

**STATE OF CALIFORNIA  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD  
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION**

**Special Meeting held on October 18, 2013  
Sacramento, California**

**PRESENT:**

Ed Lowry, Acting Chairperson  
Kari Johnson, Executive Officer  
Thomas Song, Industrial Relations Counsel  
Ursula Clemons, Presiding Administrative Law Judge

Item: Acting Chairperson Lowry deputized Executive Officer Kari Johnson as a Deputy Member.

Acting Chairperson Lowry called the meeting to Order at 2:00 p.m.

**AGENDA:**

**DETERMINATION OF NEED FOR SPECIAL MEETING:**

ACTION: Deputy Member Johnson made a motion to adopt the following findings:

Due to clerical error, two petitions for reconsideration filed by separate parties regarding BAY AREA RAPID TRANSIT, 10-R1D1-3056-3058, filed on September 3, 2013, were omitted from the October 16, 2013 Board meeting agenda. This was discovered at the October 16, 2013 Board meeting. The Minutes of the October 2, 2013 Board meeting reflect an intention to consider the two petitions at the October 16, 2013 meeting. The two petitions will be denied by operation of law if not acted upon by October 18, 2013, thereby preventing the Board from issuing opinions on the merits of the petitions. The Board would experience substantial hardship resulting from the 10-day notice requirement in being prevented from issuing these opinions.

Acting Chairperson Lowry seconded. The Board voted to adopt the findings of need for the Special Meeting.

The Board recessed to its closed session.

1. BAY AREA RAPID TRANSIT, 10-R1D1-3056-3058, Petition for Reconsideration, Petition by Service Employees International Union, Local 1021.

ACTION: Deputy Member Johnson moved that the Board take this petition for reconsideration under submission. Acting Chairperson Lowry

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seconded. The Board voted to take the petition for reconsideration under submission.

2. BAY AREA RAPID TRANSIT, 10-R1D1-3056-3058, Petition for Reconsideration, Petition by Division of Occupational Safety and Health.

ACTION: Deputy Member Johnson moved that the Board take this petition for reconsideration under submission. Acting Chairperson Lowry seconded. The Board voted to take the petition for reconsideration under submission.

The Closed Session adjourned at 2:06 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. The meeting was adjourned at 2:06 p.m.