

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**SOUTHERN CALIFORNIA EDISON
dba SOUTHERN CALIFORNIA EDISON COMPANY
2244 Walnut Grove Avenue
Rosemead, CA 91770**

Employer

Inspection No.
1320327

**DECISION AFTER
REMAND FROM
SUPERIOR COURT**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code and in accordance with the April 3, 2023 Order by the Sacramento County Superior Court, hereby sets aside its December 18, 2020 Decision After Reconsideration, and issues the following Decision After Remand From Superior Court.

JURISDICTION

Southern California Edison (Employer) is an electrical utility provider.

Beginning on June 4, 2018, the Division of Occupational Safety and Health (the Division) through Senior Safety Engineer Robert Salgado, conducted an accident inspection at a place of employment maintained by Employer at 794 Bohnert, Rialto, California (the worksite).

On November 19, 2018, the Division issued Employer five citations. Citation 1 alleged a General violation of section 3400, subdivision (f)(1) [failure to have an effective communication system for contacting emergency medical services].¹ Citation 2 alleged a Serious violation of section 2940, subdivision (d) [failure to have a qualified electrical worker or employee in training remain in close proximity to work location]. Citation 3 alleged a Serious violation of section 2940.9 [failure to eliminate all possible sources of backfeed voltages]. Citation 4 alleged a Serious violation of section 2940.13, subdivision (l) [failure to use procedures during a personnel change to ensure the continuity of lockout or tagout protection]. Citation 5 alleged a Serious violation of section 2943, subdivision (h)(3) [failure to use protective devices, adequate barriers, or isolation methods when employees worked on exposed energized equipment]. Citation 6 alleged a Serious violation of section 3203, subdivision (a)(2) [failure to ensure supervisory employees complied with safe and healthy work practices].

Employer timely appealed the citations.

Administrative Law Judge (ALJ) Dale A. Raymond, for the California Occupational Safety and Health Appeals Board, presided over a hearing on September 12 and December 3, 2019.

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

On February 26, 2020, the ALJ issued a Decision affirming Citations 1 through 5, and dismissing Citation 6. Employer timely filed a Petition for Reconsideration, and the Division filed a response.²

On December 18, 2020, the Board issued a Decision After Reconsideration, which affirmed the ALJ's Decision in its entirety.

Employer timely sought judicial review of the Board's Decision After Reconsideration, by filing a writ petition in the Sacramento County Superior Court.

On April 3, 2023, the Honorable Steven M. Gevercer entered an Order that (1) granted Employer's writ petition, vacating Citations 1, 3, and 4 and affirming Citations 2 and 5; and (2) directed the Board to set aside its Decision After Reconsideration, and to proceed in a manner consistent with the Court's Order.

DECISION AFTER REMAND

In accordance with the Superior Court Order described above, the Board issues this Decision After Remand:

- (1) The Board hereby vacates those portions of the ALJ's February 26, 2020 Decision, and the Board's December 18, 2020 Decision After Reconsideration, that pertained to Citations 1, 3, and 4. Citations 1, 3, and 4, and any associated penalties, are vacated.
- (2) The Board hereby affirms those portions of the ALJ's February 26, 2020 Decision, and the Board's December 18, 2020 Decision After Reconsideration, that pertained to Citations 2 and 5. Citations 2 and 5, and any associated penalties, are affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair
/s/ Judith S. Freyman, Board Member
/s/ Marvin P. Kropke, Board Member



FILED ON: 08/16/2023

² Neither party challenged the ALJ's Decision dismissing Citation 6. Thus, any such challenges were waived, and Citation 6 was affirmed by operation of law. (§ 391; Lab. Code, § 6618.)