

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
LEGAL SECTION
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ROBERT R. ROGINSON
Chief Counsel

MEMORANDUM

TO: DLSE Staff

FROM: Robert Roginson
Chief Counsel

DATE: March 7, 2008

SUBJECT: Designation of Order, Decision, or Awards Under Labor Code Section 98 as Precedential Decisions.

In June 2005 and March 2006, the Labor Commissioner designated four separate Order, Decision or Awards (ODAs) as precedent decisions pursuant to Section 11452.60 of the California Government Code. As a result of recently concluded litigation, it has been determined that the Labor Commissioner may not designate ODAs as precedent decisions.

Accordingly, please be advised of the following:

1. The designation of each Order, Decision, or Award (ODA) previously designated as a precedent decision pursuant to Government Code section 11425.60 has been withdrawn by the Labor Commissioner.
2. Any ODA withdrawn as a precedent decision is not binding and is not to be relied upon in any manner in any other adjudication of employee claims by DLSE staff in section 98 proceedings.
3. The Labor Commissioner is not authorized to designate ODAs as precedent decisions.

Please post this Memorandum on the public bulletin board in all DLSE offices until August 15, 2008

Cc; A. Bradstreet, Labor Commissioner
D. Padres, Deputy Chief
C. Grafil, Special Assistant
Assistant Chiefs
Regional Managers
DLSE Attorneys