

DEPARTMENT OF INDUSTRIAL RELATIONS

**OCCUPATIONAL SAFETY  
AND HEALTH APPEALS BOARD**

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Tel: (916) 274-5751 Fax: (916) 274-5786



NOTICE OF 15 DAY AVAILABILITY AND COMMENT PERIOD  
FOR PROPOSED CHANGE TO AMENDMENTS OF THE  
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD  
TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.8 and Title 1, California Code of Regulations, section 44, the Occupational Safety and Health Appeals Board of the State of California hereby makes available and gives notice that it is considering additional changes to the proposed amendment to section 376(c), Tit. 8, Cal. Code of Regs., previously published in the Notice register on July 22, 2011. The Board held a public hearing on September 6, 2011 and received written comments until September 20, 2011. These proposed changes are a result of comments received and Board review of the original proposed changes.

NOTICE OF COMMENT PERIOD:

The Appeals Board will receive comments concerning the proposed changes to the proposed amendment of section 376(c) of Title 8 of the California Code of Regulations from October 25, 2011 through November 9, 2011 at 5:00 p.m.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is contained in this Notice and is available upon request made to the Occupational Safety and Health Appeals Board's Office, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833, (916) 274-5751. Persons identified in Tit. 1, Cal Code Regs section 44 have been mailed a copy of this notice and proposed changes.

Also, the Board's notice and the other materials associated with this proposal are available on the Appeals Board's website at <http://www.dir.ca.gov/oshab>.

Written comments should be mailed to the address provided above, submitted by fax to (916) 274-5785 or e-mailed to [oshab@dir.ca.gov](mailto:oshab@dir.ca.gov). The Occupational Safety and Health Appeals Board may thereafter adopt the above proposed change substantially as set forth without further notice.

CONTACT PERSON

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Jeff Mojcher, Chief Counsel, or Michael Wimberly, Executive Officer, at (916) 274-5751.

TEXT OF PROPOSED CHANGES TO THE PROPOSED AMENDMENT TO  
TIT. 8, CAL. CODE REGS, SECTION 376 (c):

(c) ~~In cases~~ When the Appeals Board is notified that a case is being reviewed by the Bureau of Investigations or any prosecuting authority, ~~unless the employer submits a written request that its appeal go forward in the normal course,~~ the Appeals Board shall delay the hearing until notified that review is concluded ~~the conclusion of a review of the case by the Bureau of Investigations or any prosecuting authority~~ or for a period not exceeding three years, whichever occurs earlier. If the Appeals Board is notified that criminal charges have been filed, the Appeals Board shall subsequently extend the delay until completion of the criminal case, which shall be deemed to occur on the date of a verdict of not guilty, a dismissal of the case by a court, or the date of sentencing after a verdict or plea of guilty or no contest. The Appeals Board may also delay the case period may be extended beyond three years from the date of the incident on the written request of a party or prosecuting authority at a party's request if necessary to allow the Bureau of Investigations or any prosecuting authority to conclude its review or criminal prosecution of the case.

Note: Authority cited: Section 148.7, Labor Code. Reference: Sections 148.7, 149.5, and 6308(c), Labor Code

OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD

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MICHAEL WIMBERLY, Executive Officer