hourly rates charged by the Association's attorneys were appropriate. The Association's attorneys and its paralegal submitted declarations describing their qualifications and attaching their timesheets.

The City opposed the motion, claiming the Association was not entitled to fees because it had a financial interest in the litigation and because the litigation did not result

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<sup>2</sup> In its reply, the Association sought approximately \$48,000 in attorney fees incurred in prosecuting the fee motion and opposing the City's motion to tax costs.